

FULL COUNCIL - 21 JULY 2014

AGENDA ITEM 6 – SCHEDULE OF PROPOSED CHANGES TO THE COUNCIL'S CONSTITUTION

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Part Two

Articles

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

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

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

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

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Article 2 - Members of the Council

2.01 Composition and eligibility

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

2.02 Election and terms of councillors

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

2.03 Roles and functions of all councillors

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

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(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. However, a Committee may disclose information previously treated as “exempt” where such information is within the Committee’s terms of reference and such disclosure is reasonable, in the public interest, in good faith and does not breach any other reasonable requirements of the Council. The advice of the Monitoring Officer should be sought prior to any disclosure of such information.
- (iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution which define Councillors rights to information in more detail.

2.04 Conduct

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

2.05 Allowances

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

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Article 3 – Citizens of The Council

3.01 Citizens rights

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

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

The Council is committed to helping people contribute to how decisions are made about local services, and will therefore support a wide range of consultations to hear residents' views.

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The Council also wants to develop more ways of working with local people and communities, particularly hard to reach groups such as young people and minority ethnic communities. In addition, individual citizens of Haringey have the following rights under this Constitution:

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

People on the electoral roll for the Council's area may sign a petition to request a referendum for a change in the Council's governance arrangements. Citizens may also present petitions on other matters to the Cabinet, to Council or their ward member.

3.02 Citizens responsibilities

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

- (i) Assisting the Council with the compilation of the electoral register (including meeting their obligations to provide information about themselves and members of their household)

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and respecting any requirements for proper use of this information;

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

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Article 4 - The Full Council

4.01 Meanings

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

Overarching strategies:

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

Key Documents:

- (i) Housing Strategy;
- (ii) Local Implementation Plan
- (iii) Statement of Gambling Policy
- (iv) Youth Justice Plan
- (v) Such other service plans that the full Council is required to adopt as a matter of law.

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

- (i) Community Safety Strategy;

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

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

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4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Making or revising a Council Tax Reduction Scheme;
- (f) Approval of the Community Infrastructure Levy Charging Schedule;
- (g) Approval of the Statement of Community Involvement;
- (h) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (i) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (j) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (k) Appointing the Leader;
- (l) 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;
- (m) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (n) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (o) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (p) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (q) Adopting and amending the Members' Allowances Scheme;
- (r) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (s) Confirming the appointment or dismissal of the Head of Paid Service;
- (t) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal

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- Bills including the adoption of any legislation where the Council has a discretion;
- (u) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
 - (v) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns “executive” functions when the decision is for the Cabinet;
 - (w) Adopting the Members’ Code of Conduct;
 - (x) Approving Pilot Schemes for Local Elections;
 - (y) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the “Act”), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
 - (z) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
 - (i) approving and revising any Statement of Licensing Policy;
 - (ii) resolving not to issue any casino premises licences in the next three years;
 - (za) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
 - (zb) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
 - (zc) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
 - (zd) All other matters that, by law, must be reserved to Council.

4.03 Council meetings

There are four types of Council meetings:

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

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

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automatically chair the meeting in the Mayor's absence. The Council may select the Deputy Mayor if it so wishes.

4.04 Responsibility for functions

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

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Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

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

5.02 First Citizen.

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

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Article 6 - Overview and Scrutiny**6.01 Terms of reference**

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

6.02. General role

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

- (a) Exercise an overview of the forward plan;
- (b) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) Make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) Make reports or recommendations on matters affecting the area or its inhabitants;
- (e) Exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Executive Cabinet;
- (f) Receive the reports and recommendations of its commissioned Scrutiny Review Panels; and
- (g) In accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies;
- (h) Enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.03 Specific functions**(a) Scrutiny Review Panels.**

The Overview and Scrutiny Committee shall appoint Scrutiny Review Panels in order to discharge the Overview and Scrutiny role for designated public services and will co-ordinate their respective roles.

(b) Policy development and review.

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

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

(c) Scrutiny.

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

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

(d) Finance

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

(e) Annual report.

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

6.04 Proceedings of Overview and Scrutiny Committee

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

6.05 Votes of No Confidence

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

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Article 7 - The Leader and the Cabinet

7.01 The Leader

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

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is disqualified from being a councillor by order of a court;
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.03 The Cabinet

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

7.04 Form and Composition

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

7.05 Other Cabinet Members

- (i) The Leader will determine the number of Cabinet Members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet Member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet Member must hold the specific statutory portfolio responsibility for Children’s Services and a separate portfolio responsibility for Adult Services.

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- (iii) One Cabinet Member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet Members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet Members shall hold office until one of the events (a) to (e) below:
 - (a) They resign from office; or
 - (b) They are disqualified from being councillors by order of a court;
 - (c) They are no longer councillors; or
 - (d) They are removed from office, either individually or collectively, by the Leader; or
 - (e) The Annual Meeting following the Council Elections after their appointment.

7.06 Votes of No Confidence

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

7.07 Default Provisions

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

7.08 Proceedings of the Cabinet

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

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council’s “executive” functions or may arrange for the discharge of any of those functions by:
 - (a) The Cabinet;
 - (b) A Cabinet Member;
 - (c) A Committee of the Cabinet;
 - (d) An Area Committee; or
 - (e) An officer

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

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Article 8 - Non-Executive Committees

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

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Article 9 - The Standards Committee

9.01 Standards Committee

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

9.02 Composition

The Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (i) Responding to national reviews and consultations on standards related issues;
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent persons and taking steps to select them;
- (l) *Considering amendments to the Constitution and recommending proposals to full Council for approval*

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9.04 Assessment Sub-Committee

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

9.05 Composition

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

9.06 Role and Function

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

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

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

9.07 Hearing Sub-Committee

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

9.08 Composition

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

9.09 Role and Function

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

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.

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- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

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Article 10 - Area Committees

10.01 Area Committees

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

10.02 Form, composition and function

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

10.03 Access to Information

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

10.04 Cabinet Members and the Mayor on Area Committees

A member of the Cabinet or the Mayor may serve on the Area Committee if otherwise eligible to do so as a councillor. A Cabinet Member or the Mayor may not serve as a Chair of an Area Committee.

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Article 11 - Joint Arrangements

11.01 Arrangements to promote well being

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

- (a) Enter into arrangements or agreements with any person or body:
- (b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) Exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

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

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circumstances where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

- (f) Details of any existing joint arrangements including any delegations to joint committees will be found at the end of this Article.

11.03 Access to information

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

11.04 Delegation to and from other local authorities

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

11.05 Delegation to and from other organisations

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council in the case of

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non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

- (d) The Leader, or the Cabinet with the Leader's agreement, may appoint other Cabinet members to act as the Leader's representatives and to exercise executive functions at meetings of the Haringey Strategic Partnership (HSP) and its subordinate bodies. Decisions taken by a Cabinet Member or Members in this way will have immediate effect. For the avoidance of doubt, the same will apply where the Leader sits in person as a member of the HSP or its subordinate bodies.

11.06 Contracting out

The Council for non-executive functions, and the Leader, or the Cabinet with the Leader's agreement, for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Delegation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

11.07 London Councils Arrangements for Co-ordinating Response to Emergencies

- (a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a major incident or a lesser emergency. This "L.A. Gold" will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team.
- (b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Co-ordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate any local authority response, as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.
- (c) The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:
- (i) after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or

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- (i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of a London Partnership Meeting, normally led by the London Resilience Team, provided that the agreement of London Councils (under delegated powers) is also secured.
- (d) Subject to paragraph (e) below, L.A. Gold will only have power to incur expenditure once:
 - (i) the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or
 - (ii) The Council or Councils in whose area the incident occurs confirm that it/they will reimburse expenditure incurred for the purposes in (i) above.
- (e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area the incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above, or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provide it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.
- (f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above.

11.08 Outside Bodies

- (a) Introduction
 - (i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.
 - (ii) These organisations can be categorised as follows:
 - (A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,

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- (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee,
- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects, for example, the Haringey Strategic Partnership,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

- (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of Association and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet Members will be made by the Leader, or the Cabinet with the Leader's agreement, and merely recorded in the complete list approved at the AGM.
- (ii) The capacity in which Members are nominated, the duration of the appointment and any other relevant terms and conditions will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".
- (iii) A full list of existing and newly nominated or appointed Councillors will be presented to the next meeting of full Council after the AGM setting out the name of the organisation, terms of appointment and status or capacity of the Councillor within the organisation.
- (iv) Future nominations to voluntary or community bodies will generally be in a non-voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated Members will not participate in management or decision-making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the Council.
- (v) Nominations to other organisations will generally be in a full, voting capacity i.e. the Member should participate fully in management and decision making within the organisation, as appropriate, and should vote at its management committee.

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Exceptions would be made where the organisation so requested or its own constitution or ground rules so required. Nominations to trusts, for example, would have to be in a full, voting (not an “observer”) capacity since the purpose of the nomination would be for the Member to have a decision making role.

(c) Members' Conduct

- (i) The Members' Code of Conduct, as set out in the Council's Constitution, applies to Members' activities as representatives in any capacity on any outside body.
- (ii) In addition, nominated Members will be required to observe the Constitution or rules of the organisation itself, except in so far as there might, unusually, be a conflict with the Council's Members' Code of Conduct. Members should seek advice from the Monitoring Officer if they think that any such conflict could arise.
- (iii) Members may also be under legal duties imposed in respect of their roles in specific types of organisation e.g. as Directors of Limited Companies or as Charity Trustees. Further Guidance will be available to Members outside the text of this Constitution.

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Article 12 – Officers**12.01 Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Chief Officers

- (b) **Senior Management.** The Council will engage persons for the following directorates, who will be designated chief officers the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council's Strategic Leadership Team :

Post	Functions and Responsibilities
<i>Chief Executive</i>	<i>Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services, Audit, Policy and Business Management</i>
<i>Deputy Chief Executive</i>	<i>Children and Families, Schools, Adults, Public Health, Commissioning, Communications, Emergency Planning and Civil Contingencies</i>
<i>Chief Operating Officer</i>	<i>Corporate Finance, Departmental Finance, Procurement, Customer Services, Human Resources, Environmental Services and Community Safety, Housing, ICT</i>
<i>Director of Regeneration, Planning and Development</i>	<i>Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects</i>

DIRECTORATE	SERVICES
PLACE & SUSTAINABILITY	Planning Enforcement Safer Communities Streetscene Regeneration Recreation Libraries, Museums Property Neighbourhood Regeneration Delivery (SRB) Capital Programme
	Children & families

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DIRECTORATE	SERVICES
CHILDREN & YOUNG PEOPLE	School standards & inclusion Service delivery & performance Business support & development
ADULTS & HOUSING SERVICES	Adults Older People Housing Adult Learning
ASSISTANT CHIEF EXECUTIVE	Improvement & performance Partnerships Strategy & Policy development Knowledge management Communications, consultation & reputation Community engagement Equalities Organisational Development Personnel Learning & Development Local Democracy & Member Services
CORPORATE RESOURCES	Benefits & Local Taxation Corporate Finance Corporate Procurement Audit & Risk Management IT Legal Customer Services
PUBLIC HEALTH	Public Health Services National Child Measurement Programme Health Checks Open Access Sexual Health Services Public Health Advice Service Emergency Planning Health Protection Immunisation Drugs and Alcohol

(c) Statutory officers

The Council has appointed the following posts to fulfil the statutory roles identified:

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<u>Post</u>	<u>Statutory Function</u>
<u>Chief Executive</u>	<u>Head of Paid Service</u>
<u>Assistant Director of Finance</u>	<u>Chief Finance (S.151) Officer</u>
<u>Assistant Director of Corporate Governance</u>	<u>Monitoring Officer</u>
<u>Director of Children's Services</u>	<u>Statutory Director of Children's Services</u>
<u>Director of Adult's Services</u>	<u>Statutory Director of Adult's Social Services</u>
<u>Director of Public Health</u>	<u>Statutory Director of Public Health</u>

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

The Council will designate the following posts:

Head of Paid Service
Monitoring Officer
Chief Finance Officer

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

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

12.02 Functions of the Head of Paid Service

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

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12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council
- (d) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Standards Committee.
- (f) **Conducting investigations.** The Monitoring Officer, or investigators appointed by him/her, will conduct investigations into matters referred by the Standards Committee or one of its sub-committees and make reports on recommendations in respect of them to the Standards Committee.
- (g) **Proper officer for access to information.** The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. The Monitoring Officer will advise and assist to ensure the proper performance of these functions.
- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. The monitoring officer will report on new and amended legislation to Council so that Members can consider the

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effects on services and the possible need to amend the scheme of delegations.

- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief 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 Cabinet in relation to an Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief 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 thorough 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.

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

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

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Article 13 - Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas of functions. This record is set out in Part 3 of this Constitution or an Appendix to it.

13.02 Principles of decision making

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

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

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

13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4 and at Part 3 Section B will be made by the full Council and not delegated.
- (b) Decisions reserved to the Executive. Decisions relating to the functions listed in Part 3 Section C will be made by the Executive and not delegated.
- (c) Key decisions.

A key decision is a ~~Cabinet~~ an Executive decision which is likely:

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

PART TWO – ARTICLES OF THE CONSTITUTION

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

13.04 Decision making by the Full Council

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

13.05. Decision making by the Executive Cabinet

Subject to Article 7 the ~~Cabinet~~ Executive (the Leader, individual Cabinet Members, the Cabinet, or a Committee of the Cabinet) will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by the Overview and Scrutiny Committee

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

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

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

13.08 Decision making by Chief Officers

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

13.09 Decision making by Council bodies acting as tribunals

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

PART TWO – ARTICLES OF THE CONSTITUTION

Article 14 - Finance, Contracts and Legal Matters

14.01 Financial management

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

14.02 Contracts

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

14.03 Legal proceedings

~~The Head of Legal Services~~ On the advice of the Assistant Director of Corporate Governance as appropriate, Officers ~~is~~ are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Head of Legal Services~~ Assistant Director of Corporate Governance considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

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

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

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the ~~Assistant Director of Corporate Governance~~ Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Head of Legal Services~~ Assistant Director of Corporate Governance should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution. The affixing of the Common Seal will be attested by the ~~Head of Legal Services~~ Assistant Director of Corporate Governance, Chief Executive, Chief Finance Officer, Assistant Head of Legal Services or ~~some~~ any other person authorised by him/her either in relation to a specific document or to particular categories of documents.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 15 - Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

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

15.02 Protocol for monitoring and review of Constitution by Monitoring Officer

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

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

15.03 Changes to the Constitution

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

PART TWO – ARTICLES OF THE CONSTITUTION

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

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

16.02 Interpretation

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

16.03 Publication

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

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Part Three, Section A

Responsibility for Functions

1. General

- 1.01 This section of the Constitution sets out who can take which decision. The Council's functions may be lawfully exercised by:
- a) The Full Council
 - b) The Executive (the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet)
 - c) Committees and Sub-Committees of the Council or the Cabinet
 - d) Joint Committees
 - e) Officers
 - f) Area committees
- 1.02 All of the Council's functions are either "executive" or "non-executive". Executive functions are the responsibility of the Executive or one of its Committees, Sub-Committees, Joint Committees, or an officer. Non-executive functions are the responsibility of the Full Council or one of its Committees, Sub-Committees, Joint Committees or an officer.
- 1.03 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader and a number of Executive members (Cabinet Members) selected by the Leader and which make up the Cabinet. The Executive might also establish Committees and Sub-Committees. All key decisions are made by the Executive and will be published in the Forward Plan in so far as they can be anticipated.
- 1.04 The Cabinet will ordinarily carry out all of the local authority's executive functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet.
- 1.05 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
SECTION A – Introduction: Responsibility for Functions

- 1.06 All functions of the Council are “executive”, and the responsibility of the Executive, unless in law they are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) set out which functions are non-executive and which cannot in law be the responsibility of the Executive. These regulations also set out certain functions which may be exercised by either the Full Council or the Executive and their Committees. These are called ‘local choice’ functions. In addition to these regulations, the parent legislation may also specify particular functions which are non-executive and which cannot in law be the responsibility of the Executive, for example the Local Government Finance Act 1992 and the setting of Council Tax.
- 1.07 Sections B –D of this Part set out which functions and decisions are executive and the responsibility of the Executive - the Leader, the Cabinet or individual Cabinet Members; and which functions are non-executive and the responsibility of the Full Council and whether, in either case, they have been delegated to a Committee, Sub-Committee, Joint Committee, or officer. Certain functions are reserved to the Full Council itself and these are set out at Article 4 and in Part 3 Section B.
- 1.08 Any area of responsibility that is not specifically listed under the matters reserved for members in Sections B –D is deemed to be delegated to officers – that is, the Chief Executive, the Strategic Leadership Team, Directors and Assistant Directors.
- 1.09 Part 3 Section B sets out the non-executive functions which are reserved to the Council and its Committees and Sub-Committees.
- 1.10 Part 3 Section C sets out the executive functions that are the responsibility of the Leader, individual Cabinet Members, the Cabinet and any Committees or Sub-Committees it establishes.
- 1.11 Part 3 Section D sets out the ‘local choice’ functions, which are those that the Council can allocate to either the Full Council or the Executive for decision, and sets out which body has been allocated them.
- 1.12 Part 3 Section E sets out the principles of the Officer Scheme of Delegation for all function and powers not otherwise reserved to members.
- 1.13 Decisions that have been delegated can still be taken by the parent body (i.e. the body that delegated the decision). 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 Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
SECTION A – Introduction: Responsibility for Functions

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Part Three, Section B

Responsibility for functions:

Full Council & Non-Executive Bodies

SECTION 1 - THE COUNCIL

THE COUNCIL

1. Only the Council will exercise the following functions:
 - (a) Adopting and changing the Constitution;
 - (b) Approving or adopting the policy framework as set out in Article 4, above;
 - (c) Approving the budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);
 - (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) Making or revising a Council Tax Reduction Scheme;
 - (f) Approval of the Community Infrastructure Levy Charging Schedule;
 - (g) Approval of the Statement of Community Involvement;
 - (h) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
 - (i) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
 - (j) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

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Section B – ~~Terms of Reference:~~ Full Council & Non-Executive Bodies

- (k) Appointing the Leader;
- (l) 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;
- (m) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (n) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (o) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (p) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (q) Adopting and amending the Members' Allowances Scheme;
- (r) Changing the name of the area, conferring the title of honorary alderman or freedom of the Borough and establishing any new Civic Link;
- (s) Confirming the appointment or dismissal of the Head of Paid Service;
- (t) 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;
- (u) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any of its Committees, Sub-Committees or an officer;
- (v) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Executive;
- (w) Adopting the Members' Code of Conduct;
- (x) Approving Pilot Schemes for Local Elections;
- (y) *To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the "Act"), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or*

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replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;

(z) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:

- (i) approving and revising any Statement of Licensing Policy;
- (ii) resolving not to issue any casino premises licences in the next three years;

(za) Adopting Standing Orders for the Council and Standing Orders as to Contracts;

(zb) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;

(zc) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and

(zd) All other matters that, by law, must be reserved to Council.

2. The full Council is responsible for approving certain plans and strategies in accordance with the Policy Framework. These are plans and strategies that the full Council must approve either (i) in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or (ii) those that the Council itself has determined shall be reserved to the full Council for approval.

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

(a) Overarching Strategies:

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

(b) Key Documents:

- (i) Housing Strategy;
- (ii) Local Implementation Plan
- (iii) Statement of Gambling Policy
- (iv) Youth Justice Plan

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- (v) Such other service plans that the full Council is required to adopt as a matter of law.
- (c) a small number of plans required from partnerships of which the authority is a member:
 - (i) Community Safety Strategy;
- (d) Such other plans and strategies that Haringey Council decides should be reserved for the full Council for approval and adopted by it.

SECTION 2 – COMMITTEES

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

1. **The Corporate Committee**
2. **Pensions Committee**
3. **Staffing and Remuneration Committee**
4. **Overview and Scrutiny Committee**
5. **Standards Committee**
6. **Alexandra Palace and Park Board**
7. **The Regulatory Committee**
8. **The Health and Wellbeing Board**

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

1. **The Corporate Committee**

The Corporate Committee has: -

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

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- (b) the following Schedule 1 functions:
- (i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
 - (ii) Paragraph D – Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.
 - ~~(iii) Paragraph H – Pensions; Determining the Council's policies as "Employing Authority" and determining the terms of release of Chief and Deputy Chief Officers aged 55 or over and made redundant or retired early with a claim on the pension scheme.~~
 - (iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved to the Staffing and Remuneration Committee. The Committee's functions include:
 - (A) all functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;
 - (B) making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;
 - (C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Overview and Scrutiny Committee and in consultation with the Cabinet Member for Finance. Receiving quarterly monitoring reports and an out-turn report after the close of the year on treasury management policies and practices;
 - (D) approving statements under The Accounts and Audit (England) Regulations 2011 2003 and any amendment or re-enactment of the Regulations and considering the external auditor's report on issues arising from the audit of the accounts or any other concerns relating to accounting policies;
 - ~~(E) determining the terms and conditions of service of those staff below Senior Management grades, including~~

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~~procedures for dismissal. The Committee's functions include monitoring the operation and effectiveness of the scheme for the performance appraisal and remuneration of the Council's senior managers and chief officers. The Committee agrees the terms and conditions of employment, the pay structure and the remuneration for these senior posts;~~

- (E) authorising the making of payments or the provision of other benefits in cases of maladministration;
 - (F) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.
 - ~~(H) taking decisions relating to changes to the establishment which are not covered by the Officer Scheme of Delegation.~~
- (c) the following “Local Choice” functions set out in Schedule 2 of the above Regulations: -
- (i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;
 - (ii) the determination of an appeal against any decision made by or on behalf of the authority;
 - (iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).
- (d) the Committee has the following Audit functions:
- (i) providing assurance about the adequacy of the Council's Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;
 - (ii) Maintaining an overview of the Council's Local Code of Corporate Governance;
 - (iii) Monitoring the effectiveness of Council policies on “Whistleblowing” and Anti-Fraud and Corruption;
 - iv) Considering and recommending for adoption the Council's Annual Governance Statement;

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- (v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;
 - (vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;
 - (vii) Commissioning work from the internal and external auditors and receiving reports from the Head of Audit & Risk Management on any matter; and
 - (viii) Questioning officers and Cabinet Members on matters relevant to audit and to financial and non-financial performance and making recommendations on these matters to Cabinet and full Council.
 - (ix) The Head of Audit's Annual Report
- (e) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.
- (f) there is a Protocol outside this Constitution setting out how the Corporate Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

2. Pensions Committee

The Pensions Committee has the following functions and responsibilities: -

- (a) all the functions which are stated not to be the responsibility of The Executive in Regulation 2 and Schedule 1 paragraph H of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations relating to those matters concerning the Local Government Pension Scheme. The Committee's functions are those of the "Administering Authority" under the Pensions legislation, being responsible for the management and monitoring of the Council's

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Pension Fund and the approval of all relevant policies and statements.

- (b) This includes:
- (i) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
 - (ii) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles and funding strategy statement;
 - (iii) Determining the allocation of investments between each asset class;
 - (iv) Reviewing specialist external advisers performance;
 - (v) Publicising statements and policy documents as required by legislation, government directives and best practice.
- (c) Monitoring and as appropriate to decide upon Pensions Administration issues.
- (d) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and to receive the Pension Fund Budget annually.
- (e) Agreeing the admission of bodies into the Council's Pension scheme.
- (f) Receiving actuarial valuations.
- (g) Ensuring that members of the Committee receive appropriate training to undertake their responsibilities.
- (h) Approving the Annual Accounts of the Local Government Pension Scheme and consider recommendations from the Auditor.

3. Staffing & Remuneration Committee

The Staffing & Remuneration Committee has the following functions and responsibilities: -

- (a) To exercise the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:

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- (i) Paragraph H – Pensions; Determining the Council's policy statement of discretions as "Employing Authority" under the Local Government Pension Scheme Regulations 2013 and the Teachers Pension Regulations 2010
 - (ii) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of school based employees

 - (b) To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
 - (c) To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001
 - (d) To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
 - (e) To exercise functions in respect of the appointment and dismissal (including the terms of release) of Chief and Deputy Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
 - (f) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Chief and Deputy Chief Officers
 - (g) To approve procedures for appointment and dismissal of staff
 - (h) To consider and approve any remuneration or severance payments to Chief and Deputy Chief Officers of £100,000 or more, in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001
 - (i) To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.
 - (j) To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of
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employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.

Membership

The Committee will be made up of 5 members of the authority. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 the Committee must include at least one member of the Cabinet. When carrying out the function of appointment or dismissal of Chief and Deputy Chief Officers, the relevant Cabinet Member is invited and entitled to sit and vote as a substitute Member for one of the substantive Members of their Group on the Committee. The quorum of the Committee shall be a minimum of three members.

4. Overview and Scrutiny Committee

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;
- (e) exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Scrutiny Review Panels;
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;
- (h) enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services

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as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;

- (i) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (j) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;
- (k) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and
- (l) make arrangements which enable any Councillor who is not a Committee Member to refer to the Committee any local government matter which is relevant to the functions of the Committee under the Councillor Call for Action procedure.
- (m) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

5. Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;

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- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- (i) Responding to national reviews and consultations on standards related issues;
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent persons and taking steps to select them;
- (l) *Considering amendments to the Constitution and recommending proposals to full Council for approval*

6. 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.

7. The Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing

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

Membership

The Regulatory Committee must have between 10 and 15 Members in order to comply with the legislation as statutory Licensing Committee.

Protocol

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

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

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(subject to there being a quorum of 3 Members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

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

8. The Health and Wellbeing Board

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8.1 Health and Wellbeing Board functions

The Health and Wellbeing Board will have the following functions:

- (a) To carry out the Board's statutory duties as set out in the Health and Social Care Act 2012, in particular:
 - (i) for the purpose of advancing the health and wellbeing of the people in its area, to encourage persons who arrange for the provision of any health or social care services in its area to work in an integrated manner;
 - (ii) to provide advice, assistance or other support as it thinks appropriate for the purpose of encouraging arrangements under section 75 of the NHS Act. These are arrangements under which, for example, NHS Bodies and local authorities agree to exercise specified functions of each other or pool funds;
 - (iii) to encourage persons who arrange for the provision of any health-related services in its area to work to closely with the Health and Wellbeing Board;
 - (iv) to encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together;
 - (v) to discharge the functions of CCGs and local authorities in preparing joint strategic needs assessments (JSNA) and joint Health Wellbeing Strategy (HWB strategy);
 - (vi) to inform the local authority of its views on whether the authority is discharging its duty to have regard to the JSNA and joint HWS in discharging its functions;
 - (vii) to discharge any other function as the Council may from time to time choose to delegate to the Board

8.2 Health and Wellbeing Board operating principles

The Health and Wellbeing Board will have the following operating principles:

- (a) To provide collective leadership and enable shared decision-making, ownership and accountability;
- (b) To achieve democratic legitimacy and accountability, and empower local people to take part in decision-making in an open and transparent way;

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- (c) To ensure the delivery of the Health and Wellbeing Strategy;
- (d) To reduce health inequalities;
- (e) To promote prevention and early help.

8.3 Health and Wellbeing Board roles and responsibilities

The Health and Wellbeing Board will have the following roles and responsibilities:

- (a) The Board will set a strategic framework for the authority's statutory duties and have a key role in promoting and coordinating joint commissioning and integrated provision between the NHS, social care and related children's and public health services in Haringey;
- (b) The Board has a duty to develop, update and publish the JSNA and related needs assessments, and the HWB Strategy;
- (c) The Board has a duty to develop, update and publish the local pharmaceutical needs assessment as set out in section 128A of the NHS Act 2006;
- (d) The Board will advise on effective evidence based strategic commissioning and decommissioning intentions for children and adults based on the JSNA's robust analysis of their needs. It will ensure that commissioning plans are in place to address local need and priorities, in line with the HWB Strategy, and will deliver an integrated approach to the planning and delivery of services;
- (e) The Board expects, and seeks assurance from, partners that the views of children, adults and their carers about the services they receive are taken into account in the commissioning, decommissioning and delivery of those services;
- (f) The Board expects, and seeks assurance from, partners that the views of patients and the public have a voice through Healthwatch in the commissioning, decommissioning and delivery of those services;
- (g) The Board will collaborate with and involve local stakeholders to secure better health outcomes, quality of services, a more focussed use of resources and value for money for the local population;
- (h) The Board will promote the strengthening of working relationships between professionals and organisations which support people in Haringey, ensuring effective sharing and use of information and best practice; including collaborating with the CCG in the development of its

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plan;

- (i) The Board will lead commissioning for particular services with pooled budgets and joint commissioning arrangements where commissioning plans are delegated to them;
- (j) The Board will oversee the delivery of the authority’s strategic outcomes for local health and wellbeing targets, holding those responsible to account;
- (k) The Board will work with the local health scrutiny process and the local Healthwatch to improve outcomes for communities and people who use services.

8.4 Membership of the Board

Meetings of the Board will be chaired by a member of the local authority: ~~the Cabinet Member for Health and Adults Services:~~

- Local authority councillor(s), who will be (or be nominated by) the Leader of the Council
 - (i) The Leader of the Council
 - (ii) The Cabinet Member for Children and Families
- ~~Cabinet Member for Health and Adult Services (Chair of HWB);~~
- ~~Cabinet Member for Children~~
- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair of Healthwatch
- Director of Adult and Housing Services
- Director of Children and Young People’s Services
- Director of Public Health
- Chief Officer, Clinical Commissioning Group
- Lay Board Member, Clinical Commissioning Group
- GP Board Member, Clinical Commissioning Group
- HAVCO representative
- Representative for the NHSCB (when required)

The local authority may appoint others to the Board as it deems appropriate, following consultation with the Board. The Board may itself also appoint such additional members to the Board as it deems appropriate.

The Board may invite additional officers to attend on an ex-officio basis, who will not be voting members of the Board, to advise and guide on specific issues when appropriate. Attendance by non- members is at the invitation of the Chair.

8.5 Public Meetings

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- (a) A minimum of four formal public decision-making business meetings a year will be held. The Board will have the ability to call special meetings as and when required.
- (b) A meeting of the Board will be considered quorate when at least three voting members are in attendance, including one local authority elected representative and one of either the Chair, Clinical Commissioning Group or the Chair, Healthwatch (or their substitutes).
- (c) The Chair of the meeting will have a casting vote.
- (d) All voting members of the Board, (to include any substitutes), will be required to comply both with the Members' Code of Conduct and the provisions of the Localism Act 2011 relating to Standards. In particular, voting members will be required to complete a register of interests which must be kept up to date. Voting members must also declare any disclosable pecuniary interest or prejudicial interest in any matter being considered and must not take part in any discussion or decision with respect to these items.
- (e) Board members will agree protocols for the conduct of members and meetings.
- (f) The Board will determine its sub groups/committees.
- (g) Only the following members of the Board will have voting rights:
 - ~~Cabinet Member for Health and Adult Services (Chair of HWB),~~
 - ~~Cabinet Member for Children~~
 - Local authority councillor(s), who will be (or be nominated by) the Leader of the Council
 - (i) The Leader of the Council
 - (ii) The Cabinet Member for Children and Families
 - Chair, Clinical Commissioning Group (Vice Chair of HWB)
 - Chair, Healthwatch
- (h) Any additional persons appointed to the Board either by the local authority or the Board will be appointed on a non-voting basis.
- (i) The Full Council may at any time make a direction to alter the voting right of Board members, following consultation with the Board.

8.6 Committee procedures

- (a) The Board will be accountable to Full Council in its capacity as a committee of the local authority. The Board will be subject to health scrutiny as set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

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- (b) The Access to Information Procedure Rules in Part 4 of this Constitution apply to the Board. The Committee Procedure Rules in Part 4 apply to the Board except where this would be inconsistent with either these Terms of Reference or the legislation governing this board.

8.7 Facilitating the work of the Health and Wellbeing Board

- (a) Workshop meetings will be held to cement links with partners including the Community Safety Partnership, the Children’s Trust, and regeneration partners, to facilitate co-ordination and focus on priority issues relevant to all parties.
- (b) In addition to formal board meetings, the Board will hold informal, non-decision making seminars as and when required with attendees specifically invited by the Board. These seminars will be held in private in order to ensure the ongoing organisational development of the Board and to provide a forum in which complex and sensitive issues can be fully aired and discussed to manage potential blockages to effective delivery of the strategy.

8.8 Representatives and substitutes

- (a) Representatives will provide a link with their own organisation, reporting back and instigating partner action, being responsible for disseminating decisions and actions within their own organisation, ensuring compliance with any actions required and reporting back progress.
- (b) Partner bodies are responsible for ensuring that they are represented at an appropriate level (either equivalent to the core member they are representing and no more than one tier below).
- (c) If a representative is absent for three consecutive meetings the organisation/sector will be asked to re-appoint/confirm its commitment to the Board.
- (d) Substitutes for voting members will not be permitted with the exception the Chair of the CCG and the Chair of Healthwatch. In their absence, the Deputy Chair of the CCG and the Deputy Chair of Healthwatch may attend in their place. All substitutes must be declared in name at the beginning of each municipal year.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described

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in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

~~1. Under the Corporate Committee~~

~~1.1 Disciplinary Appeals Panel~~

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

~~1.2 Grievance Panel~~

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

~~1.3 Job Evaluation Appeals Panel~~

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

~~1.4 Haringey Council and Employees Joint Consultative Sub-Committee~~

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

~~(b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein.~~

~~(c) To make provision for members of the Cabinet to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.~~

1. Under the Staffing and Remuneration Committee

1.1 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 Staffing & Remuneration Committee

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- (b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein
- (c) To make provision for members of the Cabinet to meet with Employee Side Representatives for the purpose of facilitating the resolution of differences between the officers and the Employee side that have been escalated through the Collective Disputes Procedure.

1.2 Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment (except appeals resulting from posts becoming redundant or where the continued employment of the employee would contravene the law) in respect of staff employed by the Council. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made.

2. Under Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

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

3. Under Standards Committee

3.1 Assessment Sub-Committee

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

- (a) Merits no further action and is dismissed; or

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- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

3.2 Hearing Sub-Committees

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

The quorum of the Hearing Sub-Committee is three.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

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

Membership

The membership of each Sub-Committee shall be drawn from the Regulatory Committee. ~~is nominated by the Annual Council but formally appointed by the Regulatory Committee each year.~~ In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the remaining Members of The Regulatory Committee. When operating in its capacity as "statutory Licensing Sub-Committee" there must

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be a membership and quorum of 3 present at all times.

(1) General Provisions Relating to the Statutory Licensing Sub-Committees

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

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

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

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police

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objections to temporary event notices;

- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;

(pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (x) To determine applications for the grant or variation of licensed premises gaming machine permits ~~applications for 5 or more machines and all applications for any number of machines where~~ or in any case where the Chair of the Regulatory Committee considers that there is cause for concern about the proper management of the premises;

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- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

There is a Protocol outside this Constitution setting out how Members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

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

- (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;~~

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- (A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;
- (B) planning applications for changes of use 1000 sq. metres of gross internal floor space and where the officer recommendation is for approval;
- (C) planning applications for the erection, or extension of non-residential buildings where the new build is more than 1000 sq metres gross internal floor space and where the officer recommendation is for approval;
- (D) unless otherwise agreed with the chair of the Planning Sub-Committee, planning applications either:
 - (i) for major development as categorised by the Department for Communities in Local Government (DCLG) and where the officer recommendation is for approval; or
 - (ii) where a S106 is required; or
 - (iii) where the decision would be contrary to a policy in the development plan;
- (E) planning applications submitted by or on behalf of the Council except for applications for development within the curtilage of a dwelling house;
- (F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to Members' consideration;
- (G) planning applications submitted by or on behalf of Members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;
- (H) any planning application to amend an application or vary conditions or a section 106 agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;
- (I) any planning application where there have been objections from a single Ward Councillor and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning

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Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

- (b) paragraph I - Miscellaneous Functions;
 - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
 - (B) the preservation of trees;
- (c) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

SECTION 4 - UNDER ALEXANDRA PALACE AND PARK

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

1. Alexandra Palace and Park Panel

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

2. Alexandra Palace and Park Consultative Committee

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

- (a) To give representatives of appropriate local and national organisations the opportunity of full discussion with Members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- (b) To give Members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- (c) To promote better understanding between Members of the Alexandra Palace and Park Board, the Palace Management and local

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organisations.

- (d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- (e) To promote the best interests of the Alexandra Palace and Park as a conservation area.

3. Alexandra Palace and Park Consultative Forum

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

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

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

Note:

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

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

- (a) the general policy relating to the activities and events arranged or permitted in the Park and Palace;
- (b) the effects of such activities and events upon the local inhabitants and local environment;

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

SECTION 5 - AREA COMMITTEES

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

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

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

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

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

- (a) Developing and making an Area Committee Plan at the commencement of each municipal year setting out the priorities for the Area over the coming year;
- (b) Developing and encouraging partnerships with local residents' associations, voluntary and community bodies and other stakeholder groups in the Area to consider matters of mutual interest;
- (c) Proposing variations to standard service delivery and to specifications for procurement within the remit of the Directorate of Place and

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Sustainability in order to reflect local needs and aspirations subject to these variations being consistent with agreed budgets and legally possible;

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

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

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

Area Committees and Urgency

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

SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

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

SECTION 7 – DEFAULT PROVISIONS

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

SECTION 8 - GROUP MEETINGS

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;

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

~~SECTION 9 – CREATION OF NEW BODIES~~

~~Creation of New Non-Executive Bodies~~

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

Part Three, Section ~~D~~

~~Terms of Reference C~~

Responsibility for

functions:

The Executive: the Leader, the

Cabinet & Cabinet Bodies

SECTION 1 – THE EXECUTIVE'S ROLE AND FUNCTIONS

1. ~~The Cabinet~~

1.1 ~~The Cabinet shall have the functions as follows:~~

- (a) ~~To exercise the powers and duties of the Council, except~~
 - (i) ~~where the exercise of such powers and duties is reserved to the Council;~~
 - (ii) ~~to the extent that statutory provisions preclude the Cabinet from discharging any responsibility;~~
 - (iii) ~~where different constitutional arrangements for particular functions and responsibilities have been made; or~~
 - (iv) ~~where powers and duties are delegated to a committee or to an officer.~~

1. Introduction

1.1 All functions of the Council which are not the responsibility of the Full Council or one of its Committees or an officer, in law or where the law gives a choice, under this Constitution (see Part 3 Section D), are the responsibility of the Executive.

1.2 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet. The Leader selects the Executive members (Cabinet Members) and these make up the Cabinet. The Executive might also establish Committees and Sub-Committees.

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

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SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

Cabinet Member or a Committee of the Cabinet. The Leader may do this at any time. The Leader may also delegate those functions to an Area Committee, a joint committee, another local authority, or officers.

- 1.4 Where the Cabinet is exercising these functions, it may delegate those functions to a Committee of the Cabinet, an Area Committee or officers, but not to an individual member of the Cabinet.
- 1.5 Where an individual Cabinet Member is exercising these functions, it may delegate those functions to an Area Committee or officers.
- 1.6 Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Leader or Cabinet from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution. All Executive functions not expressly reserved to the Leader, the Cabinet, a Committee of the Cabinet or an individual Cabinet Member are delegated to officers, subject to the restrictions on officer powers set out in Part 3 Section E of the Constitution.
- 1.7 The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.
- 1.8 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

2. Matters reserved for the Executive

2.1 The following functions shall be exercised only by the Executive and will be taken by the Cabinet, or a Committee or Sub-Committee appointed by it, unless the Leader chooses to exercise these functions personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet:

General:

- (a) All key decisions. These will be published in the Forward Plan in so far as they can be anticipated;
- (b) Changes to fees, charges or concession policies in respect of executive functions;

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- (c) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (d) To be responsible for those local choice functions allocated to the Cabinet;
- (e) To oversee the delivery of Council services;
- (f) To agree the reduction or cessation of any of Council service;
- (g) With the agreement of the Leader, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities.

Policy:

- (a) To formulate the Council's overall policy objectives and draft the budget and policy framework for approval by the Council;
- (b) To determine the Council's strategy and programme for implementing the budget and policy framework set by the Council;
- (c) To consider and promote initiatives to improve the quality, efficiency and effectiveness of Council services;
- (d) To determine the Council's strategies and programmes in relation to:
 - (i) the social, economic and environmental needs of the Borough;
 - (ii) human rights and equalities in community leadership, service delivery and as an employer;
 - (iii) service transformation and best value
- (e) To oversee, including strategy formulation, co-ordination and implementation of the councils functions under the relevant legislation in relation to:
 - (i) Regeneration and social inclusion;
 - (ii) Community engagement, including communication, consultation, capacity building and active citizenship.

Local and Community Leadership:

- (a) To provide community leadership in the Borough;
- (b) To lead on community planning with input from others as appropriate;

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SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

- (c) To develop, and consult on as appropriate, the Council's policy framework and other strategic documents;
- (d) To take in-year decisions on resources and priorities and to deliver and implement the budget and policy framework as agreed by the Council;
- (e) To be the focus for forming partnerships with public, private, voluntary and community organisations and to be responsible for effective joint work with partner agencies.

Financial management and resources

- (a) To be responsible for the strategic management of Council resources, including land, property and staff, and to take decisions on such matters in the context of the Council's budget and policy framework and the Financial Regulations at Part 4 of this Constitution , including but not limited to:
 - (i) Budget management and control;
 - (ii) Revenue virements involving a change of Council policy of £100,000 or above and all other revenue virements of £250,000 or above;
 - (iii) Capital virements of £250,000 or above;
 - (iv) The achievement of value for money
- (b) To have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000.

Children's Services

- (a) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers, with the exception of power to suspend the right to a delegated budget where a school is eligible for intervention which is delegated to the Director following consultation with the relevant Cabinet Member;
- (b) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);
- (c) The determination of discretionary awards;
- (d) The establishment or discontinuance of schools;
- (e) Permanent closure, relocation or change of use of residential establishments and day establishments providing services for children.

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Adult Social Services

- (a) Decisions on the permanent closure, relocation or change of use of residential establishments and day establishments.

Housing Services

- (a) Declaration of a clearance area in respect of slum clearance, of housing action areas and of general improvement areas pursuant to the provisions of the Housing Act 1985

Regeneration and Property Services

- (a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan;
- (b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;
- (c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;
- (d) Major Capital Transportation Proposals:
(i) Choosing a preferred route or option following public consultation;
(ii) Authorising the promotion of Compulsory Purchase and Side Road Orders;
- (e) The making of an order for the compulsory acquisition of land;
- (f) The acquisition of land in advance of requirements;
- (g) Approval of the Local Development Scheme before submission to the Secretary of State;
- (h) Approval of all Local Development Documents (LDDs)

Highways Services

- (a) Approval of traffic calming works where more than 10 objections have been received;
- (b) Approval of (i) all orders to designate all or part of a public footpath as a cycle track prior to statutory consultation and (ii) any order which has been subject to objection, prior to its submission to the Secretary of State for confirmation;

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SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

- (c) Approval of any permanent traffic regulation order subject to valid objection.

Contracts and Procurement

- (a) Power to suspend any contractor from the Lists in cases of serious breach of contract or unsatisfactory service delivery for contracts valued at £500,000 (five hundred and fifty thousand pounds) or more.

3. The Leader and Individual Cabinet Members

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

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

- 3.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 3.2 (a) to (e) above.
- 3.4 The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee, an area committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.
- 3.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.
- 3.6 The Leader may take any executive key decision in place of, or between meetings of, the Cabinet, including decisions that have

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become urgent, in accordance with the Access to Information Procedure Rules at Part 4 of this Constitution and the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but ~~will~~ may consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is appropriate practicable. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

4. Assistant Cabinet Members

4.1 The Council may appoint Assistant Cabinet Members to provide an effective link between the Cabinet and other Councillors and to assist Cabinet Members generally and with specific roles within their portfolio.

4.2 The Assistant Cabinet Members:-

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

5. Deputy Leader of the Council

5.1 The Leader shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios.

5.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:

- (a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
- (b) act as spokesperson on all matters that are the responsibility of the Cabinet

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- (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.

5.3 In the event that the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may exercise all the functions of the Leader under this Constitution.

SECTION 2 - COMMITTEES OF THE EXECUTIVE CABINET

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

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

All functions that have been delegated to a Committee established by the Cabinet can still be taken by the Cabinet as the parent body (i.e. the body that delegated the decision), or by the Leader either personally or in accordance with the Leader's delegation of those functions to an individual Cabinet Member or an alternative Committee of the Cabinet.

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

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

SECTION 3 - LEADER'S CONFERENCES

- ~~1. The Leader of the Council may at any time convene special conferences on particular issues. The terms of reference and membership of such conferences or meetings shall be specified by the Leader when convening such meetings.~~
- ~~2. The Leader shall hold meetings with Cabinet Members, Chairs and other Members as she/he may consider appropriate to recommend:~~

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- (a) ~~action to achieve declared policies and guidelines;~~
 - (b) ~~the settlement of conflicts between Services;~~
 - (c) ~~advice and guidance to be given to the Council, its committees, sub-committees or panels upon any matter within the purview of the Council, which will assist those bodies to discharge the Council's functions in accordance with their Terms of Reference.~~
3. ~~The Leader's Conference meeting shall be provided with such advice, guidance and information appertaining to the Council's functions as may be necessary to enable it to give full and proper consideration to matters coming within its Terms of Reference.~~

SECTION 4 – CREATION OF NEW BODIES

Creation of New Cabinet Bodies

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

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Part Three, Section D

Local Choice Functions

Local Choice Functions

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

All functions of the Council are "executive", and the responsibility of the Executive (the Leader, individual Cabinet Members and the Cabinet), unless in law they are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) set out which functions are "non-executive" and which cannot in law be the responsibility of the Executive.

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

Function	Whether Executive or Non-Executive	Where allocated or delegated
1. Any Function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1)	Non-Executive	Corporate Committee except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the General Manager AP&P
2. The determination of an appeal against any decision made by or on behalf of the	Non-Executive	Corporate Committee (for the avoidance of doubt this does not include internal reviews

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section D – LOCAL CHOICE FUNCTIONS

Function	Whether Executive or Non-Executive	Where allocated or delegated
authority		of homelessness decisions)
3. The appointment of review boards under sub-section 34(4) of the Social Security Act 1998 (determination of claims and reviews re: Housing Benefit and Council Tax Benefit)	Non-Executive	The Full Council
4. The making of arrangements for appeals against exclusion of pupils	Executive	Democratic Services Manager Head of Local Democracy & Member Services
5. Making arrangements for admission appeals	Executive	Democratic Services Manager Head of Local Democracy & Member Services
6. Making arrangements for appeals by governing bodies	Executive	Democratic Services Manager Head of Local Democracy & Member Services
7. Any function relating to contaminated land	Executive	Cabinet Member for the relevant portfolio within his/her delegated powers, otherwise to the Cabinet Meeting
8. Discharge of any function relating to the control of pollution or the management of air quality	Executive	Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	Corporate Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Assistant Director <i>for Environment Services and Community Safety</i> Single Frontline in the Directorate of Place & Sustainability
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Assistant Director of Corporate Governance Head of Legal Services
14. Obtaining particulars of	Executive	Assistant Director of

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section D – LOCAL CHOICE FUNCTIONS

Function	Whether Executive or Non-Executive	Where allocated or delegated
persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976		<u>Corporate Governance</u> Head of Legal Services
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Assistant Director <u>for Environment Services and Community Safety</u> Single Frontline and Head of Traffic Management except where referred to the Planning Sub-Committee in connection with the determination of a planning application
16. The appointment (and revocation of such appointment) of any individual (a) to any office other than his normal employment by the Council (b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities or (c) to any committee or sub-committee of such a body	Executive	The Full Council in the case of Member appointments. The Chief Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive
18. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements	Executive	The Cabinet Meeting except that the duty to publish information about the LAA is delegated to the Assistant Chief Executive.

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Part Three, Section E

Officer Scheme of Delegation

Section 1	INTRODUCTION AND GROUND RULES
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1. What is the Officer Scheme of Delegation?

- 1.01 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Deputy Chief Officer level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
- 1.02 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees (and as listed in Part Three Sections B – D above) are delegated to officers.
- 1.03 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.
- 1.04 This scheme operates from the date approved by the full Council.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

2. General Principles of the Officer Scheme of Delegation

2.01 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “Director” shall include the following officers:

- The Chief Executive
- Members of the Strategic Leadership Team*
- All Directors and Assistant Directors
- The General Manager of Alexandra Palace & Park (as appropriate)

For the purposes of officer delegated powers, the term “Strategic Leadership Team” means:

- the Deputy Chief Executive
- the Chief Operating Officer
- the Director of Regeneration, Planning and Development

For the purposes of officer delegated powers, the term “Statutory Officers*” means:

- The S151 Chief Finance Officer (This role is held by the Assistant Director of Finance)
- The Monitoring Officer (This role is held by the Assistant Director of Corporate Governance)
- The Director of Adult’s Services
- The Director of Children’s Services
- The Director of Public Health

Any functions delegated to Directors shall be exercised by Directors in respect only of the specific services for which they are responsible. These officer delegated powers shall be exercised in accordance with the following general principles.

*NB. The Chief Executive and Head of Paid Service is a member of the Strategic Leadership Team and is a Statutory Officer of the Council in law, however for the purposes of the Constitution, the Chief Executive and Head of Paid Service is extracted from these terms and addressed individually

2.02 Functions delegated to officers are to be exercised taking into account:

- All other parts of the Constitution in particular the Financial Regulations and the Contract Procedure Rules at Part 4 of the Constitution
- The Budget and Policy Framework
- The approved Budget
- Any instructions given by the Chief Executive
- Any advice given by the Council’s Chief Finance Officer (S151 officer) or the Monitoring Officer

PART THREE – RESPONSIBILITY FOR FUNCTIONS
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- All legal requirements and any statutory codes of conduct or statutory guidance
 - All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees
 - Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees
- 2.03 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Deputy Chief Finance Officer or Deputy Monitoring Officer as named in writing by the post holder.
- 2.04 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 2.05 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.
- 2.06 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.
- 2.07 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 Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.
- 2.08 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

3. Requirements to record and report on decisions taken under the Officer Scheme of Delegation

- 3.01 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. Therefore, each Director must ensure that there is a system in place within his/her area of responsibility which records any decisions made under delegated powers. Written statements of officers' exercise of delegated powers must be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.
- 3.02 Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the Corporate Committee, in the case of non-executive functions, summarising all decisions taken under urgency provisions as provided for at paragraph 5 below. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.
- 3.03 Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.
- 3.04 In paragraph 3.03 a decision of "particular significance", to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:
- (a) It is a spending or saving of £100,000 or more, or
 - (b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.
- 3.05 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.

4. General Limitations:

- 4.01 This scheme does not delegate to officers:

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

- (a) Any matter reserved that is reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees and as listed in Part Three Sections B – D above. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges;
- (b) Any matter which by law may not be delegated to an officer

4.02 Officers shall not be authorised by virtue of these provisions 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 the Financial Regulations at Part 4 Section I.

5. Urgent decisions and Officer Powers:

5.01 Where action needs to be taken on any urgent matter between meetings of the Cabinet, or any Committee or Sub-Committee of the Cabinet or the Council and such action would not be authorised within these provisions, the following rules shall apply:

- (a) in the case of executive functions, the Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. The Protocol for Decision-Making in Part 5 shall be followed
- (b) in the case of non-executive functions, a report will be prepared so that the Director 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 in Part 5 shall be followed.

6. Responsibility for maintaining and updating the Scheme of Delegation

6.01 The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.

6.02 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting the Directorate

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.

- 6.03 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Standards Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.
- 6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

7. Protocol for Officers Taking Decisions under Delegated Powers

7.01 There is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:

- (a) the post title of the officer taking the decision,
- (b) the substantive facts, including what is being decided,
- (c) the reasons for the decision,
- (d) the expenditure authorised (if any),
- (e) the date the decision was taken.
- (f) details of any alternatives considered and rejected by the officer taking the decision,
- (g) details of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision, and
- (h) in respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

7.02 The officer taking the decision is responsible for ensuring that all relevant points are recorded which may include, but are not limited to, the following:

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Section E – Scheme of Delegation – Section 1 Introduction

- (a) any financial implications (beyond stating the expenditure)
- (b) any legal implications
- (c) any environmental implications
- (d) any equalities implications
- (e) any relevant Council policies
- (f) any relevant national or regional guidance
- (g) any consultations undertaken and the views of consultees
- (h) any other implications for service delivery in the relevant service area
- (i) any implications for other Council services outside the service area
- (j) and any comments from other affected service areas
- (k) any staffing implications
- (l) any background documents relied upon
- (m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000
- (n) any alternative options to the recommended decision
- (o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

7.03 Officers taking delegated decisions should always consider carefully whether there are any factors that would make it advisable to consult the relevant Cabinet Member(s) or Chair of Committee in advance, for example, the sensitive or controversial nature of the decision.

7.04 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each Director will keep their own central record of all delegated decisions taken within their constituent services.

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Section 2 GENERAL DELEGATIONS TO DIRECTORS

General Functions delegated to Directors in their service areas:

General

- To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet
- To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents
- To carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to Directors
- To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers
- The power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough

Incidental powers

- In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions

Service Performance

- To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value
- To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions
- To meet business critical and key performance indicator targets
- To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the Contract Standing Orders

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

Legal

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Assistant Director of Corporate Governance as appropriate
- Subject to the agreement of the Assistant Director of Corporate Governance, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Assistant Director of Corporate Governance in accordance with Article 14.04
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
- To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Assistant Director of Corporate Governance)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters:

Exercising all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Assistant Director for Human Resources as required, including:

- Taking all decisions relating to changes to the establishment; save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- Power to designate posts as casual or essential car users in accordance with agreed procedures
- Power to defray expenses properly incurred by an officer of the Council
- Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- Approval of extension of special leave with pay
- Extensions of accident pay beyond the national, provincial or local agreements
- Grant of honoraria and where relevant ex-gratia payments to employees
- Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Assistant Director for Human Resources and save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee
- Re-designation of posts subject to normal consultative procedures
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme
- To consider requests from employees to engage in any other regular employment for which payment is received
- Decisions not to reclaim maternity pay
- Deletion of vacant and creation of new posts
- Appointments to posts in accordance with agreed procedures and pay scales, save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee
- Disciplinary/capability action, save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with Part 4 Section K of the Constitution.
- Dismissals of officers, save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee. The power

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance Officer, save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee

- Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Assistant Director for Human Resources and save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee
- Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
- Exercising of discretions in accordance with Council policy pursuant to the Teachers' Pensions Regulations 2010
- Approval of payment of allowances to employees
- Approval of more than 5 days carry-over of annual leave to the following leave year

Administrative Matters

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

Finance

Officers are referred to the Financial Regulations at Part Four Section I of the Constitution

Contracts

Officers are referred to the Contract Procedure Rules at Part Four Section J of the Constitution

Property Matters

- Any decision concerning the management or use of land held for the operational requirements of the officers of a service area may be taken by the relevant Director, subject to the following provisions
- Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to Assistant Director of Corporate Governance
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to acquire or dispose of any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements. The power to acquire or dispose of any land or property with a capital value equalling or exceeding

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£250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Regeneration, Planning and Development

- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum. The power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director of Regeneration, Planning and Development
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.
- The power to survey land which the Council proposes to acquire compulsorily
- The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land

Emergencies (e.g. flooding, power failure etc)

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and L.A Gold is of the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:
 - a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
- This power is to be exercised by Directors in accordance with Article 11.07 of the Constitution.

Safeguarding

- Duty to ensure that a person who is disqualified from working with children is not offered work in a regulated activity and that any such person who is so employed is removed from such work

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Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- In accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006, to exercise the duty and the power to make referrals to the Disclosure and Barring Service to refer any person who has:
 - (a) Harmed or poses a risk of harm to a child or vulnerable adult;
 - (b) Satisfied the harm test; or
 - (c) Received a caution or conviction for a relevant offence

Equalities and Public Health

- To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations
- To have regard, when carrying out any of the Council's functions, to the joint strategic needs assessment and Health and Wellbeing Strategy prepared by the Council and its health partners and which is relevant to the exercise of the functions
- Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage

Energy and Climate Change

- To have regard, when carrying out any of the Council's functions, to the most recent energy measures report from central government

Health and Safety

- To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

- To comply with the duties and powers imposed by Part 4 Section D of the Constitution

Responding to consultations and proposals

- To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member

Submission of grant funding bids

- To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects

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Section E – Scheme of Delegation – Section 2 General Delegations to Directors

and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Standing Orders

Complaints

- To take action regarding complaints received
- To settle any Ombudsman / Complaint Cases:
 - (i) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman
 - (ii) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer/Assistant Director of Corporate Governance
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

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PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS

Functions delegated to the Chief Executive

1. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery
2. The corporate management of the Council and, specifically:
 - (a) Advice to the Council on the Policy Framework
 - (b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis
 - (c) 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 Cabinet shall determine
3. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power
4. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council
5. To be Head of the Paid Service
6. The power to determine that an "emergency" has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom
7. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency
8. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

9. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 6, 7 & 8 above may be exercised by any other Chief Officer who is available to act
10. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the London Councils Arrangements for Co-ordinating the Response Emergencies
11. In the event that all Members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed
12. To discharge the functions of electoral Returning Officer
13. Taking all decisions relating to changes to the establishment for all staff including the Strategic Leadership Team and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
14. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures
15. To designate a scrutiny officer to support overview and scrutiny committee in accordance with the requirements of relevant legislation

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Functions delegated to the S151 Chief Finance Officer

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities
2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972
3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice
4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council
5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992
6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003
7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
8. To report to Members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by section 114A Local Government Finance Act 1988
9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988
10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources
11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011

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Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee
13. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to Chief and Deputy Chief Officers which is reserved to the Staffing and Remuneration Committee
14. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited
15. To provide financial information to the media, members of the public and the community

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Functions delegated to the Monitoring Officer

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally
2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct
3. To contribute to the corporate management of the Council, in particular through the provision of professional legal advice
4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity
5. To establish and maintain a register of interests of members and co-opted members of the authority in accordance with the provisions of the Localism Act 2011
6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
7. To receive and act on reports made by the Standards Committee
8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee
9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989
11. To advise whether decisions of the Cabinet are in accordance with the budget and policy framework
12. To be responsible for the maintenance and operation of the Council's Constitution
13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Functions delegated to the Director of Children’s Services

1. To act as the Council’s statutory Director of Children’s Services
2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:
 - (a) All education and children’s social care functions conferred on or exercisable by the Council
 - (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children
 - (d) The establishment of a Local Safeguarding Children Board
 - (e) The preparation and publication of a Children and Young People’s Plan
 - (f) Improving preventative services and delivering earlier intervention
 - (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the Children Act 2004 to include making arrangements for the management of services provided
3. To provide strategic management and direction for Children’s Services across the Council
4. To secure that there are sufficient youth justice services available in the Borough
5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State
6. Education services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children’s Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children’s and adult social care functions on behalf of the Council. The Accountability Protocol for the Director of Children’s Services sets out the arrangements in place to enable the Director of Children’s Services to meet all statutory responsibilities and ensure the

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

effective integration of all services for children and young people in the borough

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Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Functions delegated to the Director of Adult's Services

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970
2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:
 - (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
 - (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults
 - (d) Professional leadership including workforce planning
 - (e) Leading the implementation of standards
 - (f) Managing cultural change
 - (g) Promoting local access and ownership and drive partnership working
 - (h) Delivering an integrated, whole system approach to supporting communities
 - (i) Promoting social inclusion and well being
 - (j) Improving preventative services and delivering earlier intervention
 - (k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided
3. To provide strategic management and direction for Adult's Services across the Council

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Functions delegated to the Director of Public Health

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:
 - (a) the responsibility for mandated public health functions of the local authority
 - (b) planning for and responding to emergencies that present a risk to public health
 - (c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders
 - (d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003
 - (e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys
 - (f) to prepare and publish an annual report on the health of people in the area
2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness
3. To promote health and wellbeing to reduce health inequalities
4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy
5. To provide the public with advice on health matters
6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues
7. To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
8. To work with local criminal justice partners and police and crime commissioners to promote safer communities

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9. To work with wider civil society to engage local partners in fostering improved health and wellbeing
10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board
11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector
12. To have regard to the NHS Constitution in exercising public health functions

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Officer Functions

Section 4 9 PROPER OFFICER AND SPECIFIED OFFICER FUNCTIONS

1.1 Chief Executive

The Chief Executive is appointed Proper Officer and specified officer in relation to:

- (a) Any reference to “the Clerk of the Council” or “the Town Clerk of the Borough” contained in any enactment, passed before, or during, the 1971/72 sessions of Parliament (other than the Local Government Act 1972) or in any instrument made before 26th October 1972;
- (b) Any statutory function of a Proper Officer, or other specified officer, contained in any legislation, whenever made, whether or not expressly delegated to any other officer(s) in this Constitution;
- (c) The Local Government Act 1972, Sections 83, 84, 88(2), 89(1)(b), and 225 and Schedule 12, Part I, paragraphs 4(2)(b) and 4(3) (notices relating to Members and meetings);
- (d) The Representation of the People Act 1983, Sections 8 (Registration Officer) and 35(3) (Returning Officer at an election of Councillors);
- (e) The Local Government and Housing Act 1989, Sections 4 (Head of Paid Service), and notifications pursuant to sections 15 to 17 and Schedule 1 and Regulations made under the Act (Political Balance);
- (f) Section 234 of the Local Government Act 1972. This authorises the Chief Executive to sign any notices or other documents which the Council is statutorily empowered to give, make or issue. This delegation is in addition to, and does not reduce, the power of individual senior officers to sign such notices or other documents, as provided for elsewhere in this Constitution.

In addition the Chief Executive is empowered:

- (g) To authorise any officer to attend any conference, seminar, or symposium etc. after consultation with the appropriate Cabinet Member, where the conference, seminar or symposium etc. is outside Great Britain;

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- (h) To authorise any Member to attend any conference, seminar, symposium etc. after consultation with the Leader, where the conference, seminar or symposium etc. is outside Great Britain.
- (i) To exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000

1.2 **Assistant Deputy Chief Executive**

The Assistant Deputy Chief Executive is designated as the “scrutiny officer” under section 21ZA of the Local Government Act 2000.

In addition the Deputy Chief Executive is empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000

1.3 **Chief Finance Officer**

The Chief Finance Officer is appointed Proper Officer and specified officer in relation to:

- (a) The proper administration of the Council’s financial affairs under Section 151 of the Local Government Act 1972;
- (b) Sections 115 and 146 of the Local Government Act 1972 (receiving monies due from other officers and certifying changes in name or area of Council);
- (c) Part VIII (sections 111 to 116) of the Local Government Finance Act 1988 (Financial administration and the duty to report to Cabinet/Council on any unlawful expenditure);
- (d) Responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit (England) Regulations 2011 2003;
- (e) Budget calculations and budget monitoring under Part 2 of the Local Government Act 2003.

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- (f) *In addition the Chief Finance Officer is empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000*

1.4 ~~Head of Legal Services~~ *Assistant Director of Corporate Governance*

The ~~Head of Legal Services~~ *Assistant Director of Corporate Governance* is appointed Proper Officer and specified officer in relation to:

- (a) Sections 6, 8, 9 and 13 of the Registration Services Act 1953 (appointment of superintendent registrars and registrars of births and deaths and their deputy and interim officers and related functions);
- (b) Sections 229 and 238 of the Local Government Act 1972 (certification of documents and byelaws);
- (c) *Section 234 of the Local Government Act 1972. This authorises the Assistant Director of Corporate Governance to sign any notices or other documents which the Council is statutorily empowered to give, make or issue. This delegation is in addition to, and does not reduce, the power of individual senior officers to sign such notices or other documents, as provided for elsewhere in this Constitution. The authentication of documents necessary for any legal procedure or proceedings is reserved to the Assistant Director of Corporate Governance in accordance with Article 14.04;*
- (d) Section 30(5) of the Local Government Act 1974 (public notice of Ombudsman's reports);
- (e) Authorising any officer to appear on behalf of the Council in proceedings before a Magistrates Court under Section 222 and 223(1) of the Local Government Act 1972 and in proceedings before a County Court under Section 60 of the County Courts Act 1984. This includes the power to certify such authorisation under Section 41(3) of the Local Government (Miscellaneous Provisions) Act 1976;
- (f) Signing on behalf of the Council to certify a contract under the Local Government (Contracts) Act 1997;

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- (g) The functions of the Monitoring Officer under sections 5 and 5A of the Local Government and Housing Act 1989 and Part 3 of the Local Government Act 2000 or other legislation relating to Local Government and Regulations made under the above;
- (h) Determining whether the public interest requires information to be treated as “exempt information” in any report or related background paper and whether any meeting of the Council or a Council body is likely not to be open to the public because of the risk of disclosure of confidential or exempt information or the advice of a political assistant under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (*Meetings and Access to Information*) (England) Regulations 2012 2000-2006 (Access to Information);
- (i) Determining whether the public interest in maintaining the exemption of information, or the exclusion of the duty to confirm or deny, outweighs the public interest in disclosure in relation to any request for information, or to any internal review after the refusal of a request, under section 2 and Part 2 of the Freedom of Information Act 2000;
- (j) Being the “qualified person” to form a reasonable opinion as to whether disclosure of information would be likely to inhibit the free and frank provision of advice or exchange of views or would be likely otherwise to prejudice the effective conduct of public affairs under section 36 of the Freedom of Information Act 2000;
- (k) *In addition the Assistant Director of Corporate Governance is empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000*

1.5 ~~Head of Local Democratic~~ ey and Member Services **Manager**

The ~~Head of Local Democratic~~ ey and Member Services **Manager** is appointed Proper Officer and specified officer in relation to:

- (a) Those proper officer functions relating to access to information not delegated to the ~~Head of Legal Services~~ Assistant Director of Corporate Governance above under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (*Meetings and Access to Information*) (England) Regulations 2012 2000-2006 (Access to Information);

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- (b) Section 191 of the Local Government Act 1972 (providing information to assist the Ordnance Survey);
- (c) Sections 225 and 229 and Schedule 14, Part II, Paragraph 25 (7) of the Local Government Act 1972, and Section 41(1) of the Local Government (Miscellaneous Provisions) Act 1976 (custody of, and certifying, documents);
- (d) Section 8 of the Representation of the People Act 1983 (the officer who will act as Deputy to the Electoral Registration Officer in the event of the latter’s incapacity or a vacancy arising);
- (e) Section 2(2) of the Local Government and Housing Act 1989 (Maintenance of the list of politically restricted posts);

In addition the ~~Head of Local Democratic~~ey and ~~Member Services~~Manager is empowered:

- (f) To determine the appointment of outside members to the “pool” from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;
- (g) To determine the membership of individual Appeals Panels (under (f) above) and the selection of Chairs of these Panels;
- (h) To make appointments of representative School Governors as notified by the Executive Cabinet Member for Children Education or the Opposition Spokesperson, as appropriate;
- (i) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (j) To make appointments to the membership of Special Licensing Sub-Committees from among the Members of the Regulatory Committee;
- (k) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Regulatory Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;
- (l) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the

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Regulatory Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Sub-Committees.

- (m) To appoint the membership of Assessment Sub-Committees, ~~Review Sub-Committees~~ and Hearing Sub-Committees in accordance with the arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct that relevant Regulations (S. 1. 2008/1085 and any amendment) and the decisions of the Standards Committee and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

1.6 **Head of Assistant Director for Human Resources**

The Head of Assistant Director for Human Resources is authorised to provide the "Certificate of Opinion" for an employee on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 – (Opinion as to whether the duties of the post involve regularly giving advice to Members or speaking to journalists/broadcasters).

1.7 **Director of Regeneration, Planning and Development Place & Sustainability**

The Director of Regeneration, Planning and Development Place & Sustainability is appointed Proper Officer and specified officer in relation to:

- (a) Section 191 Local Government Act 1972 (information to assist the Ordnance Survey);
- (b) Section 205 of the Highways Act 1980 (certification of proposed works, estimated cost and provisional apportionment under the private street works code)
- (c) In addition the Director of Regeneration, Planning and Development is empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000

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1.8 **Chief Operating Officer, Director of Children’s Services, Director of Adult Social Services, Director of Public Health and the Head of Audit and Risk Management**

The Chief Operating Officer, Director of Children’s Services, Director of Adult Social Services, Director of Public Health and the Head of Audit and Risk Management are empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000

1.9 **Assistant Director for Environmental Services and Community Safety**

The Assistant Director for Environmental Services and Community Safety is appointed Proper Officer and specified officer in relation to:

(a) Section 72 (1) (a) Weights and Measures Act 1985 as the Council’s Chief Inspector of Weights and Measures

(b) Sections 21 to 25 Regulation of Investigatory Powers Act 2000 (to exercise powers to authorise the obtaining and disclosure of communications data)

1.10 **General Provisions**

(a) All ~~Chief Officers~~ Directors have been appointed Proper Officers in relation to the functions of their respective Services for the purposes of section 234 of the Local Government Act 1972 (signing or authenticating any notice, order or other document which the Council are authorised or required to issue under any enactment), save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Assistant Director of Corporate Governance in accordance with Article 14.04;

(b) Any reference to the function of a Proper Officer in relation to any legislation is to be taken as including subordinate legislation and any enactment for the time being amending or replacing such legislation;

(c) If the office of any of the officers referred to above is vacant or the officer is absent or otherwise unable to act, his/her deputy,

~~APPENDIX E – SCHEME OF DELEGATION TO OFFICERS~~
~~Section 9 – Proper and Specified Officer Functions~~

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

or, failing that deputy, the most suitable senior officer, is hereby authorised to act as the Proper Officer.

1.11 **Attestation of Seal**

The Seal on documents shall be attested by any one of the following officers:

Chief Executive, ~~Director of Corporate Resources~~, Chief Financial Officer, ~~Head of Legal Services~~, Assistant Director of Corporate Governance, ~~Deputy Assistant~~ Head of Legal Services or any officer authorised by the Assistant Director of Corporate Governance ~~Head of Legal Services~~ either in relation to a specific document or particular categories of documents.

Part Four, Section A

Council Procedure Rules

COUNCIL PROCEDURE RULES

Note

In these rules:

“**day**” means any calendar day including week-ends and public holidays.

“**working day**” means any day when the offices of the Council’s Members’ Services *administrative offices* are open for business excluding week-ends and public holidays.

“**clear day**” means any working day and it excludes both the day of any initial action, giving notice or dispatch of papers (as appropriate) and the day of any subsequent action or meeting (as appropriate).

Where any action is required to be taken on, or before the end of, a working day, then it must be completed by 5.00 p.m. on that day unless the relevant rule states otherwise.

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

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, *unless specified otherwise by Order of Parliament*, the Annual Meeting will take place in March, April or May.

The annual meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Elect the Mayor for the ensuing year
- (iii) Receive apologies for absence
- (iv) Receive any late or urgent business

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- (v) Receive any declarations of interest from members
- (vi) Approve the minutes of the last meeting
- (vii) Receive written notification of the appointment of Deputy Mayor
- (viii) Pass a vote of thanks to the retiring Mayor and Mayoress / Escort and Deputy Mayor and Deputy Mayoress / Escort
- (ix) Receive such communications as the Mayor may desire to lay before the Council
- (x) Elect the Leader of the Council (only applies to the first meeting after the Council election)
- (xi) Appoint a Scrutiny Committee, and such 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, of this Constitution). To confirm the size and terms of reference of these bodies and to appoint Chairs, Vice Chairs, Members and substitute or reserve Members and subordinate bodies in accordance with political balance rules (as set out in Part 3 of this Constitution)
- (xii) Make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or where the power of appointment is vested in the Cabinet
- (xiii) Receive any announcements from the Leader, and/or Head of Paid Service
- (xiv) Receive a programme of ordinary meetings of the Council for the year and
- (xv) Consider any business set out in the notice convening the meeting

2. BUDGET SETTING MEETING

The budget-setting meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Receive any late or urgent business
- (iv) Receive any declarations of interest from members
- (v) Approve the minutes of the last meeting

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- (vi) Hear deputations and receive petitions related to the budget, accepted under rules 11 & 12
- (vii) Hear any proposed amendments to the budget
- (viii) Approve the budget
- (ix) Consider any business set out in the notice convening the meeting

3. ORDINARY MEETINGS

3.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Deal with any business required by statute to be considered before any other business
- (iv) Receive any declarations of interest from members;
- (v) Approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) Hold a Haringey Debate, on the agreed theme for that meeting. The form of the debate may include holding the debate as an Open Session under paragraph 30. Arrangements for how the debate will function are outlined in the full Council Protocol;
- (vii) Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the ~~Head of Legal Services and~~ Monitoring Officer;
- (viii) To make appointments to Council committees and outside bodies;
- (ix) Hear deputations and receive petitions accepted under rules 11 & 12;
- (x) Receive questions from and provide answers to the public on matters notified under Rule 8;
- (xi) Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;

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- (xii) Deal with any business *held over* from the previous Council meeting;
 - (xiii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;
 - (xiv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - (xv) Consider motions; and
 - (xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.
- 3.2 The order of items (i), (ii), (iii), (iv) and (v) of paragraph 3.1 shall not be varied. The order of other business may be varied:
- (i) At the discretion of the Mayor, prior to the meeting following consultation with the Leader or at the meeting; or
 - (ii) By a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

Those listed below may request the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager 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 Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition.

4.2 Business

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

4.3 **Questions**

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

4.4 **Deputations**

Rule 11 shall apply to extraordinary meetings, but deputations will only be received where its purpose is related to an item of business on the summons.

5. **NOTICE OF AND SUMMONS TO MEETINGS**

~~The Head of Local Democracy & Member Services~~ Democratic Services Manager will determine and 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 working days before a meeting, ~~the Head of Local Democracy & Member Services~~ Democratic Services Manager 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 state 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**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee, Board and Scrutiny ~~Commission~~ meetings, references to the Mayor also include the Chair of Committees and Boards ~~and Commissions~~.

7. **QUORUM**

The quorum of a Council meeting shall be one quarter of the whole number of Members. During any Council meeting if the Mayor counts the number of members present and declares there is not a quorum present, the division bell shall be rung for thirty seconds and the Mayor shall then ascertain whether a quorum is present. If a quorum is not present the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary Council meeting.

8. **DURATION OF MEETING**

8.1

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- (i) 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, deputations and to complete the item then under discussion;
- (ii) If a report, a motion or an amendment to a motion is still being discussed, the Member speaking at the time may continue speaking for the remainder of the time allowed for speeches under these rules;
- (iii) The relevant Councillor who moved the report or substantive motion shall have a right of reply before the motion or amendment is put to the vote. No other right of reply is allowed;
- (iv) Before the Mayor concludes the meeting, a motion shall be put detailing the outstanding reports of Committees not disposed of and asking that the Council adopt them, and recommendations contained within them, without debate; all other business remaining shall fall;
- (v) Any motions on the agenda that fall under (iv) may be resubmitted for the next, or a subsequent, Council meeting in accordance with Rule 13.

9. QUESTIONS BY THE PUBLIC

9.1 General

Any resident, council tax payer or national non domestic rate payer of the Borough Members of the public may ask questions of the Leader, members of the Cabinet, Committee Chairs or Councillor Representatives on external bodies at ordinary meetings of the Council. A total of 20 minutes will normally be allowed for public questions at each ordinary meeting of the Council. A question being answered at the time limit shall be completed. Where an open debate is planned, any public questions will be at the Mayor's discretion following advice from the Monitoring Officer.

9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Only one question per meeting may be put by a single questioner and no more than two questions may be put on behalf of an organisation.

9.3 Notice of questions

A question may only be asked if notice has been received in writing or by electronic mail by the ~~Head of Local Democracy & Member Services~~ *Democratic Services Manager* no later than 10am so as to leave eight

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clear days in advance of the Council meeting, stating the Member of the Council to whom the question is to be addressed. The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager will circulate a list of all valid questions. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

9.4 Scope of questions

The Monitoring Officer may reject a question if it:

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

9.5 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, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. The questioner may ask one supplementary question for the purpose of elucidation provided that it falls within the scope under 9.4.

9.6 Written answers

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

9.7 Reference of question to the Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

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10 QUESTIONS BY MEMBERS

10.1 On reports of the Cabinet or Committees

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 Cabinet 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 10.3, a Member of the Council may ask:

- The Mayor;
- The Leader
- Any Member of the Cabinet; or
- The Chair of any Committee or Board ~~or Commission~~
- The Council's representative(s) on any outside body;

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

10.3 Scope of questions

The Monitoring Officer may reject a question if it:

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

10.4 Notice of questions

- (a) A Councillor may ask one substantive question per meeting, in accordance with rule 10.5 (d), provided that they have been received in writing by the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager no later than 10 am so as to leave eight clear days prior to the Council meeting, stating which Member of Council the question is to be addressed to.

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Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection. Each question should be confined to one substantive topic.

- (b) There will be 8 questions from Councillors which will receive direct oral answers. Questions on notice for oral answer will be set out on the Summons to the Council meeting.
- (c) 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 Cabinet or a Committee when that item is being received or under consideration by the Council.
- (d) Questions for written answer and the answers provided will be published on the Council's website as soon as practicable after the relevant meeting.

10.5 Order of Questions

- (a) There will be 8 questions which will receive direct oral answers. All other questions will receive written answers. Questions from each group will be placed so as to alternate on the agenda is so far as is practicable with 5 from the majority group and 3 from the opposition. ~~with 4 from each political party.~~ 3 minutes will be allocated to answer the main question and 2 minutes allocated to answer supplementary questions
- (b) A total of 30 minutes (allowing for any adjournments) shall be allowed on questions and answers under this rule; a question being answered at the time limit (and any supplementary questions to it) shall be completed.
- (c) All questions and answers must be made as questions/answers and must not be a speech or statement.
- (d) 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.
- (e) Each Member of the Council may ask one question for written answer in addition to those for oral answer. Each question and response should be confined to one substantive topic.

10.6 Response

An answer may take the form of:

- (a) a direct oral answer;

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- (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. Written answers will be supplied to members no later than the meeting

10.7 Supplementary questions

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question may be asked by a Councillor of the other political party or group, unless they do not wish to use it in which case it reverts to the party asking the original question. Each supplementary question must arise directly out of the original question or the reply. No supplementary questions may be asked on written answers.

11. DEPUTATIONS

- 11.1 A deputation may only be received by the Council if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager not later than 10am to leave five clear days prior to the Council meeting.
- 11.2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.
- 11.3 Subject to the foregoing the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager shall bring the requisition before the Mayor, who having consulted the Leader, or in his/her absence the Deputy Leader, shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Council. The Leader must have regard to other business on the Council agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the Council agenda of the same subject matter. Where there is not an item on the Council agenda of the same subject, the Mayor may refer the Deputation to Cabinet, a Cabinet member, a Committee of the Council or the Overview and Scrutiny Committee.
- 11.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Council meeting, advising of the reasons for the deputation not being taken at Full Council.
- 11.5 Scope of deputations

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The Monitoring Officer may reject a Deputation if it

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

11.6 Taking the Deputation at the meeting

11.7 A total of 30 minutes shall be allocated to Deputations on the Council agenda.

11.8 If the Mayor shall have decided that the notice of the deputation shall be given on the agenda paper, any Councillor shall be at liberty when the item is called by the chair to move a motion without notice that the deputation be not received or that it be referred to the Cabinet, a Cabinet member or a committee as the case may be and such motion on being seconded shall at once be put to the vote.

11.9 The Deputation Spokesperson will be given five minutes to introduce the Deputation, following which they may answer any questions from Members. The Mayor will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the Council agenda when doing so.

11.10 The relevant Cabinet member shall be given the opportunity to respond to Council on the issues raised, and advise Council what actions will be taken as a result of the deputation. Should no response be given at the meeting to which the deputation is put, the Cabinet Member should provide a response at the next ordinary meeting of Council.

12. PETITIONS

12.1 ~~The Head of Local Democracy & Member Services~~ Democratic Services Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting. The petition will be handed to the Mayor, and recorded as received by the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager without any further debate. The relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council.

13. MOTIONS ON NOTICE

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13.1 Notice

Except for motions which can be moved without notice under Rule 14, written notice of motions, together with the names of the proposer and seconder, must be delivered to ~~Head of Local Democracy & Member Services~~ the Democratic Services Manager not later than 10.00 a.m. so as to leave five clear working days before the date of the meeting. These will be available for inspection the day after the closing date for receipt.

13.2 Motion set out in agenda

Each political group will be able to give notice on one motion at each ordinary meeting. Motions for which notice has been given will be listed on the agenda, in a sequence alternated between groups from meeting to meeting.

13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the well-being of Haringey.

13.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on that Member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

13.5 Motions Out of Order

The Mayor may in consultation with the Chief Executive or Monitoring Officer, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of rule 9.4 or which breach other Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

14. 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;

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- (c) to change the order of business in the agenda; (in accordance with Rule 3.2 (ii))
- (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 extend the time limit for speeches by 2 minutes;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) to move an emergency motion where the Mayor has given consent.

14A. 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 Rule 13.1. All other Rules relating to motions on notice must be complied with, including the giving of written notice, together with the names of the proposer and seconder, to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager. This notice should be given, if at all possible, by 10.00 a.m. on the day of the Council meeting and, in any event, no later than 3.00 p.m. on that day.

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15. RULES OF DEBATE

15.1 Length of Debate

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

15.2 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.

15.3 Substitution of movers and seconders

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

15.4 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.

15.5 Secunder's speech

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

15.6 Content and length of speeches

(a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the Mayor.

(b) The following persons may be allowed to speak for up to 5 minutes:

(i) The Leader and a Member of the Cabinet or Chair of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee

(ii) The mover of a motion.

(iii) A Member exercising his/her right of reply to a motion

(c)

(i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the

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State of the Borough Debate the Leader shall be allowed 15 minutes to deliver his/her priorities speech.

- (ii) The Leaders of the opposition groups shall be allowed 7 minutes to reply to (c) (i) above
- (iii) The Leader or other person as they may nominate shall be allowed a further 3 minutes in total to respond to the speeches in (ii) above

15.7 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) if the Member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;
- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) 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);
- (e) in exercise of a right of reply in accordance with rule 15.11;
- (f) on a point of order; and
- (g) by way of personal explanation.

15.8 Amendments to motions

- (a) 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 words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

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

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- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the ~~Head of Local Democracy & Member Services~~ *Democratic Services Manager* by no later than 10.00 a.m. on the day of the meeting. *A motion submitted by a political group may not be amended by that political group in advance of the meeting.* The ~~Head of Local Democracy & Member Services~~ *Democratic Services Manager* will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting.
- (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.

15.9 Alteration of motion

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

15.10 Withdrawal of motion

A member may withdraw a motion which 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.

15.11 Right of reply

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- (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.
- (b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

15.12 Motions 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 23.4 or to exclude them from the meeting under Rule 23.5.

15.13 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.

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- (b) If a motion to proceed to next business is seconded and the Mayor 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 Mayor 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) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.14 Point of order

A member may raise a point of order at any time. The Mayor 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 Mayor on the matter will be final.

15.15 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 Mayor on the admissibility of a personal explanation will be final.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 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.

16.2 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.

16.3 Decision of Committee to rescind a previous decision

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

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

17. VOTING

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put.

17.2 Mayor's casting vote

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

17.3 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.

17.4 Recorded vote

Save in relation to a Budget Setting Meeting of the Council where rule 17.6 applies, if 8 members present at the meeting demand it, by standing in their places, 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 frivolous or vexatious.

17.5 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.

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

17.6 Recorded votes at Budget Setting Meetings

Immediately after any vote is taken at a Budget Setting Meeting of the Council the names of the members voting for, against or abstaining from the decision will be recorded in the minutes of the meeting.

17.7 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.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

18.2 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 which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 Form of minutes

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

19. SUBMISSION OF RECOMMENDATIONS AND REPORTS

19.1 The Chief Executive shall submit a report listing any recommendations from Overview and Scrutiny Committee requiring policy change or Cabinet action. The Mayor shall itemise, in turn, each area of dispute between the Cabinet 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.

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

- 19.2 Where the Cabinet 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 Cabinet 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.
- 19.3 In all other cases decisions of the Cabinet, Committees and other bodies may be implemented once the decision is made subject to the procedures on suspending definitive action the Call-In Procedure Rules in and any statutory action by the Monitoring Officer.
- 19.4 The Chair of the Overview and Scrutiny Committee and the Chair of the Standards Committee will submit a written reports on the proceedings of the Committees as often as the Committees consider necessary but at least once a year at the first meeting after the annual meeting of the Council.

20. 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.

21. 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 24 (Disturbance by Public).

22. MEMBERS' CONDUCT

22.1 General conduct

Members are required to comply with the Code of Conduct at all times. Where necessary and appropriate the Mayor will remind members of their responsibilities under the Code during the course of the meeting.

22.2 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor, except where the member or members may be physically unable to do so. If more than one member stands, the Mayor 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.

22.3 Mayor standing

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

When the Mayor indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

22.4 Member not to be heard further

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

22.5 Member to leave the meeting

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

22.6 General disturbance by individual member or groups of members

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

23. DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

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

23.2 Clearance of part of meeting room

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

24. DECLARATIONS OF INTEREST OF MEMBERS

24.1 If a member of the Council has a disclosable pecuniary interest or a prejudicial interest as referred to in the Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

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

24.2 If a member of the Council has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Rules of Procedure except Rules 20, 21 and 24 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.

25.2 Amendment

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

26. ALTERATION OF DATE/TIME OF MEETING

The Mayor or Deputy Mayor may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

27. INTEREST OF OFFICERS IN CONTRACTS

The Monitoring Officer shall record particulars of any notice given by an officer of the council

28. ADVICE TO COUNCIL BY OFFICERS

The Mayor may permit Officers to give advice to the Council as and when appropriate.

29. OPEN SESSIONS WITH PARTNERS

29.1 The Leader, after consultation with the Mayor, may request the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager to call an open session at which partner organisations via nominated spokespersons will be invited to attend and debate with elected members, matters of common interest and public policy. Such meetings may be held outside Council premises. The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager, will by letter, invite partner organisations to attend the event. The Council rules of debate will be applicable to open sessions and these will be set out in the letter of invitation.

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

29.2 Haringey Debates

The Haringey debates which take place at ordinary meetings may take the form of an Open Session. The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

30. VOTES OF NO CONFIDENCE

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

31. ALEXANDRA PARK AND PALACE

Before full Council considers any matter, acting in its capacity as the statutory trustee of Alexandra Park and Palace trust, the Chief Executive shall read out the following reminder to Members: "When discharging the trustee function the Council must have regard to its duties as the trustee to the exclusion of all other matters. These duties include the obligation to act in the best interests of the charity above all other considerations. Similarly, each Member is under a duty, to the extent that it lies within the Member's power, to secure that the Council fulfils its duties as the trustee and, conversely, that the Council does not commit any breach of trust."

32. RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS

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

Audio and visual recordings of meetings of the Council by a member of the public or a recognised media organisation shall normally be permitted following receipt of a request to the Mayor. Such a request will generally only be refused if the Mayor believes recording would disrupt the meeting or where the Council is permitted to exclude the press and public because it is discussing exempt or confidential information. The Mayor, or the Chair of any subordinate body, shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings.

33. MAYOR'S PREROGATIVE ON THE INTERPRETATION OF PROCEDURE RULES

The ruling of the Mayor, with the advice of the Chief Executive or the Monitoring Officer, on the interpretation or application of any of these Standing Orders, or on any procedures of the Council Meeting, shall not be challenged at the meeting.

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Part Four, Section B

Committee Procedure Rules

COMMITTEE PROCEDURE RULES

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 Local Government and Housing Act 1989, 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. Where 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. Where Chairs and Deputy-Chairs of Sub-Committees and other bodies have been 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 co-ordinate 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 or terms of reference, these rules will apply to all non-executive bodies including the Licensing Sub-Committee. When the Licensing Sub-Committee is conducting a hearing, then only the rules on Substitute Members shall apply.

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

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, the Chief Executive Cabinet 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 Local Government and Housing Act 1989.
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 and Licensing Sub-Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance in relation to the Licensing Sub-Committee.

MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.
13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.
14. The Chair of a Committee or Sub-Committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a Committee or Sub-Committee, whichever is greater, has been presented to the

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

~~Head of Local Democracy & Member Services~~ Democratic Services Manager.

15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the Committee or Sub-Committee.
16. Where any Members decide to call a special meeting of a Committee or Sub-Committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at ~~Standing Order No.~~ rule 51 below.
17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.
18. 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.
19. 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~~ rule 12-15 above.

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

20. At each annual meeting, the Council shall appoint the members of the Cabinet 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.
21. 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.
22. 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 Local Democracy & Member Services~~ Democratic Services Manager or his/her representative, the election of a voting member present to preside at the meeting.

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

23. The first proposal to elect a member to preside shall be voted upon before any further proposal is made. The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager or his/her representative, acting on the advice of the Monitoring Officer or his/her representative, shall determine any question of interpretation relating to the election procedure before a member has been chosen to preside. Unless a member is elected to preside, or the Chair or Deputy Chair returns, the meeting cannot transact any business.
24. 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.

QUORUM

25. 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 three ~~two~~ voting members are present.
26. **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.
27. **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.

LIMITATION ON DELEGATED POWERS

28. Each Committee, Sub-Committee, or other body shall act in accordance with Part 3 of this Constitution and ~~with the Terms of Reference and~~ responsibilities for functions so delegated to it ~~Scheme of Delegation of Powers~~ as approved by the Council (and in accordance with its own constitution, if any) 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 & Member Services~~ Democratic Services Manager shall so arrange. A Chair of a body may, within two working days after the date of a decision being made and before definitive action has been taken, delay

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

by written notice to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager, 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.

QUESTIONS, DEPUTATIONS AND PETITIONS

29. Public Questions

- 29.1 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.
- 29.2 Notice of questions must be given in writing to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager by 10 a.m. on such day as shall leave five clear days before the meeting (e.g. Friday for a meeting on the Monday 10 days later). The notice must give the name and address of the sender. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection
- 29.3 The Monitoring Officer ~~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.
- 29.4 The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager may put questions into an appropriate form without affecting their substance and redirect them if necessary.
- 29.5 The questions to be asked shall be supplied to all Members no later than at the meeting.
- 29.6 The ~~Head of Local Democracy & Member Services~~ Democratic Services Manager 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.

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

- 29.7 The Chair may allow one supplementary question for elucidation only.
- 29.8 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.
- 29.9 Any questions remaining unanswered after the time limit, and any questions for which the questioner is neither present shall be answered in writing.
- 29.10 ~~Council Procedure Rules 11 (Deputations) and 12 (Petitions), appropriately modified, shall apply to meetings of Council Committees with the exception that the matter to be addressed must fall within the Committee's terms of reference~~

30. Deputations

30.1 A deputation may only be received by a Committee or its sub bodies if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the Democratic Services Manager not later than 10am to leave five clear days prior to the Committee meeting.

30.2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.

30.3 Subject to the foregoing the Democratic Services Manager shall bring the requisition before the Chair, who shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Committee. The Chair must have regard to other business on the agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the agenda of the same subject matter. Where there is not an item on the agenda of the same subject, the Chair may refer the deputation to another relevant body of the Council.

30.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Committee meeting, advising of the reasons for the deputation not being taken at the Committee.

30.5 Scope of deputations

The Monitoring Officer may reject a deputation if it

- Is not about a matter for which the relevant Committee has responsibility;

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

- Is defamatory, frivolous or offensive;
- Is substantially the same as a deputation, question or motion which has been put at a meeting of the Committee in the past six months;
or
- Requires the disclosure of confidential or exempt information.

30.6 Taking the deputation at the meeting

- A total of 15 minutes shall be allocated to deputations on the Committee agenda.
- If the Chair has decided that the notice of the deputation shall be given on the agenda paper, any Councillor shall be at liberty when the item is called by the Chair to move a motion without notice that the deputation be not received or that it be referred to another relevant body of the Council and such motion on being seconded shall at once be put to the vote.
- The deputation spokesperson will be given three minutes to introduce the deputation, following which they may answer any questions from Members. The Chair will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the agenda when doing so.

31. Petitions

31.1 The Democratic Services Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Committee meeting. The petition will be handed to the Chair, and recorded as received by the Democratic Services Manager without any further debate. The Chair should report the response to the petition at the next ordinary meeting of the Committee.

PRESENTATIONS

32. 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.
33. 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.

CONFIRMATION OF MINUTES

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

34. Minutes of every meeting shall be presented to the next ordinary meeting.
35. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.
36. 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.

RULES OF DEBATE

37. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.
38. 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 Procedure Rules 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.

DISORDERLY OR OFFENSIVE CONDUCT BY A MEMBER

39. **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.
40. **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.
41. **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.

DISTURBANCE BY MEMBERS OF THE PUBLIC

42. **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.
43. **Clearance of part of meeting room**

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

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.

DECLARATIONS OF INTEREST OF MEMBERS

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

VOTING

46. *Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put.* Voting shall be by a show of hands.
47. 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.
48. 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.
49. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

ATTENDANCE

50. 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. Before a member participates in or addresses a meeting under this rule, written notice should be given to the Chair, preferably before the meeting but in any event as soon as the member arrives at the meeting. Members of the Council are not required to complete any form used by the public to request permission to speak at a meeting.

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

51. 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 affecting specific individuals, such as Appointments Panels, hearings and appeals where this is prevented in the Constitution or procedure rules of the body or where advised by the Monitoring Officer.
52. Every member attending a meeting shall sign his/her name on the attendance sheet provided for that purpose.
53. Where a member is proposing to be absent for any reason from a meeting of a particular Committee/Sub-Committee to which they have been appointed they may give notice to arrange for a substitute member in their place. The Chief Whip of a political group may give this notice in place of any member from that group who will be absent.
54. Notice under rule 53 must be given in writing, including e-mail, to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager by 10.00 a.m. on the day of the meeting if the meeting commences at 6.00 p.m. or later. Where the meeting commences before 6.00 p.m., the notice must be given by 10.00 a.m. on the previous working day before the meeting.
55. On receipt of notice under rule 53 above, the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager will notify the Chief Whip for the political group of the member who will be absent. The Chief Whip will make arrangements for the attendance of a substitute member from the list of reserve members for that Committee/Sub-Committee nominated by the group. Where none of the listed reserve members for the relevant Committee/Sub-Committee is available, or where no reserve members have been nominated, then the Chief Whip may select any other member of the group. The provisions of this rule are subject to rule 58 below.
56. The name of the Member selected to act as the substitute must be notified in writing, including e-mail, by the Chief Whip to the Head of Local Democracy & Member Services no later than 3 hours before the time for commencement of the meeting stated on the agenda.
57. If the Chief Whip of a political group is absent or unable to act for any reason, then any action to be taken by the Chief Whip in this rule ~~Standing Order~~ may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.
58. In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the

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Section B – Committee Procedure Rules

Planning Sub-Committee, Haringey Council and Employees Joint Consultative Sub Committee, Disciplinary Dismissal Appeals Sub-Committee, Panels, Grievance Panels, Job Evaluation Panels and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve members will be trained for the relevant body as soon as possible after their appointment.

59. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. This rule (in 49) Rule 53 does not apply so as to allow substitution at meetings of The Cabinet or its Committees or its subordinate bodies.

RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS

60. Audio and visual recordings of meetings of committees, sub-committees by a member of the public or a recognised media organisation shall normally be permitted following receipt of a request to the Chair. Such a request will generally only be refused if the Chair believes recording would disrupt the meeting or where the committee, subcommittee etc is permitted to exclude the press and public because it is discussing exempt or confidential information. The Chair shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings

SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES

61. All of these Committee Procedure Rules except Rules 44, 45 and 52 may be suspended by motion on or without notice if at least one half of all members of the Committee, sub committee etc., are present. Suspension can only be for the duration of the meeting.

CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS

62. 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.

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Part Four, Section C

Miscellaneous Standing Orders

MISCELLANEOUS STANDING ORDERS

1. SEAL OF THE COUNCIL

- (1) The common seal of the Council shall be kept in a safe place in the custody of the ~~Head of Legal Services~~ Assistant Director of Corporate Governance.
- (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 ~~Head of Legal Services~~, Assistant Director of Corporate Governance.
- (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
 - Chief Finance (section 151) Officer
 - ~~Head of Legal Services~~, Assistant Director of Corporate Governance
 - ~~Deputy Assistant~~ Head of Legal Services
 - any officer authorised by the Assistant Director of Corporate Governance either in relation to a specific document or particular categories of documents
- (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 ~~Head of Legal Services~~, Assistant Director of Corporate Governance, or in his/her absence the ~~Deputy Assistant~~ Head of Legal Services, is authorised to sign any document to secure the effective

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

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~~ Director acting within their terms of reference and delegated powers.

2. 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 under any enactment may be signed on behalf of the authority by the relevant Director as proper officer of the authority.
- (2) Any document purporting to bear the signature of the relevant Director as 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, ~~Head of Legal Services~~, the Assistant Director of Corporate Governance, and any chief officer Director of the Council concerned with the matter to which the document relates or any officer authorised in writing by such persons ~~chief officer~~, save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Assistant Director of Corporate Governance in accordance with Article 14.04

3. PAPERS AND ADVICE

In accordance with the Access to Information Procedure Rules at Section D of this Part 4:

- (1) The agenda and papers for consideration at any meeting will normally be despatched to appropriate members of the Council leaving at least 5 clear days before the meeting.
- (2) Services shall ensure that all papers are delivered to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager leaving at least 7 clear days before the meeting (e.g. on Friday for a meeting on Wednesday 12 days later).
- (3) 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.

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

- (4) 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.

4. 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 Local Democracy & Member Services~~ Assistant Director of Corporate Governance 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 Act 1972 Schedule 12A and related or amending legislation must be marked in the top right hand corner "Not for Publication" because they contain exempt information. Categories of exempt information are set out in the Access to information Procedure Rules in Part 4 of this Constitution.

Confidential Reports

- (2) Reports containing confidential information under the Access to Information Procedure Rules in Part 4 of this Constitution must be marked on the top right hand corner setting out the category of confidential information.

Duty not to disclose information

- (3) 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

- (4) It shall be the responsibility of the Proper Officer (~~Head of Local Democracy & Member Services~~ Assistant Director of Corporate Governance) to determine as necessary whether at any future date it is appropriate to declassify any exempt reports.

5. INSPECTION OF DOCUMENTS

- (1) 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 in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

- (2) A member must not use any information obtained in the exercise of the rights under this rule 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 a personal, prejudicial *or disclosable pecuniary* interest under the Members' Code of Conduct. 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.

6. 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:

- (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~~ *Director* 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.

7. 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.

8. 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~~

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

~~at meetings of other bodies – appointments, appeals, grievance panels
and other bodies with variable membership may also be reported.~~

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

9. 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 and for this purpose the advice of the Monitoring Officer or his/her representative will be considered.
- (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 a member wishing to criticise an individual employee or former employee of the authority the Member shall follow the provisions of the Protocol on Member/Officer Relations which provides for a complaint against an officer to be referred confidentially to the relevant Chief Officer. This shall not prevent members from asking officers proper questions.
- (4) In the event of a member having concerns about seriously improper, fraudulent or unlawful conduct by an officer the member should raise the matter confidentially with the Chief Executive under the Council's "Whistleblowing Policy".

10. 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~~ *rule 10*, 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.

PART FOUR – RULES OF PROCEDURE
Section C – Miscellaneous Standing Orders

- (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.

11. WEBCASTING OR BROADCASTING OF MEETINGS

- (1) Audio and visual recordings of meetings of the Council, a Committee or Sub-Committee by a member of the public or a recognised media organisation shall normally be permitted following receipt of a request to the Mayor, or Chair, as appropriate. Such a request will generally only be refused if the Mayor or Chair believes recording would disrupt the meeting or where the Council is permitted to exclude the press and public because it is discussing exempt or confidential information.
- (2) The Mayor, or the Chair of any subordinate body, shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings. This rule does not affect the duty to keep a permanent sound recording of hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. no. 44).

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Part Four, Section D

Access to Information Procedure Rules

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all formal meetings and decisions of the Council, its Committees, and Sub-Committees and to the ~~Cabinet~~ Executive (that is, the Leader, Individual Cabinet Members and the Cabinet) and its Committees. The Council complies with the Equality Act 2010.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or by law for example under the Freedom of Information or Data Protection Acts.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all formal meetings of the Council, its Committees and Sub-Committees and the Cabinet and its Committees, subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting (unless the meeting is convened at shorter notice under the Council's urgency procedures) by posting details of the meeting at Haringey Civic Centre, High Road, Wood Green N22 8LE (the "designated office") and on the Council's website (www.haringey.gov.uk).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the website at least five clear days before the meeting. If an item is added to the agenda later under the council's urgency procedures, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

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Section D – Access to Information Procedure Rules

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager thinks fit, copies of any other documents supplied to councillors in connection with an item to any person or to a newspaper on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND DOCUMENTS AFTER THE MEETING

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

- (a) the minutes of the meeting, (or records of decisions taken, together with reasons, for all meetings of the Cabinet) excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The author of every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

8.2 Background Papers do not include published works or those which disclose exempt or confidential information (as defined in Rule 10), or the advice of a political adviser.

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Section D – Access to Information Procedure Rules

8.3 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the designated office and on the website.

9. SUMMARY OF PUBLIC'S RIGHTS

These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents which must be kept and be available to the public at the designated office and on the website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information the disclosure of which is prohibited by or under any enactment or by the order of a court.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection

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Section D – Access to Information Procedure Rules

with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above exempt information:

- (a) Information falling within paragraph 3 above is not exempt information under that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.
- (b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Information which – (i) falls within any of paragraphs 1-7 above; and (ii) is not prevented from being exempt under (a) or (b) above is exempt information if and so long as, in the opinion of the Monitoring Officer, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive (that is, the Leader, individual Cabinet Members and the Cabinet) Cabinet and its Committees. The Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent,

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in accordance with Rules 16 and 17 below, and the Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

If the Leader, an Individual Cabinet Member or the Cabinet or its Committees, ~~or the Leader or an individual Cabinet Member,~~ take a key decision then the procedure must by law also comply with Rules 1 – 15 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.

A key decision is defined as:

An executive decision which is likely:-

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

In terms of the first part of the definition commitment of award of contracts in excess of £500k, virements between directorate revenue cash limits in excess of £250k and virements between programme areas within directorate capital budgets will be key decisions.

Rules 1 – 15 will apply to all ~~meetings of the Cabinet and its Committees convened to decide~~ a key decisions made by the Executive to be taken collectively, unless Rule 16 (general exception) or Rule 17 (special urgency) applies. This requirement does not include meetings, whose principal purpose is for officers to brief members.

In practice the Council has decided that meetings of the Cabinet and its Committees will generally comply with Rules 1-15 irrespective of whether the items to be discussed are key decisions.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless:

- (a) at least 28 clear days before a key decision is made, a notice (called here a Forward Plan) has been made available for inspection by the public at the designated office and on the website in connection with the matter in question;

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- (b) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. PROCEDURE PRIOR TO PRIVATE MEETINGS OF CABINET OR A CABINET COMMITTEE

14.1 A 'private meeting' means a meeting or part of a meeting of the Cabinet or a Cabinet Committee during which the public are excluded in accordance with Rule 10 (exclusion of access by the public to meetings).

14.2 Subject to Rule 18, a private meeting may not take place unless:

- (a) At least 28 clear days before the scheduled meeting a notice (called the forward plan) has been made available for inspection by the public at the designated office and on the website;
- (b) At least 5 clear days before the scheduled meeting a further notice has been made available for inspection by the public at the designated office and on the website which shall include any representations made as to why any item specified in the notice given under paragraph (a) above should be open to the public together with the Council's response.

15. THE FORWARD PLAN

15.1 The 28 clear days notices before a key decision is made (Rule 13) and before a private meeting may be held (Rule 14) are combined and together form the Forward Plan.

15.2 Period of forward plan

The Forward Plan will be published at the beginning of each month and will contain particulars of key decisions likely to be taken and private meetings likely to be held over the following three months.

15.3 Contents of forward plan

The Forward Plan will contain matters which are likely to be subject of a key decision to be taken by the Executive (the Leader, Individual Cabinet Members, the Cabinet or a Committee of the Cabinet) ~~or individual members of the Cabinet~~, in the course of the discharge of an executive function during the period covered by the plan. It will also contain details of likely private meetings of the Cabinet or a Cabinet Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) That a key decision is to be made;

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- (b) The matter in respect of which a decision is to be made;
- (c) Where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and details of membership;
- (d) The date on which or the period within which, the decision will be taken;
- (e) A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) The address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed is available;
- (g) That other documents relevant to those matters may be submitted to the decision maker; and
- (h) The procedure for requesting details of those documents (if any) as they become available;
- (i) Whether a meeting will be held in public or private and a statement of the reasons for a meeting to be held in private.

16. GENERAL EXCEPTION (KEY DECISIONS)

Where the publication of the intention to make a key decision under Rule 13 is impracticable, then subject to Rule 17 (special urgency), the decision may still be taken if:

- (a) ~~the Head of Local Democracy & Member Services~~ Democratic Services Manager has informed the Chair of a relevant Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (b) ~~the Head of Local Democracy & Member Services~~ Democratic Services Manager has made copies of that notice available to the public at the designated office and on the website; and
- (c) at least 5 clear days have elapsed since the proper officer made available the notice referred to in paragraph (b) above.

17. SPECIAL URGENCY (KEY DECISIONS)

17.1 Where the date by which a key decision must be made makes compliance with Rule 16 impracticable, the decision may only be made if the decision maker (an individual or the chair of the body

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making the decision), obtains the agreement of the chair of a relevant Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred.

17.2 If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

17.3 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 17.1 or 17.2 to take a key decision the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager shall publish a notice setting out why the meeting is urgent and cannot reasonably be deferred and shall make that notice available to the public at the designated office and on the website.

17.4 The Leader may take any urgent key or non-key decision and may also allocate any urgent key or non-key decision to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. Urgent decisions may also be taken at the Cabinet meeting if appropriate.

18. URGENCY (PRIVATE MEETINGS)

18.1 Where the date by which a meeting must be held makes compliance with Rule 14 impracticable, the meeting may only be held where the decision-making body had obtained agreement from the Chair of a relevant Overview and Scrutiny Committee that meeting is urgent and cannot reasonably be deferred.

18.2 If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

18.3 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 18.1 or 18.2 to hold a private meeting the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager shall publish a notice setting out why the meeting is urgent and cannot reasonably be deferred and shall make that notice available to the public at the designated office and on the website.

19. REPORT TO COUNCIL

19.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been made and:

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- (a) was not treated as being a key decision; and
- (b) a relevant Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.
- (c) The power to require a report rests with the Committee, but is also delegated to the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager, who shall require such a report on behalf of the Committee when so requested by the Chair of any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

19.2 Cabinet’s report to Council

In the above circumstances, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

The report must include details of:

- (i) The decision and the reasons for the decision;
- (ii) The decision maker by which the decision was made; and
- (iii) If the executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

19.3 Reports on special urgency decisions

In any event, the Leader will submit a report to the Council at least annually on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) during the period since the last report was submitted to Council. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

20. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the ~~Head of Local Democracy & Member Services~~ Democratic Services Manager will produce a report recording every decision taken at that meeting as soon as practicable. The report will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

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Written statements of officers' exercise of delegated powers will be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.

21. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

As stated above in Rule 12 the Council has decided that Cabinet or its Committees will meet in public irrespective of whether the items to be discussed are key decisions, subject to the exclusion of the public and press for confidential and exempt items.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

22.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a public report which he/she intends to take into account in making any decision, then he/she will not make the decision until the report had been available for public inspection for at least 5 clear days except in the case of urgent decision taken in accordance with the Council's urgency procedures.

22.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker (whether or not it is a public report), the person who prepared the report will give a copy of it to the Chair and Vice Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and where appropriate make it publicly available at the same time.

22.3 Record of individual decision

- (a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.
- (b) Such written statement together with any report considered by the individual member of officer and relevant to the decision recorded shall be made available for public inspection at the designated office and on the website.
- (c) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

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23. OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

23.1 Individual Members' rights to copies

Subject to Rule 23.2 below, a member of an Overview and Scrutiny Committee (including its Sub-Committees) will be entitled, on request as soon as reasonably practicable and in any case no later than ten clear days after a request has been received, to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

- (a) any business that has been transacted at a meeting of a decision-making body of the Council; or
- (b) any decision that has been made by an individual member of the Cabinet; or
- (c) any executive decision that has been made by an officer.

23.2 Limit on above rights

A member of an Overview and Scrutiny Committee (or Sub Committee) will not be entitled to:

- (a) any document or part of a document as contains exempt or confidential information unless that information is relevant to
 - (i) an action or decision that that member is reviewing or scrutinising; or
 - (ii) any review contained in any programme of work of such a committee or sub-committee; or

23.3 Where the executive determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document or part of a document for a reason set out in Rule 23.2, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

23.4 Rights of Chairs, Vice Chairs and other members to agenda and reports.

The Chairs and Vice Chairs of the relevant Overview and Scrutiny Committee and Sub-Committees will be supplied with the agenda/reports of the Cabinet and Cabinet Committees, and reports to Cabinet Members, to the extent that these relate to matters which are subject to a current Scrutiny Review, at the same time as they are issued to the Cabinet, Cabinet Committee or Cabinet Member in

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question. Other members of the relevant Overview and Scrutiny Committee will be supplied with such papers on request.

23.5 Limit on above rights

The Chair, Vice Chair or member of the relevant Overview and Scrutiny Committee shall not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (b) the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

Subject to Rules 24.5 and 24.6 below, any document which is in the possession or under the control of the executive and contains the material relating to any business to be transacted at a public meeting must be available for inspection by any member.

24.2 Any document which is required by paragraph 24.1 to be available for inspection by any member must be available for such inspection for at least five clear days before the meeting except that

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) Where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph 24.1 in relation to that item, must be available for inspection when the item is added to the agenda.

24.3 Subject to Rules 24.5 and 24.6, any document which is in the possession or under the control of the Executive of the local authority and contains material relating to any business transacted at a private meeting, any decision made by an individual member, or any decision made by an officer, must be available for inspection by any member when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

24.4 Any document which is required by Rule 24.3 to be available for inspection by any member must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

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24.5 Rules 24.1 and 24.3 do not require a document to be available for inspection if it appears to the Democratic Services Manager that it discloses exempt information of a description falling with Rule 10.4 above.

24.6 Notwithstanding Rule 24.5, Rules 24.1 and 24.3 do require the document to be available for inspection if the information is information of a description for the time being falling within

- (a) paragraph 3 of Rule 10.4 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Rule 10.4

24.7 Where it appears to Democratic Services Manager that compliance with Rules 24.1 or 24.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that rule will not apply to that document or part.

24.8 The rights conferred by Rules 24.1 and 24.3 are in addition to any other rights that a member may have.

24.9 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the ~~Cabinet or its Committees~~ Executive which relates to any key decision unless paragraph 24.1 above applies.

24.10 Nature of rights

These rights of a member are additional to any other right he/she may have.

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Budget & Policy Framework Procedure Rules

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for Cabinet decisions

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

2. Process for developing the framework

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

- 2.1 Each year the ~~Chief Officer~~ *relevant Director* and relevant Cabinet Members will in their joint report to the Overview and Scrutiny Committee on potential issues for Committees work programmes include any matters which form part of the Budget and Policy Framework, which will require adoption in the coming year.
- 2.2 If the Overview and Scrutiny Committee or a Scrutiny Review Panel wishes to include the matter into the work programme the ~~Chief Officer~~ *relevant Director* will ensure that the Committee is consulted in good time to enable the Committee's views to be considered by the Cabinet or Cabinet Member prior to firm proposals being submitted to the Council. In the event that the Overview and Scrutiny Committee or Scrutiny Review Panel chooses to consider a report which forms part of the Budget and Policy Framework then its views shall be included in the report submitted to the Cabinet or Cabinet Member who shall take them into account in drawing up firm proposals for submission to the Council. The report to Council will reflect the comments made by Overview and Scrutiny Committee consultees and the Cabinet's response.
- 2.3 Once the Cabinet or relevant Cabinet Member has approved the firm proposals, the Cabinet will recommend the proposals to Full Council for approval or decision at the earliest opportunity.
- 2.4 In reaching a decision, the Council may adopt the Cabinet's/Cabinet Member's proposals, amend them, refer them back to the Cabinet for further consideration, or, substitute its own proposals in their place.

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- 2.5 If it accepts the recommendation of the Cabinet/Cabinet Member without amendment, or the Leader of the Council on behalf of the Cabinet or the Cabinet Member supports the amended recommendation the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting. The decision will be publicised.
- 2.6 An in-principle decision will automatically become effective on the expiry of 5 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within the period of 5 working days that he/she objects to the decision becoming effective and provides reasons why. If the Leader informs the proper officer that he/she has no objection it shall become effective upon receipt of such notice.
- 2.7 In that case, the proper officer will call a Council meeting to take place within a further 10 working days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may:
- (i) approve the Cabinet's/Cabinet Member's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet/Cabinet Member's by a simple majority.
- 2.8 The decision shall then be made public and shall be implemented immediately;
- 2.9 The decision of the Council is final. The Leader may not ask for this or any decision to the same effect to be reconsidered for a further 6 months

3. Decisions outside the budget or policy framework

- 3.1 Subject to the provisions of paragraph 5 (urgent decisions outside the budget or policy framework), the Leader, the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to 3.2 and 3.3 below.
- 3.2 If the Leader, the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall

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take advice from the Monitoring Officer and the Chief Finance Officer as to whether the decision they want to make would be contrary to or not wholly in accordance with the budget. If the advice of either of these officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

3.3 Council may either:

- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (b) amend the budget framework or policy concerned to encompass the decision or proposal of the decision taker responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/ Chief Finance Officer and refer it back to the Cabinet. The decision taker must reconsider within 7 working days of the Council meeting. Whatever decision the Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the policy or budget framework will be unlawful.

4. Urgent Decisions

4.1 Where the Director or ~~other Senior Manager~~ is of the opinion that a relevant decision should be made urgently in order to prevent or reduce the risk of damage to persons or property or to the interests of the Authority, and that the urgency of the matter is such that it is not practicable to complete the ~~Cabinet~~ Executive decision-making process set out above or to comply with the Access to Information Procedure Rules at Part 4 of the Constitution, the decision may be deemed “urgent”:

- (a) In order for a decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set in the Access to Information Procedure Rules must be followed.

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- (b) the Director shall use their best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full ~~Cabinet~~ 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.

5. Urgent decisions outside the budget or policy framework

- 5.1 The Leader, the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest and it is not practical to convene a quorate meeting of the full Council within the Access to Information Procedure Rules.
- 5.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent for the purposes of rule 18 of the Call-In Procedure Rules at Part 4 Section H of the Constitution ~~one~~, and therefore not subject to call-in.
- 5.3 In order for a decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Deputy-Chair of the Overview and Scrutiny Committee is required. In the absence of both, the consent of the Mayor shall be required.
- 5.4 The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 5.5 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 5.6 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. Calculation of Budget Requirement

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- 6.1 Subject to paragraph 6.5 where, before 11 March in any financial year, the Cabinet submits to Council for its consideration in relation to the following financial year:
- a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (the calculation of budget requirements);
 - b) estimates of the amounts to be used for purposes of such a calculation; or
 - c) estimates of such a calculation.
- 6.2 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6.1, it must inform the Leader of any objections that it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
- 6.3 Where the Council gives instructions in accordance with paragraph 6.2, it must specify a period of at least 5 working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
- a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 6.4 When the period specified by the Council, referred to in paragraph 6.3 has expired, the Council must, when making calculations (whether originally or by way of substitute), in accordance with the sections referred to in paragraph 6.1a), take into account:
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Cabinet's reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the Council's objectives; and

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- (d) the Cabinet's reasons for that disagreement, that the Leader submitted to the Council, or informed the Council of, within the period specified.

6.5 Paragraphs 6.1 to 6.4 (inclusive) shall not apply in relation to calculations or substitute calculations that an authority is required to make in accordance with section 52I or 52T of the Local Government Finance Act 1992.

7. Virement

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

8. In-year changes to policy framework

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

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Cabinet Procedure Rules

CABINET (EXECUTIVE) PROCEDURE RULES

1.1 The Operation of the Cabinet

Where these Cabinet Procedure Rules are silent the Council's Rules of Procedure for Committees will apply unless this would be clearly inconsistent with the functions of the Cabinet or its bodies.

1.2 Executive decisions

The arrangements for the discharge of Executive functions are set out in Part 3 of the Constitution. These arrangements provide that the Leader may discharge any of those functions or may arrange for their discharge by:

- (a) the Cabinet;
- (b) an individual Cabinet Member within his/her specific portfolio responsibilities;
- (c) a Committee of the Cabinet within delegated powers granted by a resolution of the Cabinet;
- (d) an Area Committee;
- (e) an officer Director or member of staff authorised by them in accordance with the Departmental Scheme of Delegations;
- (f) joint arrangements; or
- (g) another local authority's Cabinet.

1.3 Key Decisions

- (a) Key decisions may only be taken by the Leader, the Cabinet, or a Committee of the Cabinet, or an individual Cabinet Member or the Chief Executive as described below. Decision-making is allocated between these bodies/persons in accordance with ~~Section 4~~ of the Cabinet Executive Responsibilities at Part 3 Section C Terms of Reference and the Cabinet collectively may also delegate specific decisions to a committee of the Cabinet, an area committee or an ~~Chief~~ officer.

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(b) The Leader may take any key decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

(c) When a key decision, which would otherwise have been taken by the Cabinet, has become genuinely urgent and unavoidable, and:

- (i) it is not practicable to call a meeting of the Cabinet, and
- (ii) the Leader is not available or not able to act for any reason,

then the Deputy Leader shall be authorised to take the decision or to allocate the decision the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

(d) If the Deputy Leader is not available, or not able to act for any reason, in the circumstances stated in (c), then the Chief Executive shall be authorised to take the decision.

(e) The Deputy Leader or the Chief Executive will comply with the “General Exception” and/or “Special Urgency” procedures as set out in the Access to Information Procedure Rules at Part 4 Section D of this Constitution, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

- (i) consult with the relevant Cabinet Member(s), so far as practicable, before taking the decision, and
- (ii) inform the Leader as soon as possible after the decision is taken, and
- (iii) report the decision to the next Cabinet meeting.

(f) In the event that no Cabinet Members remain in office then all functions of the Leader and Cabinet Members shall be exercised by the Chief Executive acting so far as is practicable in consultation the Mayor, or Deputy Mayor if the Mayor is unable to act, until such time as a new Leader is elected by the full Council, as provided for in Article 7.07.

1.4 Sub-delegation of Cabinet Executive Functions

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~~(a) Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet function, they with the Leader's agreement may delegate further to a Joint Committee or a Director. Such delegations may be revoked at any time by the body which granted them or by the Leader.~~

(a) The Leader may at any time exercise Executive functions personally or may delegate those functions to the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, a joint committee, another local authority, or officers.

(b) The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee, an area committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.

(c) Where an individual Member of the Cabinet is exercising executive functions, it may delegate those functions to an Area Committee or officers.

(d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.

(e) Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

1.5 The Council's Scheme of Delegation and Cabinet Functions

(a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader personally and this will be reported to the full Council for noting and inclusion in the Constitution. ~~It will contain the details required in Article 15 and as set out in the Part 3, Section E of and Appendices D and E to this Constitution.~~

1.6 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.

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- (b) If any Member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (c) If the exercise of an Cabinet Executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise, or in the alternative, in accordance with the direction of the Leader. ~~as set out in the Members' Code of Conduct in Part 5 of this Constitution.~~

1.7 Cabinet meetings – when and where

The Cabinet will meet in accordance with a programme of meetings according agreed by the Leader. The Cabinet shall meet at 7.30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

1.8 Public Meetings of the Cabinet

Meetings at which the Cabinet takes decisions shall be open to the media and public unless the business under consideration is exempt or confidential as determined under by the Access to Information Procedure Rules set out in Part 4 of this Constitution.

1.9 Quorum

The quorum for a meeting of the Cabinet shall be 4. If the Cabinet intends to appoint a Cabinet Committee, it shall at the same time determine the quorum of that Committee.

1.10 Decisions Taken by the Cabinet

The Leader has chosen to allocate the majority of key decisions to the Cabinet meeting with the proviso that the Cabinet ~~with the Leader's agreement~~ may, from time to time, further delegate to any Committee of the Cabinet, an Area Committee, or an Chief Officer ~~under the scheme of delegation~~ as outlined in Part 3 Section C of this Constitution.

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, ~~or to an individual Cabinet Member,~~ or the Cabinet expressly delegate a specific decision to an officer, then the

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rules applying to executive decisions taken by them shall be the same as those applying to decisions taken by the Cabinet as a whole, except to the extent that legislative provisions require procedural variations.

2. How are Cabinet Meetings Conducted?

2.1 Appointment of a Chair

If the Leader is present he/she shall Chair the meeting. If the Leader is absent then the Deputy Leader shall Chair the meeting. In the absence of the Leader and Deputy Leader, then a Cabinet Member shall be appointed to Chair the meeting by those Cabinet Members present. A Member appointed to preside by this Procedure Rule shall stand down at the conclusion of the agenda item under discussion if the Leader or person nominated by the Leader to preside arrives.

2.2 Public or Private Meetings of the Executive Cabinet

Decisions taken by the Executive (the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet) Cabinet meetings will be held in public except where public notice of a private meeting has been given or the agreement of the Chair of the Overview and Scrutiny Committee has been obtained in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.

2.3 Business

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet for reconsideration by from the Overview and Scrutiny Committee in accordance with the provisions contained in the ~~Scrutiny and Overview~~ and Scrutiny Procedure Rules or Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (d) matters set out in the agenda for the meeting, including reports and action lists from Cabinet Members. The agenda shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;
- (e) matters raised by Members of the Cabinet.

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2.3A Declarations Of Interest Of Members

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

2.4 Who can put Items on the Cabinet Agenda?

- (a) The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer about that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any Member of the Council may ask the proper officer to put an item on the agenda of a Cabinet meeting for consideration. Subject to the agreement of the Leader the item will be considered at the next available meeting of the Cabinet. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.
- (d) The Chief Executive, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in

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question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.5 Substitutes

- (a) With the exception of Assistant Cabinet Members, who have limited rights of substitution set out in the terms of reference of the Cabinet, a non-Cabinet Member cannot substitute for a Cabinet Member at a meeting of the Cabinet or any of its Committees.
- (b) If a Cabinet Member is absent, the Leader will arrange for his/her duties to be carried out by another Member of the Cabinet, by a Committee of the Cabinet or by the Cabinet as a whole.

2.6 Rules of Debate at Cabinet Meetings

- (a) If two or more Members offer to speak, the person in the Chair shall call on one to speak.
- (b) When speaking, a Member shall address the person in the Chair.
- (c) A Member shall direct her or his speech to the question under discussion.
- (d) The ruling of the person in the Chair on the admissibility of a point of order or a personal explanation shall not be open to discussion.
- (e) A motion or amendment, which is relevant to the work of the Cabinet, shall be discussed once it has been proposed and seconded.
- (f) All decisions are made by a simple majority of those Members of the Cabinet present and voting. In the event of a tied vote the person in the Chair will have a casting vote regardless of whether they exercised their right to vote in the first instance.
- (g) The person in the Chair may permit two or more amendments or motions to be discussed together if he or she thinks that this will facilitate the efficient conduct of business. A separate vote shall be taken on each amendment or motion.
- (h) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion

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and shall become the motion upon which any further amendment may be moved.

2.7 Who may speak?

All Members of the Council may attend meetings of the Cabinet or Cabinet Committees. A Member of the Council who is not a Cabinet Member may only speak if invited to do so by the Leader and with the agreement of the Cabinet. Non-Cabinet Members will not have any right to vote in deciding the outcome of the matter under consideration.

2.8 Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals about the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Part Four, Section G

Overview and Scrutiny Procedure Rules

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The arrangements for Overview and Scrutiny

- 1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
- 1.2 The terms of reference of the Overview and Scrutiny Committee will be:
- (i) The performance of all overview and scrutiny functions on behalf of the Council.
 - (ii) The appointment of Scrutiny Review Panels, with membership that reflects the political balance of the Council.
 - (iii) To determine the terms of reference of all Scrutiny Review Panels.
 - (iv) To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.
 - (v) To enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
 - (vi) To monitor the effectiveness of the Council's Forward Plan.
 - (vii) To receive all appropriate performance management and budget monitoring information.
 - (viii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and Scrutiny Review Panels' time is effectively and efficiently utilised;

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- (ix) To consider all requests for call-in and decide whether to call-in a key decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.
- (x) To monitor the effectiveness of the Call-in procedure.
- (xi) To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and to make reports and recommendations to Cabinet and Council on these.
- (xii) To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter, or any crime and disorder matter, to the Committee under the Councillor Call for Action Procedure.
- (xiii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and
- (xiv) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to the Overview and Scrutiny Committee or relevant Scrutiny Review Panel.

1.3 The Overview and Scrutiny Committee may establish a number of Scrutiny Review Panels:

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

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for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;

- (vi) Following approval by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting together with an officer report where appropriate. The Cabinet will consider the reports and formally agree their decisions.
 - (vii) Following approval by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.
 - (viii) At the Cabinet meeting to receive the final report and recommendations, the Chair of the Overview and Scrutiny Committee or the Chair of the Scrutiny Review Panel may attend and speak.
 - (ix) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.
- 1.4 When Scrutiny Review Panels report on non-executive or regulatory functions the above rules apply, except the references to The Cabinet shall be taken as reference to the relevant non-executive body.
- 1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny process. The procedure by which this operates is detailed in the Protocol covering the Overview and Scrutiny Committee.
- 1.6 All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).
- 1.7 The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.
- 2. Membership of the Overview and Scrutiny Committee and Scrutiny Review Panels**
- 2.1 All Councillors (except Members of the Cabinet) may be members of the Overview and Scrutiny Committee and the Scrutiny Review Panels. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

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2.2 The membership of the Overview and Scrutiny Committee and Scrutiny Review Panels shall, as far as is practicable, be in proportion to the representation of different political groups on the Council.

3. Co-optees

3.1 Each Scrutiny Review Panel shall be entitled to appoint up to three people as non-voting co-optees.

3.2 Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part 6 of this Constitution.

4. Education representatives

4.1 The Overview and Scrutiny Committee and the Scrutiny Review Panel whose terms of reference relate to education functions that are the responsibility of the Cabinet, shall include in its membership the following representatives:

(i) At least one Church of England diocesan representative (voting).

(ii) At least one Roman Catholic diocesan representative (voting).

(iii) 3 parent governor representatives (voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or the Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee or Scrutiny Review Panel is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Overview and Scrutiny Committee and Scrutiny Review Panel will attempt to organise its meetings so that relevant education matters are grouped together.

5. Meetings of the Overview and Scrutiny Committee and Scrutiny Review Panels

5.1 In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the Overview and Scrutiny Committee after consultation with the Chief Executive, by any two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

5.2 In addition to ordinary meetings of the Scrutiny Review Panels, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Review Panel meeting may be called by the

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Chair of the Panel after consultation with the Chief Executive, by any two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for the Overview Scrutiny Committee and for each Scrutiny Review Panel shall be at least one quarter of its membership and not less than 2 3 voting members.

7. Chair of the Overview and Scrutiny Committee and Scrutiny Review Panels

7.1 The Chair of the Overview and Scrutiny Committee will be appointed by the Council.

7.2 The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.

7.3 Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

7.4 The Chair of the Budget Scrutiny Review process will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Overview and Scrutiny Committee shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

8. Work programme

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

9. Agenda items for the Overview and Scrutiny Committee

9.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

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9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet within an agreed timescale.

10. Policy review and development

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4 of this constitution.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and its Scrutiny Review Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

11. Reports from the Overview and Scrutiny Committee

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

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

12.1 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet gives reasons why they cannot be included and states when they will be considered.

12.2 Where the Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet Member, a Committee of the Cabinet, an Area Committee, or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that body or individual for consideration, and a copy to the proper officer. If the Member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee,

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then the body/he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision.

13. Rights and powers of Overview and Scrutiny Committee members

13.1 Rights to documents

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

13.2 Powers to conduct enquiries

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so. Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so.

13.3 Power to require Members and officers to give account

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

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

- (ii) Where any Member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the Member or proper officer. The proper officer shall inform the Member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (iii) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the Member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

14. Attendance by others

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend. Attendance is optional.

15. Call-in

The call-in procedure is dealt with separately ~~in this~~ at Part 4 Section H of the Constitution, immediately following ~~these~~ the Overview and Scrutiny Procedure Rules.

16. Councillor Call for Action (CCfA)

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual

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methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

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

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

17. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.

(a) The Overview and Scrutiny Committee shall consider the following business as appropriate:

- (i) apologies for absence;
- (ii) urgent business;
- (iii) declarations of interest;
- (iv) minutes of the last meeting;
- (v) deputations and petitions;
- (vi) consideration of any matter referred to the Committee for a decision in relation to call-in of a key decision;
- (vii) responses of the Cabinet to reports of the Committee;
- (viii) business arising from Area Committees;
- (ix) the business otherwise set out on the agenda for the meeting.

(b) A Scrutiny Review Panel shall consider the following business as appropriate:

- (i) minutes of the last meeting;
- (ii) declarations of interest;

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- (iii) the business otherwise set out on the agenda for the meeting.
- (c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;
 - (ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
 - (iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.
- (d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet and shall make its report and findings public.

17A. Declarations Of Interest Of Members

- (a) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.
- (b) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

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Section G – Overview & Scrutiny Procedure Rules

18. The Party Whip

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

The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

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

Should there be any overlap between the business of any Scrutiny Review Panels, the Overview and Scrutiny Committee is empowered to resolve the issue.

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Part Four, Section H

Call-In Procedure Rules

1. When a key decision is made by the Cabinet, Executive (that is, the Leader, Individual Cabinet Members or the Cabinet) ~~an individual member of the Cabinet or a committee of the Cabinet, or an executive decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements,~~ the decision shall be published and shall be available for inspection at the Civic Centre and on the Council's website, normally within 2 working days of being made. The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.
2. The notice of the key decision will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. This does not apply to "urgent" decisions.
3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:
 - (a) it is submitted by any five Members of the Council.
 - (b) it is received by the ~~Proper Officer~~ Democratic Services Manager by 10am on the fifth day following publication.
 - (c) it specifies the decision to which it objects.
 - (d) it specifies whether the decision is claimed to be outside the policy or budget framework.
 - (e) it gives reasons for the call-in and outlines an alternative course of action.
 - (f) it is not made in relation to a decision taken in accordance with the urgency procedures in paragraph 18 below.
4. The ~~Proper Officer~~ Democratic Services Manager will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Cabinet Members including the decision maker and the relevant Chief Officer.
5. A key decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten

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Section H– Call-In Procedure Rules

working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee, unless a meeting of the Overview and Scrutiny Committee takes place during the 10-day period.

6. If a call-in request is deemed valid, the ~~Proper Officer~~ Democratic Services Manager will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.
7. Unless a key decision is designated "urgent" pursuant to paragraph 18, when it shall be implemented immediately, no action shall be taken to implement the decision until 5 working days have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring Officer has determined the validity of the request.
8. Subject to paragraph 5, when a request for call-in is deemed valid, all action to implement the key decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request.
9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.
10. The Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy / budget framework. If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has three options:
 - (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the key decision is implemented immediately.
 - (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the key decision before taking a final decision.
 - (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.

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Section H– Call-In Procedure Rules

11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget framework), any Council meeting must be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.
12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has two options:
 - (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.
 - (b) The Council may refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the decision before taking a final decision.
13. Once a final decision has been made there is no further right of call-in. This decision or any *other key* decision having the same effect may not be called-in again for a period of six months following the date at which the final decision was taken.
14. If the Overview and Scrutiny Committee determines that the decision is outside the policy / budget framework, the Committee shall refer the decision to the decision maker and with a request to reconsider it on the grounds that it is incompatible with the policy / budget framework. The decision maker shall have 5 working days in which to reconsider the decision.
15. The decision maker has two options:
 - (a) Amend the decision in line with the Overview and Scrutiny Committee's determination, in which case the decision is implemented immediately.
 - (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must convene within 10 working days of the reaffirmation of the original decision.
16. When considering a called-in decision where a decision maker fails to amend a decision in line with the Overview and Scrutiny Committee's determination, that it falls outside the policy / budget framework, the Council has two options:
 - (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.
 - (b) Require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within 5 working days of the Council meeting. The Cabinet's decision is final.

PART FOUR – RULES OF PROCEDURE
Section H– Call-In Procedure Rules

17. Abuse of Call-in

- (a) Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Cabinet.
- (b) The call-in procedure is to be reviewed annually (see paragraph 18 g), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

18. Call-In and Urgency

- (a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.
- (b) A key decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.
- (c) A key decision which has not been given the requisite publicity for a key decision or a private meeting and which the Chair of Overview and Scrutiny Committee has agreed is 'urgent and cannot reasonably be deferred' is not regarded as urgent for the purposes of call-in unless it fulfils the criteria of paragraph (b) above.
- (d) If a key decision is urgent and therefore not subject to call-in, this will be stated on the record.
- (e) In order for a key 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 Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.
- (f) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (g) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

19. Call-In and the Forward Plan

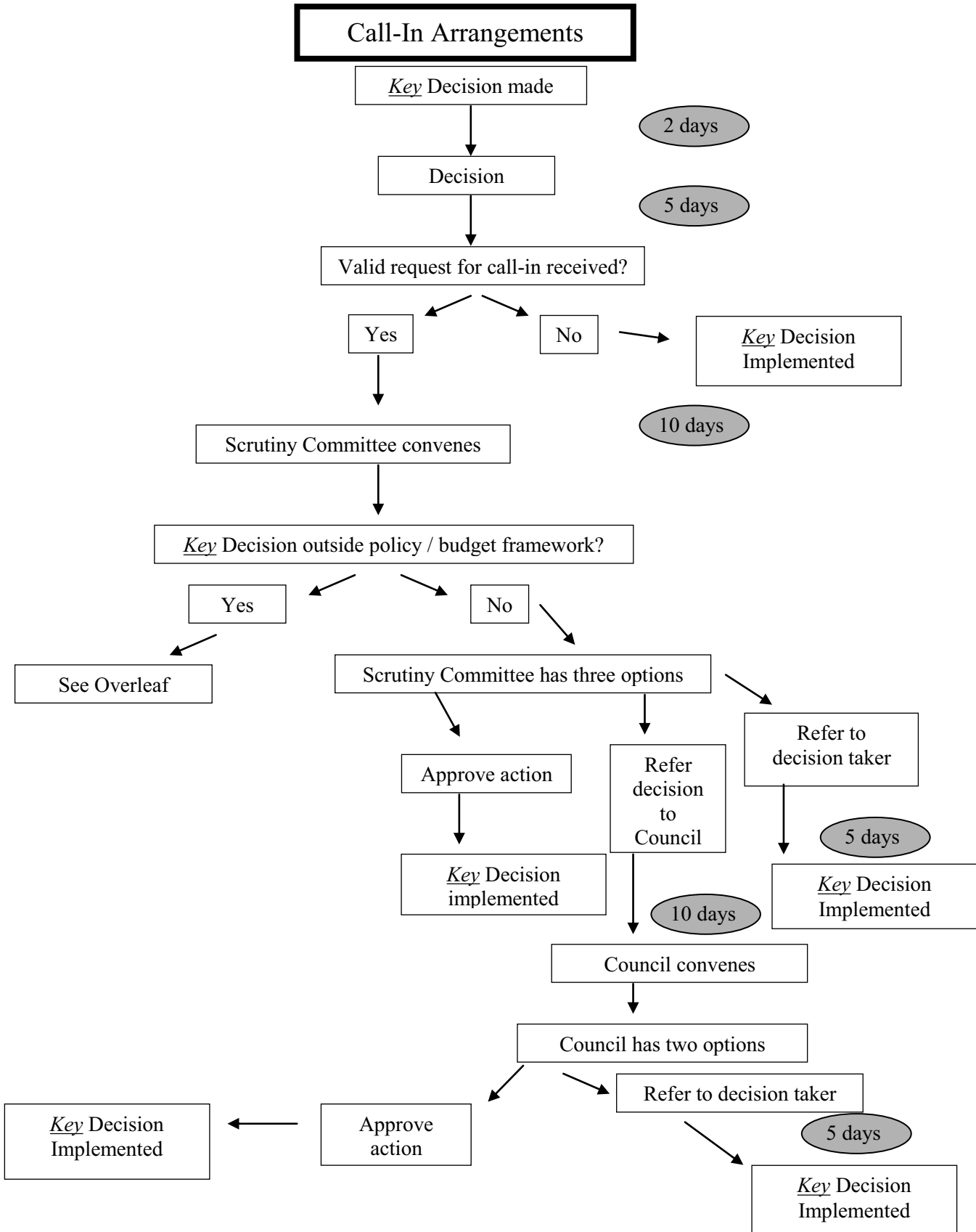
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Section H– Call-In Procedure Rules

- (a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Cabinet decisions.
- (b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.
- (c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a key decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the Overview and Scrutiny Committee not called it in.
- (d) Where the Overview and Scrutiny Committee has called-in a key decision from the Forward Plan before its due date, the decision cannot be called-in again after the final decision has been taken.

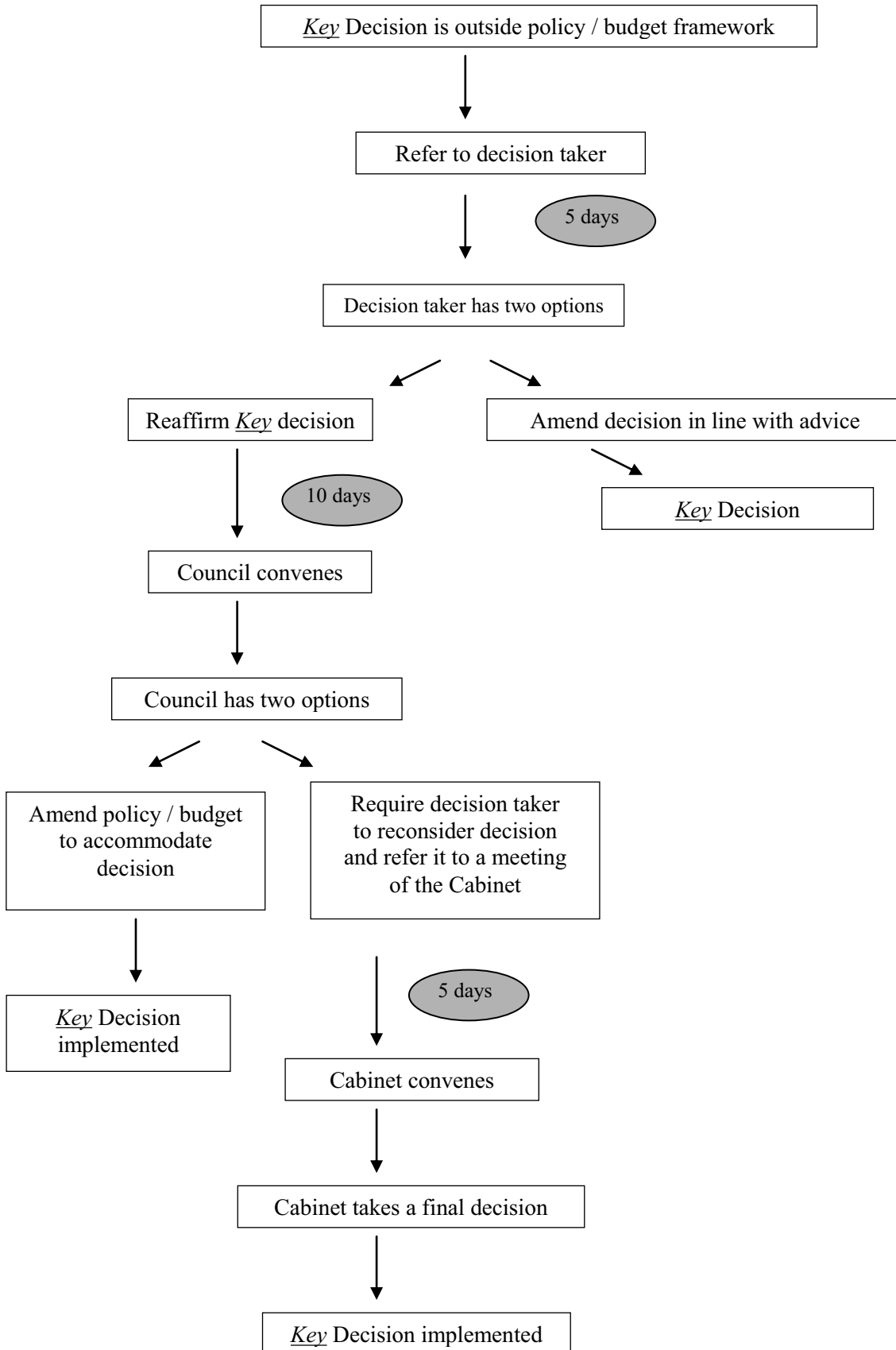
20. Monitoring Arrangements

The operation of the provisions relating to call-in and urgency shall be monitored by the ~~Proper Officer~~ Democratic Services Manager, and a report submitted to Council annually with proposals for review if necessary.

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Part Four, Section I

Financial Regulations

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PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

Part 1 - Status of Financial Regulations

1. Status

- 1.1. Our Financial Regulations **provide the framework for managing the Council's** financial affairs and for resources that the Council or its employees manage on behalf of others. They apply to every Councillor and Officer of the Council and to the ALMO in respect of debt write off.
- 1.2. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.3. The regulations identify the financial responsibilities of:
 - the full Council;
 - the Cabinet;
 - the Overview and Scrutiny Committee;
 - the Head of the Paid Service (Chief Executive);
 - the Monitoring Officer (Assistant Director of Corporate Governance);
 - the Section 151 Officer (Chief Finance Officer, Assistant Director for Finance) and Directors;
 - Budget Holders within service areas.
- 1.4. The Section 151 Officer (Chief Finance Officer) is responsible for maintaining a continuous review of these Financial Regulations and submitting any additions or changes necessary to full Council for approval in accordance with article 15.03(a) of the Constitution.
- 1.5. The Section 151 Officer is responsible for issuing advice and guidance to underpin these Financial Regulations that Councillors, Officers and others acting on behalf of the Council are required to follow. This advice and guidance will generally be based on CIPFA Standards of Professional Practice, which are available on www.cipfa.org.uk.
- 1.6. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the Council and/or to the Cabinet Members.

PART 4 – RULES OF PROCEDURE

Section I – Financial Regulations

- 1.7. These Financial Regulations are supported, where appropriate, by detailed procedure notes, setting out how these Financial Regulations will be implemented.
 - 1.8. Directors are responsible for ensuring that all staff in their service areas are aware of **the existence and content of the Council's Financial Regulations** and other internal regulatory documents and that they comply with them.
 - 1.9. It is a disciplinary offence to breach these Financial Regulations. A breach of these regulations should be reported to the Section 151 Officer as soon as is practicable to do so.
 - 1.10. All staff are required to conduct themselves to the highest standards. The involvement of staff in any form of bribery, corruption, fraud or deception will not be tolerated.
 - 1.11. For any aspect of finance relating to schools the Haringey Schools Financial Regulations, which are designed to give detailed assistance to schools, should be referred to.
2. Recording delegations
- 2.1. Directors should maintain written records where financial decision making has been delegated to members of their staff, including seconded or temporary staff. Where decisions have been delegated or devolved to other responsible officers references to Directors in the regulations should be read as referring to them.

PART 4 – RULES OF PROCEDURE

Section I – Financial Regulations

3. Financial Control Framework

3.1. The financial administration framework of the Council is organised in accordance with Section 151 of the Local Government Act 1972, requiring **that every Local Authority in England and Wales should ‘make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs.’** The framework comprises:

- **Constitution:** The principal rules governing the Council’s affairs, including financial affairs, and the delegation of authority to Councillors and Officers;
- **Financial Regulations:** This document is part of the Constitution, created by the Council;
- The Scheme of Financial Delegation and specific delegations by Directors to officers in their service area;
- Contract Standing Orders;
- Guide to Procurement;
- Medium Term Financial Plan.

4. Devolution of Financial Management and Accounting

4.1. The Council seeks to unite operational and financial responsibility to empower managers to give them the tools to deliver high quality services. Part of that empowerment is to give them control of the resources needed to deliver the service so that they can plan and use these resources to obtain the maximum benefit for the service.

4.2. The Council also needs to balance responsibilities with accountability and protection for Officers so that they know their authorisation levels and the limit to those authorities.

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Part 2 – Financial Management

5. Financial Management (including virement rules)

Introduction

5.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. The Financial Regulations are not an exhaustive document and proper financial management should be applied in all circumstances even if not specifically referred to.

The Full Council and the Cabinet

5.2. The full Council is responsible for **adopting the Council's Constitution and Members' code of conduct and for approving the policy framework and budget** within which the Cabinet operates. It is also responsible for **approving and monitoring compliance with the Council's overall framework of accountability and control**. The framework is set out in this Constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.

5.3. The Leader has powers to take any decision, including a key decision, which the Cabinet could have taken. This is set out in Part 3 Section C of the Council Constitution. When **Members** take decisions on reports, the reports must comply with the Protocol for Decision-making in Part 5 Section D and this must include the provision of the **Chief Finance Officer's** comments on the financial implications.

5.4. The Cabinet is responsible for proposing the policy framework and budget to the **full Council** and for discharging Executive functions in accordance with the policy framework and budget.

5.5. Cabinet decisions can be delegated, in accordance with the delegation arrangements set out in Part 3 of this Constitution.

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Committees of the Council

Overview and Scrutiny Committee

5.6. The Overview and Scrutiny Committee is responsible for scrutinising key decisions (decisions of the Cabinet, the Leader, or Cabinet members) before or after they have been implemented and for holding the executive (the Cabinet, the Leader and Cabinet members) to account. The Overview and Scrutiny Committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

Corporate Committee

5.7. The Corporate Committee is established by the full Council. It has right of access, through the officer acting as Chief Internal Auditor (currently the Head of Audit and Risk Management) from time to time, to all the information it considers necessary and can consult directly with internal and external auditors. The Corporate Committee is responsible for reviewing the external auditor's reports and the Annual Audit and Inspection Letter and internal audit's annual report. The Corporate Committee also monitors responses to audit reports.

Standards Committee

5.8. The Standards Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors as Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' code of conduct, for monitoring the operation of the code, and for recommending proposals for any changes to the Constitution to full Council for approval.

The Pensions Committee

5.9. The Pensions Committee acts as the quasi-trustee of the Local Government Pension Scheme for the Council.

Alexandra Palace and Park Board

5.10. Alexandra Palace and Park Board is a Committee of the Council with responsibility for discharging a specific statutory charity trustee role. It has its own Financial Regulations and governance but is, nonetheless, subject overall to the Section 151 Officer who has responsibility for its financial affairs. It is also subject to charities law and accounting practice.

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The Statutory officers

Head of Paid Service (Chief Executive)

5.11. The Chief Executive as Head of Paid Service is responsible, in relation to these Financial Regulations, for the corporate and overall strategic management of the Council as a whole. The Chief Executive must report to and provide information for the Cabinet, the full Council, the Overview and Scrutiny Committee and other committees.

5.12. The Chief Executive is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the **full Council's** decisions.

Monitoring Officer (Assistant Director of Corporate Governance)

5.13. The Monitoring Officer is responsible, in relation to these Financial Regulations, for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet.

5.14. The Monitoring Officer (together with the Section 151 Officer) is responsible for advising the Cabinet or the full Council about whether a decision is likely to be considered contrary to, or not wholly in accordance with the **budget**. **Actions that may be 'contrary to the budget' include:**

- (a) initiating a new policy;
- (b) committing expenditure in future years above the budget level;
- (c) incurring inter-service area transfers above virement limits; and
- (d) causing the total expenditure financed from Council tax, grants and corporately held reserves to increase.

5.15. The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

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The Section 151 Officer (Chief Finance Officer, Assistant Director for Finance)

5.16. The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

- (a) Section 151 of the Local Government Act 1972;
- (b) The Local Government Finance Act 1988;
- (c) The Local Government and Housing Act 1989;
- (d) The Accounts and Audit (England) Regulations 2011;
- (e) The Local Government Act 2003.

5.17. The Section 151 Officer is responsible, in relation to these regulations for:

- (a) the proper administration of the **Council's financial affairs, including the determination of the appropriate staffing level to ensure proper administration;**
- (b) setting and monitoring compliance with financial management standards;
- (c) ensuring these Financial Regulations are fit for purpose and proposing any necessary amendments;
- (d) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- (e) providing financial information;
- (f) preparing the revenue budget and capital programme;
- (g) treasury management;
- (h) internal audit;
- (i) anti-fraud;
- (j) risk management; and
- (k) insurance.

5.18. The Section 151 Officer may from time to time delegate responsibility to a Head of Finance/officer reporting to him, as the Section 151 Officer deems appropriate.

5.19. Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the full Council, the Cabinet and external auditor if the Council or one of its officers:

- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure;

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- (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficit to the Council; or
- (c) **is about to make an unlawful entry in the Council's accounts.**

Section 114 of the 1988 Act also requires:

- (a) the Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally. This is currently the **Head of Finance**; and
- (b) the Council to provide the Section 151 Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under Section 114.

5.20. The Section 151 Officer will:

- (a) respond to annual expenditure proposals submitted by the following bodies (if applicable):-

- Greater London Authority
- London Pension Fund Authority
- Lee Valley Regional Park Authority
- North London Waste Authority
- London Councils
- Greater London Magistrates Courts Authority
- Environment Agency

- (b) Consult with Ratepayers in accordance with Section 65 of the Local Government Finance Act 1992;
- (c) Authorise redundancy and early termination costs in relation to officers of the Council;
- (d) Authorise redundancy and early termination costs in relation to education staff giving consideration to the Education Act 2002.

Directors

5.21. Directors are responsible for the financial affairs of their service area including any financial staff, processes and systems. They must equally report financial issues to the Section 151 Officer. The responsibilities include:

- (a) ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer including:
 - Non-Domestic Rating Discretionary Rate Relief;
 - the annual review of the Council Tax Reduction Scheme;

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- (b) ensuring compliance with Contract Standing Orders;
- (c) leading the production of revenue and capital programme budgets for their service area as appropriate and ensuring all plans have appropriate and necessary approved budgetary provision in place;
- (d) ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Plan and to report variances and forecast outturn adverse or favourable variances immediately they exist;
- (e) control of income and expenditure within the approved budget and ensuring that expenditure is not incurred without an appropriately approved budget in place;
- (f) reporting known and potential variances from the service area cash limit in excess of £100,000 to the Section 151 Officer, through the formal budget management procedures;
- (g) providing appropriate financial information to the Section 151 Officer and their respective teams in a timely, accurate and appropriate form and level of detail. e.g. to permit final accounts to be prepared at year end in accordance with appropriate accounting codes of practice as **necessary and the Council's accounting procedure notes**;
- (h) appointing budget holders for all areas of their own budget;
- (i) monitoring performance levels with budget performance in accordance with published timescales;
- (j) adherence to the budget management procedures contained within service area Schemes of Financial Delegation including virement management;
- (k) ensuring records, systems and appropriate financial controls are up to date and available for audit. Any loss or deficiencies are to be reported to the Section 151 Officer immediately;
- (l) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting them to the Section 151 Officer. All grant applications are to be notified to the Section 151 Officer prior to submission, to consider any potential future resourcing issues and incorporate into the Grant Register which will be maintained by Corporate Finance;
- (m) ensuring that the necessary systems and controls are in place to ensure **that all the Council's cash is paid into its bank accounts quickly and efficiently**;
- (n) ensuring all assets are appropriately protected, accounted for and reconciled. Any significant loss of stock or concerns should be reported to the Section 151 Officer immediately;
- (o) advise the Section 151 Officer and/or the Head of Audit and Risk Management of any fraudulent activity and other losses through error

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and mismanagement by any party connected with or employed by the Council.

- (p) liaise with the Head of Audit & Risk Management in agreeing the annual audit plan of the service area. To report to the Section 151 Officer any concerns where an audit is considered necessary but is not being undertaken.
- (q) ensure that appropriate timely arrangements are in place to sign off the financial implications of all reports including comments from the Section 151 Officer where appropriate, prior to their submission to the full Council, Cabinet, a Committee, Council Management Teams or other bodies within and external to the Council.
- (r) ensure that all appropriate financial controls and systems are in place where not specified above, in particular adequate separation of duties and accurate and timely reconciliations.
- (s) report to the Section 151 officer any other matter of financial significance.

5.22. It is the responsibility of Directors to consult with the Section 151 Officer **and seek approval on any matter liable to affect the Council's finances materially**, before any commitments are incurred.

5.23. Directors and Budget Holders are supported in the completion of their financial responsibilities by a Head of Finance. Heads of Finance are part of the Corporate Finance service area and report directly to the Section 151 Officer. They have a link, therefore, to the Section 151 Officer and a functional relationship to their Directors.

Budget Holders

5.24. The Budget Holder is responsible for the management of the budget for which he/she is allocated by the Director. The responsibilities of the role include:

- (a) leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budget provision;
- (b) ensuring plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Plan and to report year to date variances and forecast outturn adverse or favourable variances on the financial management system immediately they exist;
- (c) ensuring that appropriate financial controls exist and are maintained properly within the service area and report on any deficiencies to Directors;

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- (d) providing appropriate financial information to Directors and their respective teams in a timely, accurate and appropriate form and level of detail;
- (e) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting to Directors;
- (f) ensuring that appropriate financial controls and systems exist, are applied within the service area and report on any deficiencies to Directors;
- (g) ensuring that the appropriate financial controls are in place to ensure **that all the Council's cash** is paid into its bank accounts quickly and efficiently;
- (h) ensuring value for money is obtained for the whole Council when undertaking any procurement activity;
- (i) reconciling all cash received by the service area on a regular basis (at least monthly);
- (j) ensuring all monies due to the council are recorded accurately and recovered promptly; and
- (k) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the Section 151 Officer.

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- 5.25. The Budget Holder should report to Directors:
- (a) any unlawful or inappropriate expenditure immediately it is realised that it is about to take place or has taken place;
 - (b) any area where a loss or deficiency is about to occur;
 - (c) budget variances by forecasting all variations on the financial management system;
 - (d) any occasions where the overall service budget is projected to be overspent or where any individual budget (cost centre) is projected to be overspent by more than £50,000;
 - (e) any concerns as regards the slow or non-banking of cash immediately;
 - (f) any significant loss of stock or concerns immediately; and
 - (g) any other matter of financial significance.

- 5.26. The Budget Holder should:
- a) advise the Section 151 Officer and/or the Head of Audit and Risk Management of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council;
 - b) ensure that all financial implications of all reports are agreed and approved with Directors and the Section 151 Officer prior to their submission to the full Council, Cabinet, a Committee, Council Management Teams or other bodies within and external to the Council.

Other Financial Accountabilities
Virements – Revenue and Capital

- 5.27. The Council controls approved budgets and transfers of budgetary provision (i.e. virements) giving consideration to gross expenditure and income, net expenditure and service area cash limits.
- 5.28. The Section 151 Officer may authorise virements between service areas for technical reasons, e.g. central support cost allocation, capital charges such as depreciation, FRS17 adjustments. Such adjustments will be reported in the budget monitoring reports to Cabinet.
- 5.29. Directors must submit appropriately completed virement pro-formas to Corporate Finance for formal ratification and subsequent adjustment of approved cash limits.
- 5.30. **All virements must be recorded on the Council's main accounting system.**

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Virements – Revenue

- 5.31. All changes in gross expenditure and/or income budgets, between or within service areas are to be approved as a virement in accordance with the below thresholds:
- (a) Up to £100,000 by the relevant Director(s), and reported to the relevant Head of Finance;
 - (b) £100,000 up to £250,000 by the Section 151 Officer following referral from the relevant Director(s) and where it has been determined by the Section 151 Officer that there is no change to Council policy;
 - (c) £100,000 and above involving a policy change; or any other virement of £250,000 and above, by the Cabinet.

Virements – Capital

- 5.32. All changes in gross expenditure and/or income budgets within service areas, including additions, are to be approved as a virement in accordance with the below thresholds:
- (a) Up to £250,000 by the Section 151 Officer following referral from the relevant Director(s);
 - (b) £250,000 and above, by the Cabinet

- 5.32A Any changes between service areas are to be approved by Cabinet and are a Key Decision in accordance with Part 5 Section C of the Constitution

Treatment of year-end balances

- 5.33. The Section 151 Officer will consider requests to carry forward underspends at year-end before approval by the Cabinet. The Section 151 Officer will also consider whether any overspends at the year-end on service budgets should be carried forward before approval by the Cabinet.

Accounting policies

- 5.34. The Section 151 Officer is responsible for selecting accounting policies and ensuring that they are applied consistently. The Directors are responsible for adhering to these policies.

Accounting records, procedures and returns

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5.35. The Section 151 Officer is responsible for determining the accounting procedures and records for the Council and has a duty to ensure accounting procedures meet statutory duties. Such procedures may include procedures and timetables for the preparation of the budget and the Council's **financial** statements. Directors have a responsibility to:

- (a) comply with the procedures and timetables determined by the Section 151 Officer;
- (b) regularly monitor, reconcile and clear the control accounts;
- (c) supply information to comply with statutory timetables;
- (d) complete grant claims etc. by due dates; and
- (e) retain appropriate financial records as required by the Section 151 Officer.

The Annual Statement of Accounts

5.36. The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Section 151 Officer has the **authority to make such amendments to the treatment of the Council's** transactions as are in the overall interest of the Council including the optimisation of the capital financing position and the management of earmarked reserves. The Corporate Committee and Pensions Committee are responsible for approving their respective parts of the annual statement of accounts.

5.37. Each Director:

- (a) has a responsibility to supply budget monitoring information on time.
- (b) are accountable for the income and expenditure in their budgets and for the service area budgets.
- (c) must supply required information and produce appropriate documents on time as requested by the Section 151 Officer.
- (d) need to protect against the risks of creating contingent liabilities and to keep the Section 151 Officer informed of any new contingent liabilities as they arise.

Bribery, Corruption and Financial Irregularities

5.38. All employees shall conduct themselves to the highest standards. Any employee involved in bribery, corruption, fraud or deception will be subject to disciplinary action and in certain circumstances criminal prosecutions.

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- 5.39. It is a criminal offence for any person to use their position with the Council to accept or ask for any gift, reward or other advantage from work done in an official capacity. In addition such acts seriously undermine the public image of the Authority and its staff. As a result the Council will discipline staff on the grounds of gross misconduct if they breach this regulation.

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Financial Irregularities

- 5.40. Staff must act with absolute honesty when dealing with the assets of the Council, and any other assets for which the Council is responsible. The Council will rigorously enforce sanctions laid down in the Disciplinary Code of Practice if staff are found to have acted dishonestly. The Code gives examples of financial irregularities that are considered to be gross misconduct.
- 5.41. All staff must ensure that any irregularity or suspected irregularity involving Council funds, property or any other assets for which the Council is responsible is reported immediately to the **Head of Audit and Risk Management**. This also applies to the misuse of computer passwords, misuse of information obtained in any other way, the deliberate malicious damage to information assets and the disclosure to unauthorised individuals of information obtained by their use.
- 5.42. The Council has an approved Anti-Fraud and Corruption Policy and **Fraud Response Plan which set out the Council's expectations in relation to standards of behaviour and how it will respond in cases where fraud is suspected**. The Anti-Fraud and Corruption Policy is supported by the **Council's Whistleblowing Policy, which sets out how the Council will support anyone who wishes to report cases where they suspect fraud**.
- 5.43. The **Head of Audit and Risk Management** will decide how such matters should be investigated. Service officers should not undertake any investigation or interview those involved unless prior agreement has been given by the **Head of Audit and Risk Management**.

The Role of Internal Audit

- 5.44. The statutory responsibility for internal audit derives from the Section 151 Officer's responsibilities under the 1972 Local Government Act, the Local Government Finance Act 1988 and the specific duties detailed in the Accounts and Audit (England) Regulations 2011. In accordance with these and the Auditing Practices Board guidelines the **Head of Audit and Risk Management** will provide a continuous audit of the accounting, financial and other operations of the Authority.

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- 5.45. The Head of Audit and Risk Management has authority to:
- (a) enter at any time all Council premises or land;
 - (b) have unrestricted access to all records, documents, and correspondence relating to any financial and other transactions;
 - (c) remove and/or secure any computer equipment, record, document, and correspondence of the Council as considered necessary;
 - (d) require and receive such explanations as s/he considers necessary concerning any matter being examined; and
 - (e) obtain from Council employees cash, stores or any other property owned, hired, leased or borrowed by the Authority.
- 5.46. The decision to report financial irregularities to the Police shall be made by the Head of Audit and Risk Management. Where employees are involved, the Head of Audit and Risk Management will inform the Chief Executive and appropriate Directors.
- 5.47. The Head of Audit and Risk Management has authority to report to any body of the Council matters which are considered to adversely affect the efficient/proper use of the Council's resources.

Unofficial Funds

- 5.48. The Section 151 Officer shall be notified of any funds arising from unofficial sources, including school funds, and shall approve audit and accounting arrangements for these funds:
- (a) that come under the control of any Committee, Sub-Committee or Panel of the Council;
 - (b) where a member of staff is involved as a result of their employment with the Authority.

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6. Financial Planning

Introduction

6.1. Full Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Cabinet. The Council uses the the Council Plan as its framework for determining priorities and is delivered through the business planning process. In terms of financial planning, the key elements are:

- (a) the medium term financial plan;
- (b) the budget; and
- (c) the capital programme.

Policy framework

6.2. The full Council is responsible for approving the policy framework and budget. The policy framework comprises the statutory plans and strategies set out in the Constitution and the budget. Pensions Committee approves the policy framework for the Pension Fund; namely the investment strategy, Funding Strategy Statement, the Statement of Investment Principles and Responsible Investment policy.

Preparation of the Council Plan

6.3. The Assistant Director for Corporate Programme Office and Chief Information Officer is responsible for producing an updated Council Plan annually and reporting this to the Cabinet for consideration before its submission to the full Council for approval.

Budgeting

Budget format

6.4. The general format of the budget will be proposed by the Cabinet and approved by the full Council on the advice of the Section 151 Officer. The draft budget should include allocation to different services and projects, proposed taxation levels, adequacy of the proposed financial reserves and contingency funds.

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Budget preparation

- 6.5. The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a financial plan over three years for consideration by the Cabinet, before submission to the full Council. The Section 151 Officer also has responsibility to confirm budget pressures, robustness of estimates and adequacy of reserves in accordance with Section 25 of the Local Government Act 2003. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it.
- 6.6. It is the responsibility of Directors to ensure that realistic budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet, through the Section 151 Officer. The Budget risk is managed through the Council's budget management process in which the variances are analysed and decisions made accordingly.

Budget management and control

- 6.7. The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The Section 151 Officer must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis. There will be a monthly budget management process determined by the Section 151 Officer. Any decision to alter or increase any of the existing services of the Council in such a way as may result in a material increase in the expenditure to be provided for in the budget for the current and future financial years will be subject to the approval of the Cabinet.

Resource allocation

- 6.8. The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's policy framework.

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Preparation of the capital programme

6.11. The Section 151 Officer is responsible for ensuring:

- (a) **the preparation of the Council's medium-term capital programme** on an annual basis, for consideration by the Cabinet before submission to full Council;
- (b) **that the Council's Capital Strategy is kept up-to-date;**
- (c) financial monitoring of the capital programme;
- (d) the Capital Programme is managed flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources;
- (e) preparation of an Asset Management Plan;
- (f) value for money objectives are met;
- (g) adherence to CIPFA Prudential guidelines;
- (h) **adherence to the Council's Treasury Management Strategy Statement;**
- (i) maximisation of external funding opportunities; and
- (j) financial appraisal/evaluation of proposed capital schemes and options.

6.12. The medium-term capital programme models income and expenditure and resource requirements (both internal and external financing) over a minimum of three years and is reviewed and updated at least annually.

6.13. **The Capital Strategy sets out strategic guidance on the Council's approach** to capital investment. It provides clear objectives and priorities which are informed by overall corporate and service objectives, the Haringey community and other stakeholders including central government.

6.14. Capital expenditure will only be incurred when the appropriate Directors and Section 151 Officer have jointly reported the financial implications to the Cabinet for approval. All such reports requesting financial provision must be supported by a professionally prepared estimate of the costs of the project. Once financial approval has been obtained the specifications and assumptions upon which the written appraisal of costs was based cannot be substantially altered without the further approval of the Cabinet.

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Guidelines

- 6.15. Guidelines on budget preparation may be issued to Members and Directors by the Cabinet following agreement with the Section 151 Officer. The guidelines will take account of:
- (a) legal requirements;
 - (b) medium-term planning prospects;
 - (c) available resources;
 - (d) spending pressures;
 - (e) best value/value for money and other relevant government guidelines;
 - (f) other internal policy documents; and
 - (g) cross-cutting issues (where relevant).

Maintenance of Reserves

- 6.16. It is the responsibility of the Section 151 Officer to advise the Cabinet and the full Council on prudent levels of general reserves for the Council. When fixing the level of reserves an assessment is made of the key financial risks facing the Council.

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7. Risk Management and Control of Resources

Introduction

- 7.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services. The effective identification and management of risks is a responsibility that sits with all Directors

Risk Management

- 7.2. The Corporate Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Section 151 Officer is responsible for and has delegated authority to ensure that proper insurance exists where appropriate.
- 7.3. The Monitoring Officer is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- 7.4. At a service area level Directors should ensure that the Council's risk management strategy is complied with. The Management of Risk Policy and Strategy specifies that Directors must align the assessment of their risks and the actions to manage these to the Council's business planning processes. This must be done so that the Council is able to identify any significant risks that could jeopardise delivery of business plans in the following year and for which appropriate actions will need to be taken.

Internal control

- 7.5. Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded. The Council prepares an Annual Governance Statement each year. Directors have a role to provide assurances to support the production of the Annual Governance Statement and to maintain appropriate systems of governance and internal control.

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- 7.6. The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 7.7. It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency, propriety, regularity and effectiveness and for achieving their financial performance targets.

Audit requirements

- 7.8. The Accounts and Audit (England) Regulations 2011 require every local authority to maintain an adequate and effective internal audit. The rights of the internal audit function are set out in Regulation 6.
- 7.9. The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- 7.10. The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs who have statutory rights of access.

Preventing fraud and corruption

- 7.11. The Monitoring Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. Directors shall notify the Head of Audit and Risk Management immediately of any suspected fraud, theft or **misuse of the authority's assets or resources. Further guidance can be found** in the Haringey Anti-fraud and Corruption Strategy and the Whistleblowing Policy.

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Assets

- 7.12. Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. Any disposal of any asset no longer required by the Council shall be for the best available consideration. Inventories of the Council's assets, other than stores, must be kept by the Budget Holder concerned. The inventories must be in a form approved by, and include the items defined by, the Section 151 Officer. Any write off of stocks must be in **accordance with the Council's stock write off policy.**

Treasury Management

- 7.13. The Council has adopted the Code of Practice contained within The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2011). The Council will create and maintain, as cornerstones for effective treasury management:

- (a) a Treasury Management Strategy Statement (TMSS) which states the **Council's policies, objectives and approach to risk management** with respect to its treasury management activities;
- (b) suitable treasury management practices setting out how the Council will achieve those policies and objectives and prescribing how it will manage and control its treasury management activities;
- (c) the TMSS and treasury management practices will follow the recommendations in Sections 6 and 7 of the CIPFA Code of Practice. They may be subject to amendment where necessary to reflect the particular circumstances of Haringey Council but will not deviate **materially from the Code's key principles.**

- 7.14 The Corporate Committee will formulate the TMSS and amendments to it. The Cabinet Member for Finance will be consulted on the draft TMSS because of the budget implications. The Overview and Scrutiny Committee will scrutinise the draft TMSS annually before its adoption by full Council. The full Council is responsible for approving and adopting the TMSS setting out the matters detailed in The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2011). The Section 151 Officer has delegated authority for implementing and monitoring the TMSS. The Council sets its TMSS in line with the indicators required under the Prudential Code for Capital Finance in Local Authorities introduced by CIPFA 1 April 2004 and subsequently revised in 2011.

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- 7.15 All decisions on borrowing, investment, leasing or financing shall be delegated to the **Section 151 Officer**, who is required to act in accordance with the TMSS and The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2011).
- 7.16 The **Section 151 Officer** is responsible for reporting to the **Corporate Committee** each quarter, or as near as practicable, on the implementation and regular monitoring of the treasury management policies and practices and on the exercise of his/her delegated treasury management powers.
- 7.17 The **Section 151 Officer** is responsible for consulting the Cabinet Member for Finance on the annual and mid-year monitoring reports and an out-turn report after the close of the year concerning treasury management policies and practices before these reports are considered by the **Corporate Committee** and full Council.

Arrangements for Cash and Banking

- 7.18. All money in the hands of the Council is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, in the **Council's case the Section 151 Officer** and save as allowed in the Financial Regulations for Schools where, in any case, arrangements shall be made for the **Section 151 Officer** to be able to exercise control upon the withdrawal of delegation or otherwise, no officer other than the **Section 151 Officer** may:
- (a) open a bank or credit/purchase card account ;
 - (b) agree to or sanction the arrangements for the handling of any liquid resource, cash or instrument of payment;
 - (c) make payments, save through imprest accounts; or
 - (d) authorise direct debits.
- 7.19. The **Section 151 Officer** makes imprest advances to certain officers for giving out petty cash disbursements on behalf of the Council. The value of any advance is subject to the agreement of the **Section 151 Officer**. The officer named as responsible for each imprest is accountable for the full value of the sum advanced at any time. Imprest accounts must be operated in accordance with the procedures set down by the **Section 151 Officer**. Detailed imprest account procedure rules are available from Corporate Procurement Division.

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Amenity, Trust and Other Unofficial Funds

7.20. Funds held by the Council on behalf of other bodies or persons must be dealt with in accordance with procedures set down by the Section 151 Officer. Directors must ensure such funds are held securely and in such a way that they can be identified, accounted for and reconciled, at any time, separately from Council monies. Directors are accountable for the appropriate expenditure from such funds or repayment thereof.

Staffing

7.21. Full Council is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.

7.22. The Head of Paid Service (Chief Executive) is responsible for providing overall management to staff. The Chief Executive is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

7.23. Directors are responsible for controlling total staff numbers by:

- (a) advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels;
- (b) adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs; and
- (c) the proper use of appointment procedures.

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8. Systems and Procedures

General

- 8.1. The Section 151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, Directors are responsible for the proper operation of financial processes in their own service area in line with overall procedures set by the Council and the Section 151 Officer.
- 8.2. Any changes to agreed procedure notes by Directors to meet their own specific service needs should be agreed with the Section 151 Officer.
- 8.4. Directors should ensure that their staff receive relevant financial training that has been approved by the Section 151 Officer.
- 8.5. Directors must ensure that staff are aware of their responsibilities under data protection, freedom of information legislation and the Computer Misuse Act.
- 8.6. Directors must ensure that proper business continuity planning is in place for the delivery of financial services in the event of any incident that affects systems.

Income and expenditure

- 8.7. It is the responsibility of Directors to ensure that a proper scheme of delegation in respect of financial matters has been established within their area and is operating effectively. The **Section 151 Officer's** Scheme of Financial Delegation provides detailed procedures for:
 - (a) expenditure;
 - (b) income including grants, fees & charges, cash and banking;
 - (c) control of assets, stocks and stores;
 - (d) human resources.

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Payments to employees and members

8.8. The Section 151 Officer should approve any amendments to the approval processes for the payment of all salaries, wages, pensions, compensation, other emoluments and any ex-gratia payments. Directors and Business Unit Heads must supply such certificates relating to the employment of staff as the Section 151 Officer deems necessary. The Assistant Director for Human Resources is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

Taxation

8.9. The Section 151 Officer (and the Assistant Director for Human Resources) for PAYE and NI) are responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Directors should discuss with the Section 151 Officer potential tax implications of any new initiatives. Directors have a responsibility for the proper application of tax rules as advised.

8.10. Directors are responsible for ensuring that the appropriate controls and procedures are operated within the relevant service area in relation to taxation issues.

8.11. The Section 151 Officer (and the Assistant Director for Human Resources) for PAYE and NI) are responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

8.12. All staff and Councillors should adhere to VAT rules & regulations and also guidance issued by the Section 151 Officer.

Trading accounts/business units

8.13. It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units. Directors have a responsibility to advise the Section 151 Officer on any plans to utilise trading arrangements.

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Debt Write Off

8.14. Arrears of housing rents and other housing income administered by the ALMO (Homes for Haringey) may be written off in accordance with procedure notes issued by the Section 151 Officer with the below authorities:

- a) up to £100, the approval of Chief Executive of the ALMO and reported to the Section 151 Officer.
- b) £100 and up to £25,000, the approval of the Section 151 Officer upon the advice of the Chief Executive of the ALMO.
- c) £25,000 or above, the approval of the Cabinet Member for Resources upon the advice of the Chief Executive of the ALMO and the Section 151 Officer.

The ALMO shall keep a record of all such sums written off.

8.15. All other debts which remain unpaid may be written off in accordance with the below authorities:

- a) Up to £25,000 on the approval of the Section 151 Officer upon the advice of the relevant Director;
- b) £25,000 or above on the approval of the Cabinet Member for Resources upon the advice of the relevant Director and the Section 151 Officer.

Corporate Finance shall keep a record of all such sums written off.

8.16. All debts written off will be reported in summary to the Cabinet in the regular budget monitoring reports.

8.17. It is important that Council income is maximised and therefore to ensure that systems and procedures are in place to collect income promptly and to minimise the level of any bad debts.

Procedure Notes

8.18. From time to time the Section 151 Officer may issue procedure notes pursuant to these Financial Regulations or his statutory duties or otherwise. Failure to comply with a lawful instruction is a disciplinary offence.

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9. External Arrangements

Introduction

- 9.1. The Council provides a distinctive Leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.
- 9.2. The Council works closely with other agencies and private service providers. Other Government funding streams also provide additional resources to enable the Authority to deliver services to the local community.

Partnerships

- 9.3. The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 9.4. The Cabinet can delegate functions – including those relating to partnerships to officers. These are set out in the scheme of delegation that forms part of **the Council's** Constitution. Where functions are delegated, the Cabinet remains accountable for them to the full Council.
- 9.5. The Head of the Paid Service (**Chief Executive**) represents the Council on partnership and external bodies, in accordance with the scheme of delegation.
- 9.6. The Section 151 Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.
- 9.7. The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships, pooled budgets and joint ventures are satisfactory.
- 9.8. The Monitoring Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

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- 9.9. Directors are responsible for ensuring that appropriate approvals both internal and external are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

- 9.10. The Section 151 Officer is responsible for ensuring that all funding noted by external bodies is received and properly recorded in the **Council's accounts**.

Work for Third Parties

- 9.11. The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies. Advice should be obtained from the Section 151 Officer and the Monitoring Officer before entering into a contract for supply to others.

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10. Retention of Records
 - 10.1 Records held locally in establishments shall be retained in accordance with the approved guidance, **which in turn must meet the Council's standards.**
 - 10.2 Directors and Budget holders shall be responsible for ensuring that financial records are carefully and systematically filed and retained for inspection by the Section 151 Officer or agencies (e.g. HM Revenue & Customs) in line with the approved local management information schemes that meets relevant statutory requirements.
 - 10.3 The list is not exhaustive and, where there is uncertainty, the advice of the Section 151 Officer and the **Council's Assistant Director of Corporate Governance** must be sought. Periods referred to are in addition to the current year of account, which ends at the conclusion of the annual external **audit of the Council's accounts (i.e. 30 September following the end of the financial year).**
 - 10.4 The Section 151 Officer or his representative shall have access to documents as deemed necessary.
 - 10.5 The information governance framework assists services to meet the requirements of the Data Protection Act, the Freedom of Information Act and other statutory requirements.

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0. Statement of Principles

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

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- 0.9. No Member *of the Council* shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

1. Introduction

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

2. Definitions and Interpretation

- 2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.
- 2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them.
- a) **"Director"** means an employee of the Council (inc Alexandra Palace and Park Charitable Trust) holding a post designated as: *Director, Chief Executive or Assistant Chief Executive*
- *The Chief Executive*
 - *Members of the Strategic Leadership Team*
 - *All Directors and Assistant Directors*
 - *The General Manager of Alexandra Palace & Park (as appropriate)*
- b) **"EU"** means European Union.
- c) **"Public Contract Regulations"** means the Public Contract Regulations 2006 SI 2006 No. 5 as amended from time to time.

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d) “Bids” shall mean Tenders and Quotations

2.03. In the event of any conflict between EU law, English law and Council policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over Council policy.

2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Head of Procurement.

3. Roles & Responsibilities

3.01 The Cabinet (and Pensions Committee where relevant) will:

a) hold Directors accountable for any decisions they make under their delegated authority or under these Contract Standing Orders

b) approve awards of contract valued at £500,000 (five hundred thousand pounds) or more ~~including any options to extend that are set out within the original contract and valued over £250,000 (two hundred and fifty thousand).~~

c) approve any variations or extensions valued at £500,000 (five hundred thousand pounds) or more, whether or not such variation or extension was included in the original award in b) above;

d) ensure that the award of any contract and any extension ~~(not included in the original decision)~~ or variation valued ~~over~~ at £500,000 (five hundred thousand) or more is a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.

3.02 Directors

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

a) to ensure compliance with English and EU law and Council Policy;

b) to ensure value for money in all procurement matters;

c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;

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- d) to maintain a departmental scheme of delegation;
- e) to ensure that all relevant officers are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
- g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;
- h) to keep proper records of all bids and contracts etc. including minutes of tender evaluation panels and other meetings;
- i) to keep records of waivers of any provision of these Contract Standing Orders;
- j) to make appropriate arrangements for the opening of bids and their secure retention so as to protect the integrity of the procurement process;
- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is signed by two people as provided for in these Contract Standing Orders;
- l) to ensure original sealed contract documents are held by the ~~Head of Legal Services~~ Assistant Director of Corporate Governance for safekeeping;
- m) to record all contracts valued at £5,000 or more in the Contracts Register;
- n) to ensure effective management of all contracts under his/her control and to a level deemed appropriate in regard to risk or value of each contract.
- o) no contract shall be let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget.

3.03 **Corporate Pensions Committee**

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The Corporate *Pensions* Committee shall have the same powers and duties of the Cabinet specified in these Contract Standing Orders but limited to procurement decisions and award of contracts relating to the Pension Fund.

4. Scope of Contract Standing Orders

4.01. These Contract Standing Orders shall apply to all contracts for the procurement by the Council of works, goods and services (*including concessions*) unless otherwise expressly stated or these requirements are waived in accordance with CSO10.

4.02. Where the Council:

(a) secures funding from an external funding body, or

(b) intends to assign grant funding to an external body;

~~and the funding is conditional upon the grant monies being used to facilitate service delivery, Contract Standing Orders CSO17 and the forming of necessary agreements shall apply. to procurement by the Council of the works, goods, and services to facilitate the service delivery.~~

4.03. These Contract Standing Orders shall **not apply** to contracts of employment, or to contracts relating to any interest in land. For the avoidance of doubt, there are excluded from these Contract Standing Orders any agreement relating to the provision of nomination rights to housing, collateral management arrangements in respect of social housing and the acquisition of rights or benefits pursuant to the Council's Private Sector Temporary Accommodation Leasing Scheme.

4.04 These Contract Standing Orders shall **not apply** to the seeking of offers in relation to financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments in particular transactions by the Council to raise money or capital.

5. EU Public Procurement Directives

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

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

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~~a) where the tender is for appointment to a Framework Agreement, the total period of the Framework Agreement including any possible extension, shall not exceed four years except in exceptional circumstances relating to the subject of the Framework Agreement;~~

a) all bidders must be notified in writing of a tender selection decision by the Council at least 10 (ten) calendar days prior to the proposed contract award date, provided notification is by facsimile or electronic means. Where the last day of this ten-day notice period falls on a non-working day, the period must be extended to include the next working day. Where notification is not by facsimile or electronic means, the notice period shall be 15 days which must also end on a working day. ~~in accordance with the timeframes required by the Public Contract Regulations.~~

~~5.03. Where the subject matter of a contract is not exempt under the Public Contract Regulations and when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, it may be awarded only to a particular contractor, a negotiated procedure without prior publication of a contract notice may be used for such award~~

6. Contract Value and Aggregation

6.01. Directors must ensure that a pre-tender estimate of the total contract value is prepared and recorded in writing and in order to determine whether the thresholds under the Public Contract Regulations apply.

6.02. Unless otherwise specifically provided, reference to total contract value or an estimated total contract value in these Contract Standing Orders means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any extension periods as anticipated in the proposed contract.

6.03. Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders or the Public Contract Regulations.

6.04 In the case of service concessions where “contracts” may have a nil value, decisions to award must be made on the basis of most economically advantageous tender, including anticipated income over the life of the concession.

7. Framework and Consortia Arrangements

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7.01. Subject to the provision of CSO 7.02, these Contract Standing Orders shall **not apply** where the Council procures particular works, goods and services:

a) as part of a group of public sector bodies contracting with one or more contractors (consortium arrangement), provided the contract standing orders of one of the public sector bodies constituting the group and/ or where applicable the Public Contract Regulations have been followed, or

b) by selecting one or more contractors from a Framework or similar arrangement (including approved lists), established by a public sector body in accordance with the contract standing orders of that public sector body and/ or where applicable the Public Contract Regulations; or

c) by selecting one or more contractors from ConstructionLine in accordance with the criteria applicable to the project.

7.02. The Council's decision to enter into a contract with the recommended contractor must be made in accordance with CSO 9.07.

7.03. The Council shall observe these Contract Standing Orders where it procures works, goods and services for the benefit, or on behalf of, other public bodies.

8. Procedure for Contracts under valued below £100,000

8.01. Where a contract *for works, goods or services* has an estimated value of less than £5,000 (five thousand pounds), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

8.02 Where a contract for works or related consultancy services has an estimated value (or fees) of £5,000 (five thousand pounds) or more, but less than £25,000 (twenty five thousand pounds), at least three competitive quotations should be obtained; and for values of £25,000 or more, a competitive tender process should be followed.

8.03. Where a contract *for goods or services* has an estimated value of more than £5,000 (five thousand pounds) or more, but less than £100,000 (one hundred thousand pounds), at least three competitive quotations should be obtained from chosen contractors without the need for an advertisement or the tender procedure followed.

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8.04. The quotation procedure shall replicate CSO 9.02-9.04 and be managed by the:

- a) relevant Director where the estimated value of the contract is ~~more than~~ £5,000 (five thousand pounds) or more but less than £50,000 (fifty thousand pounds).
- b) Head of Procurement where the estimated value of the contract is ~~more than~~ £50,000 (fifty thousand pounds) or more but less than £100,000 (one hundred thousand pounds).

8.04. Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then CSO ~~9.04e~~ 9.01f applies.

8.05. The Head of Procurement may decide that processes in CSO 8 are not appropriate in order to secure value for money for the Council and to ensure general EU procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria. The decision and process must be properly documented.

9. Procedure for Contracts valued above ~~at~~ £100,000 or more

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

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

- a) open tender (all interested contractors submit a tender in response to an advertisement);
- b) restricted procedure (2 stage process involving 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 (2 stage process involving expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to negotiate); (available until abolition by implementation of UK Regulations pursuant to the EU Procurement Directive (Classic) 2014)

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- d) competitive dialogue expressions of interest from interested contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue);
- e) (available for use after implementation of UK Regulations pursuant to the EU Procurement Directive (Classic) 2014):
competitive procedure with negotiation (process involving initial tenders from contractors in response to an advertisement, followed by either:
- i) Invitations to negotiate or
 - ii) Award of contract without negotiation based on evaluation of the initial tenders
- f) Where it is proposed to award a specific contract based on a framework agreement in which all the terms of the proposed contract are not laid down, a mini- competition shall be held in which tenders shall be invited from all members of the framework agreement which are capable of carrying out the requirements of the specific contract.
- g) negotiated procedure without prior publication of an advertisement single tender where the relevant goods are a proprietary product and/or the relevant services relate to such a product and for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular contractor. The Chief Finance Officer Director of ~~Corporate Resources~~ must first be consulted before this procedure is used. Where applicable, use of this procedure must be compliant with the Public Contracts Regulations. ~~Where this procedure is used, an advertisement is not required.~~

9.02 Receipt and Opening of Bids

9.02.1. All bids in relation to goods or services will only be accepted if submitted and received via Council approved electronic channels.

9.02.2 Due to the nature of works documentation, if bids cannot be submitted electronically, Other than when electronic procedures are followed (CSO9.03) contractors must be informed that their bids will only be considered if they are:

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- a) sent in a plain envelope or parcel with a label on which is printed either with the word "Tender" or "Quotation" followed by the subject of the contract; and
- b) contained in a sealed envelope or parcel which does not show the identity of the contractor in any way; and
- c) delivered to the place and by the date and time stated in the invitation.

9.02.2. Bids must be kept safe until the date and time for their opening by the officers given this duty by the Director responsible for the process.

9.02.3. Non-electronic B bids for a particular contract must be opened at the same time in the presence of two officers, one of whom has had no involvement in the process. These officers shall be responsible for properly recording the price, duration of any works and all other relevant details of each opened bid.

9.02.4 *Electronic bids received securely may be opened at the appointed date and time by one officer or appointed consultant*

9.02.5. The Head of Procurement must approve the training and seniority of all officers employed to open bids and also the arrangements in each Directorate for ensuring the independence of such officers from the teams involved in the competitive process.

9.03 — E- Bids

~~9.03.1~~ Invitations to bid may be dispatched, and responses received, by electronic means with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.

~~9.03.2.~~ Bids received electronically must be stored securely, and must not be accessible until after the closing date and time in respect of submission of the bids.

~~9.03.3.~~ At an appointed time for opening the electronically submitted bids, two authorised officers, one of whom has had no involvement in the process, shall both be present to access the submitted bids, and record the price, duration of any works and all other relevant details of each opened bid.

9.03 Late or Non Compliant Bids

9.03.1. Records of any non-compliant bids and of the date and time of receipt of any late tenders must be kept by officers.

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9.03.2. Bids received late may only be considered if the other bids have not yet been opened and:

- a) failure to comply is the Council's fault; or
- b) it is clear that the bid was sent in such a way that in the normal course of events it would have arrived on time.

9.04 E-Auctions

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

9.05 Post Tender Negotiations

9.05.1. Except where the negotiated procedure referred to in CSO 9.01c, *e, f or g* and ~~9.04f~~ applies, negotiation after receipt of formal bids and before the award of contract is only permitted:

- a) with those contractors submitting the most economically advantageous bid, and
- b) with a view to obtaining an improvement in content in circumstances which do not put other contractors at a disadvantage, distort competition or adversely affect trust in the competitive process, and
- c) if the prior authority of the Head of Procurement has been obtained.

9.05.2. There may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous bid. This does not constitute post tender negotiations.

9.05.3. All communication with contractors under this Contract Standing Order must be in writing or recorded in writing.

9.06 Bid Acceptance and Contract Award

9.06.1. Bids are to be accepted on the basis of either:

- a) The lowest cost price; or

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

9.07. Conditions applying to all contracts:

9.07.1. The tender documents in respect of every contract to which the Public Contract Regulations apply shall include a requirement that the successful contractor must enter into a collateral contract in a form approved by the Assistant Director of Corporate Governance ~~Head of Legal Services~~ which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court.

Valued £5,000 or more:

9.07.2. Except as provided in CSO 9.07.4 ~~9.08.4~~, all contracts valued at above £5,000 (five thousand pounds) or more in value must be in writing by way of a document prepared, or on a basis approved, by the Assistant Director of Corporate Governance ~~Head of Legal Services~~.

9.07.3. Where the works, goods or services to be provided under a contract are required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent

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pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed 10% of the contract price in respect of works or services contracts, or £50,000 in respect of supplies contracts.

9.07.4. Every contract valued at £50,000 (fifty thousand) or more shall specify:

- a) the works, goods or services to be provided or executed;
- b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
- c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period.
- d) compliance with the Council's insurance requirements. The requirement to comply with the Councils standard insurance requirements may only be waived with the Chief Finance Officer's ~~Director of Corporate Resource's~~ approval.
- e) compliance with the Council's equality policy.
- f) compliance with regards the protection of personal data.

9.07.5. All contracts for the provision of services which may potentially involve either direct contact with children and vulnerable adults or access to their personal records shall contain a provision requiring the service provider (including agents and assigns) to undertake a Criminal Records Bureau check on relevant employees prior to provision of the services under the contract and at appropriate intervals thereafter.

9.07.6. All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

Valued ~~£25,000~~ £50,000 or more:

9.07.7. Every contract with a value of ~~£25,000 (twenty five thousand)~~ £50,000 (fifty thousand pounds) or more must unless the Assistant Director of Corporate Governance ~~Head of Legal Services~~ and Chief Finance Officer ~~Director of Corporate Resources~~ agree to the contrary contain clauses to cover the following:

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

Valued £250,000 or more:

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9.07.9. A contract valued at ~~over~~ £250,000 (two hundred and fifty thousand pounds) or more ~~in value~~ must be executed on behalf of the Council under seal as a deed.

9.07.10. Every contract valued at ~~which exceeds~~ £250,000 (two hundred and fifty thousand pounds) or more ~~in value~~ must contain clauses to cover the following:

- a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
- b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.

9.07.11. The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract valued at ~~which exceeds~~ £250,000 or more will ultimately be made by the Chief Finance Officer ~~Director of Corporate Resources~~ or an officer acting under his/her delegated authority.

10. Waivers, Variations, Extensions and Novations

10.01 Waivers

10.01.1. Contract Standing Orders other than CSO 5 (which relates to the Public Contract Regulations) may be waived on the basis set out in CSO 10.01.2 by:

- a) the Cabinet where the contract value is £250,000 (two hundred and fifty thousand pounds) or more ~~more than £100,000 (one hundred thousand);~~
- b) a Director where the contract value is less than £250,000 (two hundred and fifty thousand pounds) £100,000 ~~(one hundred thousand) or less~~ (save that the Director shall not have authority to waive CSO 9.08)

10.01.2. A waiver may be agreed after considering a written report that demonstrates:

- a) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Standing Orders is justifiable; or

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- b) the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English law); or
- d) it is in the Council's overall interest; or
- e) there are other circumstances which are genuinely exceptional.

10.01.3. Waiver requests must be approved before any related contract awards, variations or extensions.

10.01.4. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Head of Procurement.

10.01.5. Where a waiver of Contract Standing Orders is sought for the second time in relation to the same individual contract, this must be agreed by the Cabinet.

10.02 Variations and Extension

10.02.1. Subject to the provisions of CSO 3.01; the Public Contract Regulations restrictions and compliance with Financial Regulations, a Director *may* (subject to satisfactory outcomes of contract monitoring) authorise the following:

- a) any extension provided for within the terms of a contract and previously included in an award of contract decision taken by Cabinet provided the value of the extension is less than £500,000 (five hundred thousand pounds)~~(but subject to satisfactory outcomes of contract monitoring)~~;
- b) any variation or any extension not included in the original contract award and which has a value less than £500,000 (five hundred and thousand pounds);
- c) a single extension by up to twelve ~~six~~ months, ~~or half the contract term (whichever is less)~~ of the contract not provided for within the original contract award decision;

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d) any variation, and if relevant a consequent change in price, determined in accordance with the contract terms.

10.02.2. In any other circumstances where the value is exceeds £250,000 (two hundred and fifty thousand) £500,000 (five hundred thousand pounds) or more the Cabinet may vary or extend a contract providing that to do so is consistent with the Public Contract Regulations and the Council's Financial Regulations.

~~10.02.3. In addition a Director may authorise variations to a contract where either delay would incur substantial cost penalties to the Council or the proposed variations are unavoidable and/or essential for the contract to proceed or continue, and the additional cost of such variations does not exceed 25% of the value of the contract, up to a maximum of £250,000 (two hundred and fifty thousand). Variations above this level may be authorised by a Director, where the Director considers that circumstances require such authorisation, as long as such variations are reported to the Cabinet at the earliest opportunity.~~

10.02.3. All variations and extensions must be recorded in writing.

10.03 Novations (Transfers)

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

11. Contract Termination

11.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated contract(s) and initiate alternative arrangements as may be required taking into account CSO 10.03 in cases of novation or CSO 4.01 in cases that warrant the re-letting of the contract(s).

11.02. The decision to terminate a contract early in all other circumstances must be approved by a Director.

11.03. In all cases of contract termination for whatever reason where the awarded contract value was £500,00 (five hundred thousand pounds) or more ~~was more than £250,000,~~ a report must be presented at the earliest opportunity to Cabinet.

12. Schools

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

13. Care Contracts for Individuals

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

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

14. Alexandra Palace and Park

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

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

15. Disposal of assets

- 15.01. Where Council assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.
- 15.02. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of Business Unit, provided the disposal shall be in favour of recycling wherever possible.
- 15.03. In respect of assets to be disposed of having an estimated value of less than £5,000 (five thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 15.04. Assets recommended for disposal with an estimated value of ~~more than~~ £5,000 (five thousand pounds) or more , shall be disposed of in such a manner as to secure best value.
- 15.05. Disposal of assets valued at ~~more than~~ £250,000 (two hundred and fifty thousand pounds) or more must be reported to the Cabinet.
- 15.06. Under no circumstances shall disposal of Council assets be made to employees or Members of the Council without the prior approval of the Director.

16. Urgent Decisions/Decisions Required in-between Cabinet Meetings

- 16.01. These provisions apply where action needs to be taken between meetings of the Cabinet or in cases of urgency ~~urgently on any matter between meetings of the Cabinet~~ and that action would be outside the powers given to a Director under these Contract Standing Orders. They ~~may only be used in cases of genuine urgency and not to avoid proper forward planning.~~

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16.02. Decisions reserved to members under these Contract Standing Orders will ordinarily be taken at the Cabinet meeting. Notwithstanding this, the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

16.02 The provisions of the Access to Information Procedure Rules at Part 4 of this Constitution will apply. All key decisions should be listed on the forward plan accordingly. Where a decision is 'urgent', rules 16 and 17 within the Access to Information Procedure Rules will apply.

All urgent decisions, including waivers and awards of contract, that are not “key decisions”, may be taken by the Cabinet Member with responsibility for procurement or in his/her absence by the Leader of the Council.

~~16.03. All urgent decisions, including waivers and awards of contract, that are “key decisions”, may be taken by the Leader of the Council in accordance with his/her powers under the Constitution and subject to the statutory “Special Urgency” rules where these apply. In the absence of the Leader, the decision may be taken in accordance with the provisions set out in the Cabinet Procedure Rules.~~

17. Application of CSOs to Grants

Approval for Receipt of Grants to the Council from External Bodies

17.1 Where the Council receives a grant from an external body, the process for approving that grant shall be the same as that set out in CSO 9.07 (i.e the Director may approve receipt of a grant valued less than £500,000. For approval of receipt of grants valued at £500,000 or more, a Cabinet decision is required).

17.2 The Council's requirements in respect of execution of contracts as deeds (CSO 9.08.9) shall not apply in respect of grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the Business Unit.

Approval for Payment of Grants from the Council to External Bodies

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17.3 Where the Council awards a grant to an external body, the process for approving that grant shall be the same as that set out in CSO 9.07 (i.e. the Director may approve awards of grants valued less than £500,000. For approval of award of grants valued at £500,000 or more, a Cabinet decision is required.)

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Part Four, Section K

Officer Employment Procedure Rules

1. 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~~ Assistant Director for Human Resources 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~~ Assistant Director for Human Resources.

(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.

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

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 paragraph (1) 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 the Staffing and Remuneration Committee. ~~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 Corporate Committee (or by their nominees). That committee or sub-committee must include at least one member of the Cabinet.~~
- (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 Cabinet, or
 - (ii) if any objection is made, the Staffing and Remuneration 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.

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

4. Appointment of Chief Officers and Deputy Chief Officers

- (a) ~~The Staffing and Remuneration Committee~~ 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 Corporate Committee (or by their nominees). That committee or sub-committee must include at least one member of the Cabinet.
- (b) The procedures in (a) above will not apply to the appointment, dismissal or discipline of the Chief Officer of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, dismiss or discipline that Chief Officer in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a Chief Officer or a Deputy Chief Officer shall only be made where:
- (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the Staffing and Remuneration Committee appointing committee, sub-committee or the Chief Executive is satisfied that the objection is not material or well founded.
- (d) The procedures in (a) and (c) above will apply to the dismissal of Chief Officers and Deputy Chief Officers except that (b) and (c) will apply to the dismissal of the Chief Officer of the Alexandra Palace and Park charity.

5. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the ~~Head of~~ Assistant Director for Human Resources in consultation with the Assistant Director of Corporate Governance. ~~Head of Local Democracy & Member Services.~~

6. Other appointments

- (a) ~~Officers below deputy chief officer.~~ Appointment of all other 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

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

- (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:

- "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
- "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.
- an officer whose duties are solely secretarial, clerical or administrative in nature shall not be regarded as Chief Officer or Deputy Chief Officer.

Part Five, Section B

Protocol on Member/Officer Relations

1. Introduction

- 1.01. The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.
- 1.02. Given the variety and complexity of such relations, this Protocol does not seek to be too prescriptive or comprehensive. It simply seeks to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.03. This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.
- 1.04. This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Members and officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.05. An effective working relationship between Members and officers is crucial to the successful operation of the Council's business. This relationship within Haringey Council is characterised by mutual trust, respect and understanding between politicians and paid staff – this is one of the keys to achieving effective local government.
- 1.06. Members and paid staff each have their own separate Codes of Conduct. This *Protocol* underpins those documents and focuses particularly on the interaction between Members and employees; deals primarily with Members' and officers' own separate responsibilities; and refers to the working relationship between Members and senior managers (Chief Officers *Directors** and others) who formally advise the Council. The quality of the interface between Members and officers is vital in ensuring that the highest ethical standards permeate the Council in both its private and public dealings.

*NB The term 'Director' is defined at Part 3 Section E1 of the Constitution

PART FIVE – CODES AND PROTOCOLS
Section B– Protocol on Member/Officer Relations

- 1.07. The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.
- 1.08. Thus, this document brings together many of the practices and values which have previously contributed to successful partnership. These include for example
- (a) a bias for equality, natural justice and reasonableness,
 - (b) an increased emphasis on joint working between Members, staff and external partners,
 - (c) an intention to be open, honest, to work corporately, and to encourage participation within and outside the authority.
- 1.09. Most issues can be resolved informally. Nevertheless, the Council is not prepared to condone misconduct or let it go unchecked.
- 1.10. Openness and accountability are overriding values for the Council. It therefore expects staff and Members alike to:
- (a) report any irregularities or matters which they feel have been dealt with improperly, and
 - (b) provide any evidence they have of such matters.
- 1.11. Any alleged breach by staff will be dealt with under the Council's disciplinary procedure. Serious breaches will be dealt with as gross misconduct and could lead to dismissal. Any serious or alleged breach by Members will be investigated by the Monitoring Officer¹ and referred to the Leader or the relevant party group and/or Standards Committee for consideration and action.
- 1.12 Breaches of this protocol which also constitute a breach of the Council's ~~Members' Code of Conduct for Members~~ (a separate document) may be referred by any person to the Monitoring Officer for investigation.

¹ The Council's Monitoring Officer is the ~~Head of Legal Services~~ *Assistant Director of Corporate Governance*

PART FIVE – CODES AND PROTOCOLS
Section B– Protocol on Member/Officer Relations

2. Distinction of roles of Members and Officers

2.01. Mutual respect between Members and staff is essential to good local government. The respective roles of Members and staff can be summarised as follows: Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

- (a) Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy.
- (b) Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive (the Leader, Individual Cabinet Members and the Cabinet) Cabinet, and relevant their Committees, and the management of the Chief Executive and relevant Director Chief Officer.

3. Roles of Members

3.01. Members when acting as Councillors:

- (a) are elected democratically. It is their policies, ideas and decisions which people vote for (not those of staff),
- (b) represent the local community and ensure that its best interests are considered during policy making,
- (c) set the Council's strategic direction, its policy framework, corporate goals, overall priorities and targets,
- (d) develop policy proposals with professional advice from employees,
- (e) scrutinise the implementation and effect of their decisions,
- (f) add a political dimension,
- (g) act as advocates for the interests of constituents,
- (h) are accountable to the electorate for the delivery of their platform.

3.02. Members have three main areas of responsibility:

- (a) determining the policy of the Council and giving it political leadership,
- (b) representing the Authority externally, and
- (c) acting as advocates on behalf of their constituents.

3.03. While it is not the role of Members to involve themselves in the day-to-day operational decisions made by officers under delegated powers, Members will receive sufficient information to facilitate general

PART FIVE – CODES AND PROTOCOLS
Section B– Protocol on Member/Officer Relations

performance monitoring of Services and will be kept informed about sensitive issues.

3.04. **Members of the Cabinet and Chairs and Vice Chairs of Committees** - Members of the Cabinet and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of Members without those responsibilities, and this is recognised in the expectations they are entitled to have.

3.05. **Opposition Members** - Members shall be given timely access to information that they request that they require in their role as Members. As individual Members of the Council, all Members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

4. Roles of Officers

4.01. Officers are employed by the Council to:

- (a) deliver services to the community according to the policies and requirements set by the Council,
- (b) work within and pursue Council policies and priorities unaffected by personal inclinations,
- (c) undertake a variety of roles within the organisation.

At senior level that role may include:

- (d) a specific duty to ensure that the Council acts lawfully,
- (e) drafting policy proposals which accord with the overall framework set by Members,
- (f) giving professional advice in the course of policy development,
- (g) managing the organisation,
- (h) being accountable to Members for the achievement and strategic goals they set.

At more junior levels the role will include:

- (i) working to establish systems and protocols designed to deliver services fairly and equitably,
- (j) working to the instructions of their managers, and not to individual Members of the Council – whatever office a Member might hold,

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- (k) responding to Members’ questions on service practice
- (l) being accountable to their manager and ultimately their Director Chief Officer.

4.02. The primary role of staff is to give advice and information to Members and to implement the policies determined by the Council.

4.03. Certain officers e.g. Head of Paid Service², Monitoring Officer, Chief Finance Officer³ (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

5. Reasonable Member expectations

5.01 Members can expect from officers :-

- (a) a commitment to the Authority as a whole, and not to any political group,
- (b) respect, dignity and courtesy – to be helpful, respectful and courteous to Members,
- (c) a working partnership,
- (d) to do their job effectively and efficiently, and provide best value services,
- (e) an understanding of and support for respective roles, workloads and pressures,
- (f) keeping to the standards of work and conduct set by the Council,
- (g) training and development in order to carry out their role effectively
- (h) assist Members in carrying out their role as Members dealing with Council business
- (i) refuse to assist Members with
 - (A) Private business
 - (B) Party political or campaigning activity (except insofar as the law⁴ allows for officers appointed as political assistants)
- (j) timely response to enquiries and complaints
- (k) to deal with Members’ enquires fairly, efficiently, truthfully and without omission of relevant information,
- (l) to work with all Members equally and fairly,
- (m) to act lawfully,
- (n) to give advice or recommendations based on reasoned options - ensure that Members have all the information necessary to make informed judgements,

² The Head of Paid Service is the Chief Executive

³ The Chief Finance officer is the Assistant Director of Finance Corporate Resources

⁴ Section 9 the Local Government and Housing Act 1989

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- (o) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (p) awareness of and sensitivity to the political environment,
- (q) regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (r) integrity, mutual support and appropriate confidentiality - maintain confidentiality where it is proper for them to do so,
- (s) to never canvass Members or otherwise seek to gain favour from them for personal or career advantage - that staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (t) never contact Members over the heads of managers about personal employment issues,
- (u) avoid contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed,
- (v) That staff shall at all times comply with the relevant Code of Conduct.

6. Reasonable Officer expectations

6.01. Officers can expect from Members:-

- (a) a working partnership,
- (b) respect, dignity and courtesy - to be treated them in a reasonable manner,
- (c) Political Leadership and direction,
- (d) an understanding of and support for respective roles, workloads and pressures,
- (e) to be open and honest with them,
- (f) act lawfully,
- (g) integrity, mutual support and appropriate confidentiality - to respect confidentiality when proper to do so,
- (h) fully consider advice and recommendations for the purpose of making informed judgements,
- (i) accept that officers
 - (A) are accountable to their manager
 - (B) act independently of political bias,
- (j) avoid getting involved in the day to day management of the Council,
- (k) avoid asking officers to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job,
- (l) avoid asking for or using influence or pressure to get special treatment for themselves or others,
- (m) avoid seeking access to resources or information held by the Council to which they have no right or for an improper purpose,

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- (n) avoid asking staff to take sides in party politics, discussions of political decisions or differences, or criticism of other Members – even during the overview and scrutiny process,
- (o) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels,
- (p) that Members shall not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly,
- (q) respect the private life of the employee. Members needing to deal with an urgent matter out of hours will normally contact the Council's call-centres. They have access to relevant staff who are on duty or on-call
- (r) that Members shall at all times comply with the relevant Code of Conduct.

7. Basic principles of Member Officer relations**The Principle of impartiality**

7.01. Officers are employed by the Council, not by committees or individual Members, and are subject to the Council's employment procedures. They serve the Council and are responsible to the Chief Executive Cabinet and their respective Directors and not to individual Members of the Council whatever office they might hold. All officers will ensure that:

- (a) they respect the individual rights of all Members,
- (b) they serve all Members and not just those on the controlling group,
- (c) they will operate even-handedly with Members engaged in all aspects of the Council's functions:-
 - (i) Executive Cabinet, or
 - (ii) Overview and Scrutiny, or
 - (iii) Area Committees assemblies, or
 - (iv) other Committees
- (d) they will offer appropriate support to co-opted or independent Members,

7.02. Reports to Committees should be written by the ~~Chief Officer~~ Director or another officer authorised by him or her. The report is the officer's and may not be amended unilaterally by the Chair, Cabinet Member or any other committee Member. However, in writing reports officers must aim to promote Council policies and priorities and must be sensitive to the proper concerns of individual Members. A Committee Chair, Cabinet Member or individual Member cannot instruct an officer not to present a report to a Committee if the officer has sound professional or management reasons for doing so. If the ~~Chief Officer~~ Director's report

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is not regarded as appropriate by the Chair or Cabinet Member, the remedy is for the Committee / Cabinet Member to reject its recommendations or refer it back. Exceptionally the Chair / Cabinet Member may write his or her own report in addition to the report submitted by the ~~Chief Officer~~ Director. In this instance the Chair / Cabinet Member should under no circumstances pressure the ~~Chief Officer~~ Director to withdraw the original report.

7.03. By law, Members cannot be employed by the Council.

8. Officer relationships with party groups

8.01. Representations to political groups - Members and officers must understand that Council decisions can only be made by Full Council, the Cabinet Executive (that is, the Leader, Individual Cabinet Members and the Cabinet), their Committees, or Chief officers or Cabinet Members acting under delegated authority. Decisions by party political groups do not constitute Council decisions and should not be so presented to the public and press. Representations by interested parties on any matter for Council decision should be made to the appropriate committee, and not exclusively to a political group, at which officer advice on the points raised is unavailable.

8.02. Party groups may ask the Chief Executive (or, in their absence another Member of the Strategic Leadership Team Management Board) to provide a senior employee to brief them on Council business in a professional capacity. Such requests are likely to be rare rather than regular. Other party groups will be similarly served should they so request. Normally, only the Director ~~Chief Officer~~ shall be expected to attend meetings or write reports for a party political group. At the ~~appropriate~~ Chief Executive's discretion, other senior officers may on occasions be invited to attend or write reports. However, neither the Director ~~Chief Officer~~ nor any other officer can be so instructed. This provision covers meetings of or reports to a party political group, or meetings designated for one party only. It is of course open to any Committee to require a report from a Director ~~Chief Officer~~ on a matter within its terms of reference.

8.03. Members will respect the political neutrality of any employee attending a group meeting. As the Chief Executive decides which employee shall attend, it would become unfair for the employee to be identified with that party.

8.04. Officers will respect the confidentiality of any party discussions at which they are present and, in particular, they will not relay any such discussion to another group.

8.05. Officers may also be asked to give support in other ways such as briefing Chairs or spokespeople before a formal meeting. In practice,

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such support is likely to be in the most demand from the party group in control of the Council, but is equally available to all groups.

- 8.06. It is important though, for there to be regular contact between the Chief Executive, Directors, senior officers and the Leaders of Political Groups on matters affecting the Council: and between Directors, other senior officers, and Cabinet Members on matters affecting their respective portfolios.
- 8.07. Senior officers, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”. For example, they may not hold office in a political party, act as an agent, or canvass at any election, nor speak or write publicly on matters of party political debate. Such officers are nevertheless able to engage in such activity to “such extent as is necessary for the proper performance of their duties”. (Sections 1-3 Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990).
- 8.08. Preparation of reports - Any report to a party political group from a senior officer should be written as if the report was being prepared for the relevant Committee, should include appropriate legal and financial advice, and must be accessible to Members of other parties. This reflects current legislation on access to information and the reality that the consideration of an issue in the party political group often represents an early stage of the decision making process.
- 8.09. Political groups, Cabinet Members and Committee Chairs will often receive draft versions of Committee reports in order that they may give preliminary consideration to the issues raised in them. There is nothing improper in this but there should be no expectation that reports will then be re-written. Committee reports contain officer advice and if this is at variance with the wishes of Members, the correct course is for Members to reject the advice in open committee and for the Committee to decide upon an alternative course of action. However, there is equally nothing improper in reports being amended by the ~~Chief Officer~~ Director if this preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed. Where a report to a Committee has been considered in draft by a political group and amended in the light of that prior consideration, this should be stated in the final report and a copy of the earlier draft should be made available to the Shadow Cabinet Members and Shadow Chairs of the relevant Committee.
- 8.10. Proper communication between Members and officers - ~~Chief Officers~~ Directors must recognise that it is their duty to keep Members of all political groups (and not just Members of the majority party) fully

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informed about developments of significance in relation to Council activities. ~~Chief Officers~~ Directors must also report promptly to the relevant Cabinet Member / Committee any significant failure to implement a decision of that Cabinet Member / Committee.

8.11. All Members and officers should understand that:

- (a) Employee information is limited to giving information and advice about Council business – it is improper for ~~them~~ officers to be involved in party business,
- (b) It is best if officers are not present when party business is being discussed – the meeting should be structured to ensure this,
- (c) Party group meetings can not make Council decisions and any conclusions reached cannot be interpreted as such or acted upon
- (d) Where staff provide information and advice to a political group this cannot act as a substitute for providing all necessary detailed information to a formal meeting,
- (e) Officers will take care not to disclose confidential information to a party group that includes non-Members. As such, a person would not be bound by Council standards on declaration of interests and confidentiality.

9. Complaints and constructive criticism

9.01. Contact between Members and officers should always be courteous both in public and in private. From time to time, the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group Leader shall decide on the course of action to be taken, following consultation with the Chair and Vice Chair of the Standards Committee.

9.02. In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Director. Where the matter concerns a Director, it should be raised with the Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against local authority chief executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern

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about the manner in which a Council Department has acted, or dealt with a constituent, or *the way* a service has performed generally. Nor does it prevent Members at Committee being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance issued within this document.

9.03. On rare occasions, a Member may wish to make a complaint against, or criticise the actions of an employee. Similarly, an employee may wish to complain about the conduct of a Member. Where the matter cannot be dealt with informally, they should use the appropriate procedure to deal with such cases.

9.04. Members should ensure that:

- (a) any criticism is constructive and well-founded
- (b) they avoid personal attacks on staff
- (c) they have regard to the level of seniority of staff when questioning or criticising

9.05. Such actions would be damaging to effective working relationships and to the public image of the Council. An employee may take unfounded or unfair criticism as grounds for resignation. They could then bring a claim for constructive dismissal against the Council.

9.06. These principles are particularly important during meetings of Overview and Scrutiny Committees

Formal complaints about Officers

9.07. Complaints about officers should be made to the relevant service head or Director.

9.08. Within 5 days, they will:

- (a) acknowledge your complaint
- (b) say if they intend to take action, or
- (c) say how long they need to investigate

9.09. Members have a right to know if action has been taken to correct a matter, but they must not either

- (a) seek to influence the level of disciplinary action to be taken against the officer, or
- (b) assist (or appear to insist) that an employee is disciplined
- (c) say how long they need to investigate

9.10. In all cases, Members and officers have an obligation to maintain confidentiality throughout.

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- 9.11. Members have a right to be told the outcome of any disciplinary action case, but not the detailed information about the hearing or its conduct. If they are not satisfied that effective action has been taken, they may refer the matter directly to the Chief Executive for independent assessment.
- 9.12. Once the issue has been resolved, whatever the outcome, professional behaviour is expected from all involved. Any continued grudge may lead to unrest and it is not in the Council's interests. Any difficulties of this sort may be referred
- (a) By the **employee**: to their service head, or
 - (b) By the **Member**: to their party group Leader
- 9.13. Members must avoid becoming involved in any employee related matters as this could jeopardise official consultation, grievance, disciplinary and appeal procedures

Formal complaints about Members

- 9.14. These may be made to the employee's Service Head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take. Any complaint by a ~~Chief Officer~~ Director should be referred to the Chief Executive.
- 9.15. Normally they will:
- (a) inform and involve the Monitoring Officer, and
 - (b) advise the Leader of the party group of the complaint.

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

- 9.16 Complaints will be handled under one of the following procedures:
- (a) Through a process of mediation if this is appropriate and both parties to the complaint agree; or
 - (b) Through an internal investigation by the Service Head or their appointee. The Service Head will consult the Head Assistant

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Director of Human Resources and the Monitoring Officer about the arrangements for the investigation and may appoint an appropriate person from within or outside the complainant's Service/Directorate to investigate. Whenever practicable an investigation will be completed within 6 months but there may be circumstances where this is not possible. This procedure is distinct from the procedures under the Arrangements;

- (c) Through a formal complaint under the Arrangements which is appropriate for more serious cases, or if the officer concerned requests it, provided that the facts fall within the scope of the Members' Code of Conduct.

Only one of the three procedures will be pursued at any time but a complainant has the right to discontinue under one procedure and to start the complaint afresh under another procedure. The advice of the Service Head and the Monitoring Officer on the options available in terms of procedures will be given to the complainant when the complaint is first made and before any change to a different procedure.

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

10. Members using Council Services

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10.01. When Members use Council services as a resident of the borough, they will ensure that they

- (a) do nothing to seek preferential treatment
- (b) expect the quality of service equivalent to that offered to other residents

10.02. The employee providing the service will

- (a) treat the Member concerned in the same way as any other customer
- (b) maintain full confidentiality where this is appropriate.

11. Members in their ward role and officers

Involvement of Ward Councillors

11.01. Whenever a public meeting is organised by the Authority to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course be invited to attend the meeting, the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted before the outset of the exercise.

11.02. Ward Councillors should be notified in advance about any issues likely to affect them. This would increase press releases relating to a particular Ward or significant matters likely to affect a Ward.

Member advocacy for constituents

11.03. One key role of Members is to represent the interests of their constituents. But in doing so, they must ensure that they:

- (a) Make officers aware of any personal or financial interests,
- (b) Avoid seeking special treatment on account of such an interest.

11.04. Members should avoid improper influence on staff with delegated authority to make decisions for the Council. This might lead officers to make decisions that

- (a) are against normal procedures or Council policy,
- (b) breach the Code of Conduct for officers,
- (c) conflict with the Council's Constitution, procedure rules of financial regulations,
- (d) are unlawful,
- (e) are not objective and cannot be accounted for,
- (f) favour unfairly, one individual person or group over another.

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11.05. Officers have a duty to report to their service head or Director any attempt to exert improper influence. The Chief Executive may investigate any such case as necessary.

Staff as constituents

11.06. Staff who live in the borough may, of course, attend local events, area assemblies, public meetings or ward surgeries in a personal capacity. The employee, as a resident and citizen may wish to voice concerns about certain services or facilities in the area, or to ask questions or make suggestions. This is natural and acceptable provided that certain boundaries are maintained. Staff should take care not to:

- (a) maliciously undermine the Council by adverse or negative comments,
- (b) raise personal issues concerning their employment,
- (c) disclose confidential information gained in the course of work,
- (d) raise such issues with the Member in a work setting.

11.07. Members will respect the rights of the employee as a citizen. They will not:

- (a) treat the individual concerned as an employee at such meetings,
- (b) raise work issues with the employee,
- (c) discuss or disclose private matters in the workplace,
- (d) show favour to those who live in the Borough or those who originated from the area,
- (e) hold grudges against staff who raise reasonable concerns in public forums.

12. Member access to documents and information

12.01. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them *into* correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members by-pass appropriate lines of communication to ~~Chief Officers~~ Directors and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from ~~Chief Officers~~ Directors and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a justifiable reason for doing so or have been requested to do so by the first Member. Otherwise, the employee will inform the Member and discuss the matter before doing so.

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- 12.02. All Members have a statutory right to inspect documents containing material relating to any business to be transacted at a meeting of the Council, a Committee or Sub-Committee. This right applies whether or not the Member has a "need to know" and it permits a Member to see documents within some, but not all, categories of "exempt" information (for these categories see above in Part 4 Section D of the Constitution, Access to Information Procedure Rules). ~~The permitted categories are information within paragraphs 7, 8, 10, 13 & 15 of Part 1.~~
- 12.03. Normally, officers will accept that Members do not ask for information without good reason and will not question the Member's "need to know". But in the words of relevant legal judgements, a Member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.
- 12.04. In rare cases, therefore a ~~Chief Officer~~ Director may apply the "need to know" test. The Member will need to show why the information is necessary to fulfil Council duties. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.
- 12.05. A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to retain material for a reasonable time, and to copy individual documents, but may not make use of such information for an improper purpose or one unrelated to the Member's duties as a councillor. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a "need to know".
- 12.06. It may not always be appropriate for officers to provide copies of documents to Members in certain highly sensitive or confidential matters. In such circumstances, on the advice of the Monitoring Officer, Members may be offered an appointment to view documents within Council offices without the supply of copies
- 12.07. Members are presumed to have a good reason for access to all written material relating to a function controlled by a Committee on which they serve, and a Member of a Committee would have a good reason for access to papers relating to the business of a Sub-Committee of that Committee.
- 12.08. A Member with a legitimate concern in a matter in which they are representing a constituent or other person or organisation will also be

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able to demonstrate a "need to know" in relation to papers relevant to that matter, even if the Member concerned is not on the relevant Committee.

12.09. However, even where a Member is a Member of a Committee and wishes to see papers relating to the work of that Committee or a Sub-Committee of it, there will not be an automatic right of access to papers if the Member's interest springs from something other than the wish to pursue rights as a Member of that Committee.

12.10. Party leaders should be presumed to have a good reason for access to written material relating to all Committees, unless there is cause to think that the information may have been requested for an improper purpose or is otherwise unreasonable.

12.11. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a ~~Chief Officer's~~ Director's attendance at the office amounted to harassment.

12.12. In order to give effect to the guidance set out above, officers will be required on occasion to ascertain the reasons for a request for information. Requests for information can be refused pending the provision of such reasons.

12.13. In the event of a dispute between a Member and a ~~Chief Officer~~ Director over the release of sensitive information, definitive advice on the legal issues will be given by the Monitoring Officer. This shall not preclude the Member from making an application to the Leader and the appropriate Cabinet member under the next paragraph.

12.14. In the event of a dispute, as mentioned in the last paragraph, any Member may apply to the Leader and the appropriate Cabinet Member for a decision (an access to information determination). This would be a decision whether or not to release information to the Member applying, even though that Member had not established a "need to know" or other right to obtain the relevant information. Any such decision should be regarded as a matter of policy on releasing information but not determinative of any legal issue.

12.15. Before taking a decision on an access to information determination, advice on any legal issues should be sought from the Monitoring Officer. The decision should take into account the reasons given by the Member applying for seeking the information, the role of that Member within the Council and the benefits and risks for good administration inherent in releasing the information requested.

12.16. In making such an access to information determination there must be a statement of the extent to which any information released can be

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shared with any other person(s) if at all. Any Member receiving information after an application must respect the statement on sharing that information.

Member Enquiries

12.17. Each Director ~~/ Head of Service~~ is responsible for ensuring that Member enquiries are dealt with promptly and accurately in his or her service area~~directorate~~. Members will normally pursue enquiries

- (a) at senior level (usually an appropriate line or service manager),
or
- (b) with officers whose role includes liaison with Members.

12.18. Other officers might feel awkward, unsure, or unduly pressurised to comply with Member requests.

12.19. The Council has a 10-day timescale for handling Member enquiries. This limit applies whether you ~~make~~ the enquiry is made in person, by phone, by electronic mail, or in writing. Members can therefore expect a full response within 10 days, unless it is impossible to meet the deadline. If the case, staff will ~~tell you~~ inform the Member within 10 days what they are doing to pursue the matter and when you ~~the~~ Member can expect a full response.

12.20. If an enquiry is very time consuming, the officer may discuss the enquiry's impact on other work with the Member and senior Members or managers.

12.21. Members are free to approach any other Council department for any information, explanation or advice that they need to assist them in carrying out their role as a Member. But Members will not request information

- (a) about a matter in which they have an interest to declare, or
- (b) that they have no "need to know" (unless the Member considers that there is good ground for applying for an access to information determination).

Personal Information

12.22. Members should ensure that a complaint (as distinct from an enquiry) on behalf of a constituent is put through the official complaints procedure.

12.23. The Data Protection Principles have the effect that Members are not entitled to personal information about an individual (~~say~~ for example an employee) unless access is authorised by the data subject. Members

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will therefore avoid asking information about an individual unless there is a signed authorisation by the data subject.

12.24. Where the Member represents the Ward in which the data subject lives and the Member is acting on behalf of the data subject, consent will be presumed without signed authorisation except where the information is ~~of a particularly~~ relates to sensitive personal data kind.

Council documents

12.25. All Members (even those not on the relevant Committee) have a legal right to inspect any Council document provided that they can show that it contains

- (a) information reasonably necessary to enable them to perform their duty as a Councillor (the “need to know” principle),
- (b) material related to any business to be transacted at a Committee meeting. This rule is set out in detail in paragraph 12.2 above.

12.26. The term “Council Document” is very broad and includes any document produced on Council resources. However, by convention Members of one party group will not have “need to know”, and therefore a right to inspect, a document which forms part of the initial workings of another party group.

12.27. Sometimes, a Member’s “need to know” will be presumed. For example, a Member is unlikely to be refused opportunity to inspect documents relating to the functions of a Committee on which they sit. At other times, for example when documents contain personal information about third parties, the Member will need to satisfy the service head about their “need to know”. This is subject to a Member’s right to apply for an access to information determination.

Correspondence

12.28. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but wherever appropriate Members should keep Directors of departments informed by copying them correspondence, e-mails, etc., and routing general enquiries through them. Serious problems can arise if Members by-pass appropriate lines of communication to ~~Chief Officers~~ Directors and their senior colleagues and, for example, deal with more junior Members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from ~~Chief Officers~~ Directors and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager. Staff will not normally copy correspondence between them and a Member to another Member, unless they have a

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justifiable reason for doing so. The employee will inform the Member and discuss the matter before doing so.

12.29. Staff who write to a Member or a group of Members will clearly indicate

- (a) the names of any others who have been sent the same correspondence.
- (b) include any who have been copied in for their information,
- (c) act in the spirit of openness and avoid “blind” copies.

Confidentiality

12.30. Where any document, correspondence or information is stated to be confidential, Members and officers will strictly observe this.

13. Press Releases and Publicity

13.01. Haringey Council’s aim is to ~~make Haringey one of the best places to live and work in London (by 2005)~~ *“To sustain and improve the life chances of our residents, especially those who are most vulnerable, and develop a borough which is a good place to be born, learn, work, have fun and grow old”*. Central to achieving this aim is how residents, businesses and opinion formers perceive Haringey through its public face in the local and national media. An effective and proactive PR and media protocol is a vital part of improving perceptions.

13.02. This Protocol aims to:-

- (a) set out procedures for continuing to develop an effective relationship with the media,
- (b) clarify the expectations of Members and officers within ~~the new~~ governance arrangements.

13.03. All publicity activities carried out by the Communications Office will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued in 2011 by the Secretary of State DLTR. Key points of the Code are:-

- (a) Section 2 of the Local Government Act 1986 states that a local authority shall not publish (or assist others to publish) material that, in the whole or part, appears to be designed to affect public support to a political party.
- (b) The Code applies all the time, not only at elections, however, greater care needs to be taken in the run up to elections
- (c) The basic aim of the Code is to ensure the proper use of public funds for the Council’s publicity work.

13.04. When deciding whether publicity may fall foul of the 1986 Act and or the ~~1988~~ 2011 Code, the Council must consider

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- (a) content and style of materials,
- (b) timing and circumstances of materials,
- (c) likely effect on those to whom it is directed,
- (d) whether it refers to a political party or politician,
- (e) whether it advocates a particular view that can be easily identified with a political party,
- (f) if it is part of a campaign, the effect that the campaign is designed to achieve.

13.05. The Code is clear that the Communications Unit may give to individual Members publicity support where it:-

- (a) is relevant to their position and responsibilities within the Council,
- (b) does not personalise the issues or promote personal image making,
- (c) is not capable of being portrayed as party political,
- (d) does not directly attack the policies or opinions of other parties, groups or individuals

The role of the Communications Unit

13.06. The Communications Unit works on behalf of Haringey Council as a whole. It is not for any political party.

- (a) The Communications team works to:
 - (i) provide high quality information about the Council, its policies and services
 - (ii) protect and promote the Council's reputation,
- (b) The Communications Team cannot:
 - (i) provide publicity support to individual Members – other than in their role as Council spokespeople
 - (ii) be seen to produce publicity that could be interpreted as party political

The role of the PR and Media and Public Relations Team

13.07. The ~~PR and Media~~ and Public Relations Team is part of the Communications Unit that deals specifically with media issues.

13.08. All media enquiries to the Council must be referred to the ~~PR and Media~~ and Public Relations Team. Sometimes media enquires will be received by an officer in another service area directorate. In these cases, the enquiry should be referred to the ~~PR and Media~~ and Public Relations Team as soon as possible and **before** any comment is offered. The ~~PR and Media~~ and Public Relations Officer will liaise with the relevant spokespeople (**see protocol section**) to produce an appropriate response.

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13.09. All Council press releases and corporate publicity will come from Haringey's Communications Unit – in close discussion and liaison with Members and officers.

13.10. As well as responding to enquiries, the ~~PR and Media~~ and Public Relations Team will work with the Council spokespeople to identify emerging issues and policies to plan proactive publicity.

The Protocol

Key issues

13.11. Members will not discuss with or disclose confidential or exempt information to the press. They will not use the media to:

- (a) criticise officers unfairly,
- (b) make personal attacks on them,
- (c) undermine respect for them.

13.12. At the same time, Members expect staff to promote the policies and reputation of the Council. As with most large organisations, contact with the press and media is conducted through the ~~PR and Media~~ and Public Relations Office. This protects individual officers from unwanted media attention and allows the Council to properly manage its reputation.

13.13. Where possible, the Forward Plan, and other planning mechanisms, working groups and meetings will be used to identify key issues to be publicised.

Key spokespeople

13.14. The Council's key spokespeople are:

- (a) the Leader;
- (b) Cabinet Members within their portfolios;
- (c) the Chairs of the Overview and Scrutiny Committee, scrutiny panels, the ~~General Purposes Committee~~, Planning Applications Sub-Committee and Licensing Sub-Committee; and
- (d) the Mayor.

They will be quoted or featured in publicity where it relates to their responsibilities on the Council.

13.15. Directors and senior Council officers will also act as spokespeople on their areas of expertise.

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Section B– Protocol on Member/Officer Relations

- 13.16. The role of the spokesperson is to present the facts about Council Decisions, the context in which they were taken, actions and issues faced by the Council. Spokespeople (both Members and officers) will receive media training to support them in this role.
- 13.17. Council officers will not discuss Council business with the press without prior permission from their service head or the ~~PR and~~ Media and Public Relations Office. This includes speaking, writing or giving interviews to the media. Officers will always refer press enquiries to the ~~PR and~~ Media and Public Relations Office in the first instance.
- 13.18. And no employee should ever:-
- (a) publicise confidential information gained in the course of work,
 - (b) maliciously undermine the Council by adverse or negative comments,
 - (c) take personal issues concerning their employment to the press,
 - (d) bring the Council into dispute by extremity of their views
- 13.19. News releases issued by the Council will not contain quotes from Members other than, where appropriate, from the Leader or Cabinet Member or the Chair of a Committee or Sub-Committee, or the Mayor acting in a civic capacity. News releases may quote appropriate officers, where these quotations are purely factual or consistent with Council policy.
- 13.20. Where a news release is issued after an ~~Cabinet~~ Executive Meeting, ~~Area Assembly~~ Committee or other Committee meeting any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.
- 13.21. The Communications Office will be guided by the Leader, Cabinet Member or relevant spokesperson on whether a news release should be issued before or after a meeting. The ~~PR and~~ Media and Public Relations Office will give advice as to whether this is appropriate. Where there is a difference of opinion between the Cabinet Member and an officer, it will be referred to the Leader and Chief Executive for a final decision.
- 13.22. When news conferences or media events are arranged the ~~PR and~~ Media and Public Relations Office will liaise with the Leader, Cabinet Member or spokesperson when setting up photo-calls or media events.
- 13.23. All party political news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Members should state clearly that the release has been issued by that person not on behalf of the Council.

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Scrutiny

- 13.24. A named ~~PR and Media~~ and Public Relations Officer is assigned to each Cabinet Member, the Overview and Scrutiny Committee and each scrutiny panel and will work with Members and officers to identify publicity issues and plan media strategies
- 13.25. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the Council is conducting, who is involved, the processes they will follow and the decisions they will take.
- 13.26. Where scrutiny suggests a course of action that differs to or challenges one agreed by the ~~Cabinet~~ Executive or any other Council decision-making body, the Council will make this clear, together with the processes for resolving the difference.
- 13.27. Where decisions of the ~~Cabinet~~ Executive are referred to Full Council for resolution, the ~~PR and Media~~ and Public Relations office will await the final decision of Council before conducting any other proactive publicity on the issue, save to report the outcome of the scrutiny exercise and factual information about what is happening.

Controversial information

- 13.28. On items of political controversy, Council publicity will feature the decision taken by the ~~Cabinet~~ Executive or those actions taken within the broad policy framework set by the Council, subject to any call-in.

Publicity during an election

- 13.29. According to the amended 1988 ~~2011~~ Local Government Publicity Code, Code of Recommended Practice on Local Authority Publicity, during the period between the notice of an election and the actual election the Council must avoid:

13.30.

- (a) Proactive publicity of candidates and other politicians involved directly in the election
- (b) Publicity that deals with controversial issues. Where this cannot be avoided, the publicity should present issues clearly, simply and fairly. Opposing points of view should be represented
- (c) Publicity that reports views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members

However the Council can:

- (d) Respond to events and legitimate service enquiries provided that the answers given are factual and not party political,

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- (e) Comment in an emergency on where there is a genuine need for a Member level response to an important event outside the Council's control.

13.31. The restrictions on publicity in an election period, apply equally to the publicity issued by third parties assisted by Council funding. Where it could be shown that Council funding is being used to pay for the charity's publicity, for example, then the Council should take reasonable steps to ensure that that organisation complies with the ~~Code of Publicity~~ Code of Recommended Practice on Local Authority Publicity.

Other matters

Information for Members

13.32. All Council press releases, and the .pdf versions of all corporate publications, will be available to all Members on the Council's Internet and Intranet (*Harinet*). Lists of press releases will be published in *Insight*, the fortnightly bulletin for Members.

13.33. All Members will receive support and training to help them understand the role of Communications and to enable them to use the Council's Communication's Unit most effectively.

Other publications

13.34. All Council publicity and publications, including *Haringey People*, will be produced in line with the ~~Local Government Code of Publicity~~ Code of Recommended Practice on Local Authority Publicity.

14. Working relationships and the Constitution

14.01. The Council's Constitution gives Members different roles in providing accountable and transparent government. Members may ask for support as a Member of the Cabinet, as part of the overview and scrutiny function, or as Members of an Area Assembly Committee or another committee.

14.02. The Council expects officers to:

- (a) follow impartially the overall objectives of the Council and not to work against them. This includes supporting Members and taking direction from them in whatever constitutional role they have,
- (b) pursue every known lawful policy of the Council,
- (c) ensure that they do not allow their own personal or political opinions to interfere with their work

PART FIVE – CODES AND PROTOCOLS
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14.03. As officer support to Members must extend across all functions, Members should:

- (a) Avoid engaging officers in political differences between different functions,
- (b) Accept that officers will not challenge the political direction they are given and will co-operate with it, unless
 - (i) It is illegal or
 - (ii) It is in conflict with the Council's Constitution

14.04. Within the framework of a formal meeting, it is natural that Members will make political statements. But Members should not:

- (a) involve officers in party politics or discussions of party politics,
- (b) assume that staff have allegiance to a political party,
- (c) embarrass officers by, for example, expecting them to take sides, agree with a party line or criticise other Members.

Cabinet Executive functions

14.05. At a strategic level, it is legitimate for senior staff to seek political guidance in determining policy proposals.

14.06. However, when they write reports or give advice they have a duty to do so in their technical or professional expertise and to make Members aware of all the options available.

14.07. In turn, Members should not therefore, seek to influence unduly the technical content of reports to Committee. Staff must be able to report as they see fit, although Members are equally entitled to reject proposals and recommendations that are put in them.

14.08. In the interests of openness and accountability, Members should not expect officers to conceal improperly any political direction given to them.

Overview and Scrutiny

14.09. Among other things, such Committees review the decisions and actions of the Cabinet, and other decision-making bodies of the Council.

14.10. During this process, Members must distinguish between the roles of officers and Members in decision-making. Officers may be asked about their own advice, actions and performance but should not be asked to offer opinions on or pass judgement about:

- (a) Political issues,
- (b) The performance or actions of other Members, bodies of Members, or

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- (c) The performance or actions of other officers.

14.11. Members should not ask managers to:

- (a) Take sides,
- (b) Disclose improperly in one forum matters which are confidential to another
- (c) Conceal a matter that is not confidential.

14.12. Members should ensure that they do not criticise officers for following the political line given to them.

14.13. Members and officers should never hold a grudge against each other if, during the scrutiny process, they disclose a matter which it is proper for them to reveal.

Other Committees

14.14. Again Members should not ask managers to:

- (a) Take issue with or criticise political direction given in another forum,
- (b) Disclose improperly in one forum matters which are confidential to another
- (c) Conceal a matter that is not confidential.

14.15. Members and officers should never hold a grudge against each other if, in the course of serving a duly constituted committee of the Council, they disclose a matter which it is proper for them to reveal.

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Part Five, Section C

Protocol for Key Decisions

1. The Council has adopted the statutory definition of key decisions as set out in Regulations. This is: an Executive Cabinet decision which is likely:-
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

2. The Council has not set thresholds of savings and expenditure for different services and budget heads where decisions on expenditure or savings above these limits would be key.

3. The reasons for defining a matter as a key decision is so that it will be included in the Forward Plan and that papers relating to that decision will be publicly available, ~~subject to~~ *in accordance with* the Access to Information Procedure Rules at Part 4 of the Constitution. The meeting of the Executive Cabinet at which that decision will be taken will also be public, ~~again~~ subject to the Access to Information Procedure Rules.

4. In terms of the first part of the definition set out above, the following shall be key decisions:
 - (a) Award of contracts or expenditure estimated at £500K or above except “spot contracts” and contracts for the supply of energy to the Council [~~this change in the financial limit, previously over £3 million, will come into effect for decisions to be taken after 31 October 2007~~]
 - (b) Virements between directorate service area revenue cash limits of £250k or above
 - (c) Virements between ~~programme areas within directorate~~ service area capital budgets.

5. In terms of the second part of the definition set out above, Chief Officers Directors are required to consider in respect of each decision whether it is likely to affect more than one ward. If it does, Chief Officers Directors are required to consider whether the impact on those wards is significant. The following factors should be taken into account:

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Section C– Protocol for Key Decisions

- (a) Extent of the impact (i.e. how many wards will be affected)
 - (b) Likely views of those affected (i.e. is the decision likely to result in substantial public interest)
 - (c) Where the decision may incur a significant social, economic or environmental risk
6. Where there is any doubt, ~~Chief Officers~~ Directors should refer the decision to the proper officer for the Leader to decide whether or not it is key.
7. Officers are prohibited from taking key decisions. Key decisions may only be taken in accordance with Part 4 Section F of this Constitution.

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Section D–Protocol for Decision-Making

Part Five, Section D

Protocol for Decision-Making

This part set out provisions with respect to proceedings of the *Executive (the Leader, Individual Cabinet members, the Cabinet and Cabinet Committees)* and Non-Executive Committees and Sub-Committees.

~~This protocol constitutes provisions for the allocation of functions under Section 9E and provisions in respect of the proceedings of the Cabinet and Cabinet 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 *Members' Code of Conduct* for Councillors.~~

The *Executive (the Leader, individual Cabinet members, the Cabinet, and Cabinet Committees)*, ~~an individual Cabinet Member,~~ and a Non-Executive Committee or Sub-Committee shall not take any decision until the following requirements have been complied with:

- 1.1. All decisions shall be allocated by the Leader to the Cabinet or Cabinet Member or delegated to a Committee or Sub-Committee.
- 1.2. No 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
 - (a) the Chief Finance Officer and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
 - (b) other professional Chief Officers of the Council as appropriate
 - (c) service Directors whose service may be affected by the proposal.
- 1.4. Unless the ~~Head of Member's and Democratic Services~~ *Democratic Services Manager* agrees any exceptions, 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

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Section D–Protocol for Decision-Making

- (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,
 - (e) the facts upon which any decision must be based
 - (f) ~~comments of the Head of Legal Services'~~ Assistant Director of Corporate Governance ~~comments~~ on any legal implications or 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 reasons for the decision
 - (k) the staffing implications of the issue
 - (l) the Chief Finance Officer's comments on the financial implications
 - (m) any consultations undertaken, the views of any consultees and a summary of any other representations received
 - (n) any implications for any other areas of the Authority's activities
 - (o) any equalities implications
 - (p) the comments of any other professional officer or Service Director where appropriate
 - (q) if an ~~Cabinet~~ executive matter, the Cabinet Portfolio which the issue falls within
 - (r) the electoral areas which are particularly affected by the issue under consideration
 - (s) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
 - (t) the place, date and time at which the body proposes to make its decision
 - (u) a list of any background papers
- 1.5. At least 5 clear days before the proposed date and time for taking the final decision, the ~~Committee Secretariat~~ Democratic Services Manager 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 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 ~~Cabinet~~ decision-making process set out

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above or to comply with the Access to Information Procedure Rules in Part 4, the decision may be deemed “urgent”:

- (a) In order for an *executive* decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set out in the Access to Information Procedure Rules must be followed.
- (b) the Director shall use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full Cabinet 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) *urgent executive decisions shall be taken in the manner prescribed at Part 4 Section F;*
- (e) *urgent non-executive decisions may also be taken in the manner prescribed at paragraph 5.01 (b) of Part 3 Section E Section 1;*
- (f) 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.

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