

Ayshe Simsek,
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12 May 2023

To: All Members of the Full Council

Dear Member,

Full Council - Monday, 15th May, 2023

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

- 10. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE, NOTING THE APPOINTMENTS MADE BY THE POLITICAL GROUPS, AND TO TAKE SUCH ACTION AS MAY BE APPROPRIATE (PAGES 1 - 4)**
- 14. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL & GOVERNANCE SERVICES (PAGES 5 - 224)**

Administrative updates, arising from the changes to Committee structure, agreed at the 27th of March Council meeting, to the Constitution for noting.
- 15. TO NOTE THE END OF MUNICIPAL YEAR FINANCIAL STATEMENT FOR 2022/23 (PAGES 225 - 230)**
- 16. TO RECEIVE A STATEMENT OF COUNCILLORS' ATTENDANCE AT MEETINGS OF THE COUNCIL, COMMITTEES, AND SUB COMMITTEES IN ACCORDANCE WITH COUNCIL PROCEDURE RULES (PAGES 231 - 236)**

Yours sincerely

Ayshe Simsek, Democratic Services and Scrutiny Manager

Report for: Annual Full Council – 15 May 2023

Title: **APPOINTMENT OF POLITICAL GROUPS 2023-24**

Report authorised by : Fiona Alderman, Head of Legal and Governance & Monitoring Officer

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
0208 489 2929 ayshe.simsek@haringey.gov.uk

Ward(s) affected: All

Report for Key/
Non Key Decision: Non Key Decision

1. Describe the issue under consideration

1.1 To note the composition of political groups for 2023/24.

2. Cabinet Member Introduction

N/A

3. Recommendation

3.1 That the constitution of Political Groups be noted.

4. Background information

N/A

5. Information supplied by the Political Parties.

The Chief Executive has been notified of the constitution of the Political Groups as set out below.

The Labour Group

Leader:	Councillor Ahmet
Deputy Leader:	Councillor Hakata
Chief Whip:	Councillor Weston
Chair:	Councillor Abela
Vice Chair:	Councillor Bartlett
Secretary:	Councillor Ali
Assistant Whips:	Councillors , Dogan, Johnson, Worrell,
Group Treasurer	Councillor Dunstall
Non-Executive members	Councillors B. Blake Mahbub

Councillors

Adamou
Adje
Amin
Arkall
Bevan

M Blake
Brabazon
Brennan
Buxton
Carlin
Chandwani
Collett
Culverwell
das Neves
Diakides
Elliott
Gordon
Gunes
Harrison – Mullane
Hymas
Ibrahim
Iyngkaran
Jameson
Jogee
Mason
Moyeed
O'Donovan
Opoku
Ovat
Peacock
Rice
Say
Simmons- Safo
Stennett
White
Williams

The Liberal Democrat Group

Leader:	Councillor Cawley- Harrison
Deputy Leader:	Councillor Barnes
Chief Whip:	Councillor Emery
Deputy Whip:	Councillor Rossetti

Councillors:

Cllr Connor
Cllr da Costa
Cllr Isilar-Gosling

Cllr Luke Cawley-Harrison, Leader of the Opposition, Spokesperson for Corporate Strategy & Finance

Cllr Dawn Barnes, Deputy Leader of the Opposition, Spokesperson for Housing & Regeneration

Cllr Scott Emery, Opposition Chief Whip, Spokesperson for the Environment & Transport

Cllr Nick da Costa, Group Chair, Spokesperson for Crime & Communities

Cllr Pippa Connor, Vice-Chair of Overview & Scrutiny Committee, Spokesperson for Adults, Health & Social Care

Cllr Marsha Isilar-Gosling, Group Deputy Chair, Spokesperson for Education, Youth, Children & Families

Cllr Alessandra Rossetti, Opposition Deputy Chief Whip, Spokesperson for Council & Customer Services

Independent Member

Cllr Joy Wallace

6. Use of Appendices

6.1 N/A

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

- Constitution of Political Groups 2022/23

7.2 The background papers are located at George Meehan House, 294 High Road Wood Green N22 8JZ

7.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.

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Report for: Annual Council – 15 May 2023 – Item 14

Title: **Report of the Monitoring Officer - Changes to the Constitution as a result of the Committee Structure changes and other required admin changes to reflect changes in officer post holder names**

Authorised by: Fiona Alderman Head of Legal and Governance & Monitoring Officer

Lead Officer: Ayshe Simsek Democratic Services and Scrutiny Manager
0208 489 2929 ayshe.simsek@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

- 1.1 At the 27th of March full Council Meeting, changes were agreed to the Committee structure of the council. This was concerning the non-executive ordinary committees of the council and the deletion of Corporate Committee and Staffing and Remuneration Committee with the establishment of an Audit Committee and General Purposes Committee. In addition, there was the creation of an Appointments Panel and Disciplinary Grievance and Dismissal Panel. These involved changes to Part 3 Section B of the Constitution which sets out the terms of reference for non-executive bodies of the Council and these were set out in track changes and agreed.
- 1.2 Following these agreed changes, there was a need to update the remaining parts of the constitution to reflect these changes. This meant deletion of the reference to Corporate Committee replacement with reference to the Audit Committee or General Purposes Committee where applicable. This also entailed updating Part 4 Section K, Employment Procedures and Officer delegations to reflect the deletion of the Staffing and Remuneration Committee and establishment of the General Purposes Committee, Appointments Panel and Disciplinary Grievance and Dismissal Panel.
- 1.3 When updating these sections, officer postholder descriptions have also been updated to reflect changes to the Council Officer structure that have taken place over the last year.
- 1.4 Part 2 section 14.03 provides the Monitoring Officer with the authority to make changes where in the reasonable opinion of the Monitoring Officer a proposed change is:
 - a) a minor variation; or
 - b) required in order to remove any inconsistency or ambiguity; or
 - c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,

the Monitoring Officer may make that change. The change will come into force immediately but will be reported to full Council at the next available meeting. Other changes to the Constitution will take effect from the date of the decision unless a later date for implementation is specified.

- 1.5 Therefore, the changes set out in track changes in Appendices 1 to 6 take forward Part 2 section 14.03 a) and c).
- 1.6 On the 27th of March 2023 Full Council further provided delegation to the Council's Monitoring Officer to update the subsequent required administrative and technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution for publication. These were agreed to be reported up to the Annual Council meeting in May as part of the Monitoring Officer report and shown in track changes. There are minor changes relating to formatting and consistency set out in track changes in Appendix 7.
- 1.7 The final clean versions to be published are set out at appendices 8 to 14.

2. Cabinet Member Introduction

N/A

3. Recommendations

Council is asked to:

- 3.1 Note the changes set out in appendices 1- 7
- 3.2 To note the final version of these appendices, set out in appendices 8 to 14, will be published on the 16th of May.

4. Background information

- 4.1 As set out in paragraphs 1.1 to 1.7

5. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities) Finance and Procurement

- 5.1 There is a need to ensure that the accurate reference is made to the non-executive committees that undertake financial assurance and have oversight for Audit and Risk.

Head of Legal and Governance & Monitoring Officer

These are set out within the report.

6. Use of Appendices

1. Part 2 Articles- track changes
2. Part Three, Section D Responsibility for functions: Local Choice Functions- track changes
3. Part Three, Section E Officer Scheme of Delegation – Introduction and ground rules – track changes
4. Section E – Scheme of Delegation – Section 2 General Delegations to Directors – track changes
5. Part Four, Section I Financial Regulations – track changes
6. Part Four, Section K Officer Employment Procedure Rules track changes
7. Part Three Section B track changes
8. Part 2 Articles- publication
9. Part Three, Section D Responsibility for functions: Local Choice Functions- publication
10. Part Three, Section E Officer Scheme of Delegation – Introduction and ground rules – publication
11. Section E – Scheme of Delegation – Section 2 General Delegations to Directors - publication
12. Part Four, Section I Financial Regulations publication
13. Part Four, Section K Officer Employment Procedure Rules publication
14. Part Three Section B publication

7. Local Government (Access to Information) Act 1985

- 7.1 Background documents:
 - *Haringey Council's Constitution*
- 7.2 The background papers are located at George Meehan House , Wood Green, London N22 8JZ.
- 7.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.

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PART TWO – ARTICLES OF THE CONSTITUTION

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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Last updated 19 July 2021

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.

2.06 Political Groups

The Local Government (Committees and Political Groups) Regulations 1990 require that a political group is treated as constituted when there is delivered to the Proper Officer a notice in writing signed by two or more members of the authority who wish to be treated as a political group. A political group ceases to be constituted as such if the number of members of that group is less than two.

Article 3 – Citizens of The Council

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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. The Council also wants to develop more ways of working with

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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 (by meeting their obligations to provide information about themselves) and respecting any requirements for proper use of this information;

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- (ii) Exercising their right to vote in local, regional, and national 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 must be reserved to the full Council for approval:
- Annual Library Plan
 - Best Value Performance Plan
 - Crime and Disorder Reduction (community safety) Strategy
 - Development Plan documents
 - Youth Justice Plan
 - Statement of Gambling Policy
 - Statement of Licensing Policy
 - Treasury Management Strategy

Any other policies the law requires must be approved by full Council.

Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:

- Housing Strategy

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

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying council tax;

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- (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 Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (i) 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;
- (j) Electing the Leader;
- (k) 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;
- (l) Agreeing recommendations arising from Scrutiny Reviews of nonexecutive functions;
- (m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (p) Adopting and amending the Members' Allowances Scheme;
- (q) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (r) Confirming the appointment or dismissal of the Head of Paid Service;
- (s) 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;
- (t) 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;

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- (u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either
 - i) “executive” functions when the decision is for the Cabinet; or ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;
- (v) Adopting the Members’ Code of Conduct;
- (w) Approving Pilot Schemes for Local Elections;
- (x) 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;
- (y) 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;
- (z) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (za) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (zb) 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
- (zc) 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 automatically chair the meeting in the Mayor’s absence. The Council may select the Deputy Mayor if it so wishes.

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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.

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;

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- (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;
- (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.

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.

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

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

(d) Finance

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

(e) Annual report.

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

6.04 Proceedings of Overview and Scrutiny Committee

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

6.05 Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by

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the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by full Council.

Article 7 - The Leader and the Cabinet

7.01 The Leader

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

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- (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.
- (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

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- (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

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; or

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- (d) 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 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 ~~Strategic Planning Committee~~Regulatory Committee to be responsible for planning control and a main Licensing Committee to be responsible for licensing matters. The following are also Committees of the council: (i) Audit Committee Corporate Committee to be responsible for Audit , Risk and Treasury~~Treasury Mmanagement~~ (ii) an an Appointments Panel to appoint statutory officers and Directors and a Disciplinary, Grievance and Dismissal Panel to exercise responsibilities for dismissals relating to statutory officers and directors and (iii) a General Purposes Committee 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 Instrument 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 subcommittees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- 8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

Article 9 - The Standards Committee**9.01 Standards Committee**

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

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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

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.

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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.
- (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.

Article 10 Joint Arrangements

10.01 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:

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- (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.

10.02 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 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

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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, and their terms of reference included in Part 3 Responsibility for Functions, Section DA.

10.03 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.

10.04 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.

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

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- (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.

10.06 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.

10.07 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 Coordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to coordinate 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
 - (i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of

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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.

10.08 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,
 - (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park &

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Palace Advisory Committee,

- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

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

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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.

10.09 Current Joint arrangements

The Council currently has formal joint arrangements as follows;

Health and Wellbeing Board Joint sub-committee (with Islington Council)

Article 11 – Officers**11.01 Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. For the avoidance of doubt, the words 'staff' 'employees' or 'officers' includes agency workers, consultants and secondees to the authority over whom the authority has managerial control.
- (b) **Senior Management.** The Council will engage the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council's Leadership Team Corporate Board*:

Post	Functions and Responsibilities
Chief Executive	Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services, Audit, Policy and Business Management and Communications

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Director of Adults and Health Director of Adults, Health and Communities	Adults, Public Health, Commissioning
Director of Finance	Corporate Finance, Departmental Finance, <u>Procurement Audit</u>
Director of <u>Placemaking and Housing</u> Housing Regeneration, and Planning	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing <u>Emergency Planning and Civil Contingencies</u>
<u>Director for Environment and Neighbourhoods</u>	<u>Procurement, Environmental services, community safety, Emergency Planning and Civil Contingencies</u>
Director of for Children's Services	Children, Families, Schools, <u>Early Help</u>
<u>Director of Environment and Resident Experience</u>	<u>Direct services and community safety, environment</u>
<u>Director of Culture, Strategy and Engagement</u>	<u>IT, Strategy, Culture, resident experience and communications, policy</u>

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(c) **Statutory officers**

The Council has to appoint officers to fulfil the statutory roles identified in Part 3, Section E, Section 3.

In addition to the functions set out in Part 3 the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (Director of Finance) have additional functions:

11.02 Functions of the Head of Paid Service (Chief Executive)

*A chart of the Council's leadership Team ~~Corporate Board~~ is appended to this Constitution. |

- (a) **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 to this Constitution.
- (b) **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.
- (c) **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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11.03 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 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 effects on services and the possible need to amend the scheme of delegations.

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

11.04 Functions of the Chief Finance Officer and Section 151 Officer [Director of Finance]

- (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 a 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 (Director of Finance) will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer (Director of Finance) will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer (Director of Finance) 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 (Director of Finance) will provide financial information to the media, members of the public and the community.

11.05 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 (Director of Finance) with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 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.

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11.07 Employment

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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2 Decision Making**12.01 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.

12.02 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.

12.03 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 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

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- (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.

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.

12.04 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.

12.05. Decision making by the Executive

Subject to Article 7 the 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.

12.06 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.

12.07 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 set out in Part 4 of this Constitution as apply to them.

12.08 Decision making by Officers

Subject to Article 11, 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.

12.09 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.

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3 Finance, Contracts and Legal Matters

13.01 Financial management

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

13.02 Contracts

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

13.03 Legal proceedings

On the advice of the Monitoring Officer as appropriate, Officers 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 Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.04 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 Monitoring Officer 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.

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. 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 Monitoring Officer 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 Monitoring Officer, Chief Executive, Chief Finance Officer, ~~Assistant~~ Head of Legal Services or any other person authorised by him/her either in relation to a specific document or to particular categories of documents.

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Article 1 -**4 Review and Revision of the Constitution****14.01 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.

14.02 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.

14.03 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 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. In addition, where in the reasonable opinion of the Monitoring Officer a proposed change is:
 - a) a minor variation; or
 - b) required in order to remove any inconsistency or ambiguity; or
 - c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,
 the Monitoring Officer may make that change. The change will come into force immediately, but will be reported to full Council at the next available meeting. Other changes to the Constitution will take effect from the date of the decision unless a later date for implementation is specified.
- (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

PART TWO – ARTICLES OF THE CONSTITUTION

Article 1 -

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.

5 Suspension, Interpretation and Publication of the Constitution

15.01 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.

15.02 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.

15.03 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 D

Responsibility for functions: Local Choice Functions

Local Choice Functions

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 or an officer and the Council may delegate any of the “non-executive” functions to a Committee, Sub-Committee or an officer. The list below shows where these “Local Choice” functions are allocated in this Constitution and the body or person expected to exercise the delegated decision-making powers. In the event that a Member body or an officer post has its name changed, the allocation/delegation in the list below will continue in force provided that there is no material change to the terms of reference of the body or the responsibilities of the post

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

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

Function	Whether Executive or Non-Executive	Where allocated or delegated
(determination of claims and reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Democratic Services Manager
5. Making arrangements for admission appeals	Executive	Democratic Services Manager
6. Making arrangements for appeals by governing bodies	Executive	Democratic Services Manager
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	Interim Assistant Director for Environment and Neighbourhoods and Head of Community Safety <u>Director of Environment and Resident Experience</u>
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Interim Assistant Director for Environment and Neighbourhood and Head of Community Safety <u>Director of Environment and Resident Experience</u>
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	<u>General Purposes Corporate Committee</u>
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Interim Assistant Director for Environment and Neighbourhoods and Head of Community Safety <u>Director of Environment and Resident Experience</u>
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Interim Assistant Director for Environment and Neighbourhoods and Head of Community Safety <u>Director of Environment and Resident Experience</u>
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Monitoring Officer Assistant <u>Director of Corporate Governance</u>
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Monitoring Officer <u>Assistant Director of Corporate Governance</u>
15. Making agreements for the execution of highway works under	Non-Executive	Interim Assistant Director for Environment and

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

Function	Whether Executive or Non-Executive	Where allocated or delegated
section 278 of the Highways Act 1980		Neighbourhoods and Head of Community Safety Director of Environment and Resident Experience 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 relating to non-Executive functions and the Leader in respect of appointments relating to executive functions. 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

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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 Director 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.

19 July 2021

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 Council Leadership Team Corporate Board *
- All Directors and Assistant Directors
- The Chief Executive of Alexandra Palace & Park (as appropriate)

For the purposes of officer delegated powers, the term “Council Leadership Team–~~Corporate Board~~” means¹:

- The Chief Executive
 - ~~The Director for Environment and Neighbourhoods~~
Director of Environment and Resident Experience
- ~~The Director for Housing, Regeneration and Planning~~ Director of Placemaking and Housing
- The Director for Children’s Services
- ~~The Director for Adults and Health~~ and Communities
- ~~The Director for Customers, Transformation and Resources~~
Director of Culture, Strategy and Engagement
- The Director of Finance

For the purposes of officer delegated powers, the term “Statutory Officers²” means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance*)
- The Monitoring Officer
- 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.

¹ NB. The Chief Executive and Head of Paid Service is a member of the Council Leadership Team Corporate Board 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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
- 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 Assistant Director for Finance 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- 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 coordinate the actions of some or all London local authorities.

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 General Purposes](#) 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:

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- (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:

- (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-

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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 their service area 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,

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- (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:

- (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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- (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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 Monitoring Officer as appropriate
- Subject to the agreement of the Monitoring Officer, 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 Monitoring Officer in accordance with Article 13.04
- 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 Monitoring Officer)
- 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 Directors which is reserved to the General Purposes Committee ~~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 Directors which is reserved to the Appointments Panel ~~Staffing and Remuneration~~ Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the General Purposes Committee ~~Staffing and Remuneration Committee~~
- Disciplinary/capability action, save in relation to the Council 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 Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel ~~Staffing and Remuneration Committee~~. The power 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel 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 Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel 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 the Monitoring Officer.
- 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 £250,000

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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~~ Director for Placemaking and Housing.

-
- 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~~ Director for Placemaking and Housing.
- 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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
- 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)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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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 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
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 (Director of Finance also known as Chief Finance Officer) and Directors**;
 - **Budget Holders** within service areas.
- 1.4. The **Section 151 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**.
- 1.7. These Financial Regulations are supported, where appropriate, by detailed procedure notes, setting out how these Financial Regulations will be implemented.

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- 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's Scheme for Financing Schools 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.

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 Strategy (MTFS).**

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.

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

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 **Section 151 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.

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

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.

~~Audit Committee Corporate Committee~~

- 5.7. The ~~**Audit Committee 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 ~~**Audit Committee 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 ~~**Audit Committee 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 and Board

- 5.9. The **Pensions Committee and Board** acts as the quasi-trustee of the Local Government Pension Scheme (LGPS) 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

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overall to the Section 151 Officer who has responsibility for its financial affairs. It is also subject to charities law and accounting practice.

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.

The Section 151 Officer (~~Director of Finance~~ ~~interim Chief Finance Officer~~)

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;
- (f) The Accounts and Audit Regulations 2015
- (g) The Local Audit and Accountability Act 2014

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 or other officer reporting to them, 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 they be unable to perform the duties under Section 114 personally; 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 Strategy and to report variances and forecast outturn adverse or favourable variances immediately when 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 as necessary, in accordance with appropriate legislation, accounting codes of practice 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** (or another suitably senior finance officer whose post title may vary from this). Heads of Finance are part of the Corporate Finance service area and report 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) to take new wording added responsibility for all aspects of the financial management of the service(s) which they are responsible for, including managing, controlling and recording all expenditure and income;
- (b) leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budget provision;
- (c) ensuring plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report year to

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- date variances and forecast outturn adverse or favourable variances on the financial management system immediately when they exist;
- (d) ensuring that appropriate financial controls exist and are maintained properly within the service area and report on any deficiencies to **Directors**;
- (e) providing appropriate financial information to **Directors** and their respective teams in a timely, accurate and appropriate form and level of detail;
- (f) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting to **Directors**;
- (g) ensuring that appropriate financial controls and systems exist, are applied within the service area and report on any deficiencies to **Directors**;
- (h) 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;
- (i) ensuring value for money is obtained for the whole Council when undertaking any procurement activity;
- (j) reconciling all cash received by the service area on a regular basis (at least monthly);
- (k) ensuring all monies due to the council are recorded accurately and recovered promptly; and
- (l) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the **Section 151 Officer**.

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

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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 representing policy change (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 any budget adjustments between or within service areas or capital schemes, required for technical reasons and which do not fall into the below mentioned revenue or capital virement definitions. For example, the Section 151 Officer may authorise central support cost allocation, capital charges such as depreciation, IAS19 pension adjustments, or to reflect the enactment of previous decision making. Such adjustments over £250k will be reported in the budget monitoring reports to **Cabinet** within 3 months of them taking place.
- 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.

Virements – Revenue

- 5.31. A policy change/re-prioritisation of resources between services relating to direct spend and excluding internal charges. These 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**.

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Virements – Capital

5.32. A policy change/re-prioritisation of resources between capital schemes relating to direct spend and excluding internal charges. These 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 policy changes or re-prioritisation 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

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 and Board** 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 or contingent assets 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.

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.

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 Employee Code of Conduct 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. Internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates, and reports on the adequacy of internal control. It does this by objectively reviewing and advising management upon the effectiveness of their systems of internal control. It aims to provide assurance on the design and operation of internal controls and provide constructive and positive advice on control improvement and risk management.

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5.46. 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, personnel, documents, assets and correspondence relating to any financial and other transactions that the auditors consider necessary for the purpose of their work;
- (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.

5.47. 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**.

5.48. 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

5.49. 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.

6. Financial Planning

Introduction

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

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 strategy;
- (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 and Board approves the policy framework for the Pension Fund; namely the Investment Strategy Statement (including responsible investment policies) and Funding Strategy Statement.

Preparation of the Council Plan

6.3. The **Council** will produce an updated Borough Plan every four years and report 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.

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;

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- (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**.

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.

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 ~~Audit Committee 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 Regulations 2015 require every local authority to maintain an adequate and effective internal audit. The rights of the internal audit function are set out in Regulation 5.
- 7.9. Public Sector Audit Appointments Ltd 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 20 of the Local Audit and Accountability Act 2014.
- 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 Policy and Strategy (which includes the Council's Whistleblowing Policy).
- 7.12. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- 7.13. The Council's expectation of propriety and accountability is that members and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and good practices.

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- 7.14. The Council also expects that individuals and organisations (e.g. suppliers, contractors, and service providers) with which it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Assets

- 7.15. **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

- 7.16. 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, 2017). 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.

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- 7.17 The ~~Audit Committee 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, 2017). 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 2017.
- 7.18 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, 2017).
- 7.19 The **Section 151 Officer** is responsible for reporting to the ~~Audit Committee 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.
- 7.20 The **Section 151 Officer** is responsible for consulting the Cabinet Member for Finance on the mid-year monitoring report and an out-turn report after the close of the year concerning treasury management policies and practices before these reports are considered by the ~~Audit Committee Corporate Committee~~ and **full Council**.

Arrangements for Cash and Banking

7.21. 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** (or those officers to whom the **Section 151 Officer** has granted delegated authority to) 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;

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- (c) make payments, save through imprest accounts; or
- (d) authorise direct debits.

7.22. 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

- 7.23. 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

- 7.24. **Full Council** is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.
- 7.25. 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.
- 7.26. **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.

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**.

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- 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.

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 **Head of 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 Head of 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.

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- 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 Head of 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.

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, applying to individual debt accounts:
- a) on the Almo increasing approval levels from 100 to 1000 up to and including £1,000, the approval of **Chief Executive of the ALMO** and reported to the **Section 151 Officer**.
 - b) Over £1,000 and up and including £50,000, on the approval of the **Section 151 Officer** upon the advice of the **Chief Executive of the ALMO**.
 - c) Over £50,000, on the approval of the **Cabinet Member with responsibility for Finance** 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 individual debt accounts which remain unpaid may be written off in accordance with the below authorities:
- a) up to and including £1,000, the approval of relevant **Director** and reported to the **Section 151 Officer**.

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- b) Over £1,000 and up to and including £50,000 on the approval of the **Section 151 Officer** upon the advice of the relevant **Director**;
- c) Over £50,000 on the approval of the **Cabinet Member with responsibility for Finance** 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.

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.

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- 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. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 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.

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.

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- 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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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 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 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, Directors* and Statutory Officers*

Where the Council proposes to appoint a Head of Paid Service, a Director or a Statutory 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 ~~and dismissal of the~~ Head of Paid Service, ~~dismissal of~~ Chief Finance Officer and Monitoring Officer

- a. The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Panel~~Staffing and Remuneration Committee~~.
- 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 Appointments Panel~~Staffing and Remuneration Committee~~ 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 appointment~~dismissal~~ of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

d.

e-e. 3.1 Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

- a) -The Council will approve the dismissal of the head of Paid service following the recommendation of such a dismissal by the Disciplinary, Grievance and Dismissal Panel.

PART FOUR – RULES OF PROCEDURE

Section K– Officer Employment Procedure Rules

- b) The Council may only make or approve the dismissal 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 Disciplinary, Grievance and Dismissal Panel 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 Chief Finance officer and the Monitoring Officer

***the terms Director and Statutory Officer have the meaning given at Part 3 Section E Section1; 2.01 of this Constitution**

4. Appointment of Directors

- (a) The ~~Appointments Panel Staffing and Remuneration Committee~~ will appoint Directors.
- (b) The procedures in (a) above will not apply to the appointment, ~~dismissal or discipline~~ of the Chief Executive 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 Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a Director shall only be made where:
 - (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the ~~Appointments Panel Staffing and Remuneration 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 Directors except that (b) and (c) will apply to the dismissal of the Chief Executive of the Alexandra Palace and Park charity.~~

5. Dismissal of Directors

The Disciplinary, Grievance and Dismissal Panel will dismiss Directors.

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

The Dismissal of a Director shall only be made where:

- (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the Disciplinary, Grievance and Dismissal Panel or the Chief Executive is satisfied that the objection is not material or well founded.
- a) The procedures in paragraph 5 above will not apply to the dismissal of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to dismiss that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel. (repeat of 4b not a new addition)

5.6. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the Assistant Director for Human Resources in consultation with the Monitoring Officer.

6.7. Other appointments

- (a) Appointment of all other officers (other than assistants to political groups) 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.

8. Disciplinary action

- a) The Disciplinary, Grievance and Dismissal Panel will take forward disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) The Disciplinary, Grievance and Dismissal Panel will hear and decide substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.

~~7.~~

PART FOUR – RULES OF PROCEDURE

Section K– Officer Employment Procedure Rules

~~(a)~~ c) 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)~~ d) Independent Panel.– No other disciplinary action may be taken in respect of any of those officers until the Authority has invited relevant independent persons to form an Independent Panel to advise on such matters as set out in the Local Authorities (Standing Orders)(England) Regulations 2001.

(e) Councillors will not be involved in the disciplinary action against any officer below Director 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.

(f) The Disciplinary, Grievance and Dismissal Panel will exercise functions in respect of Grievance decisions related to Director level direct reports of the Head of Paid Service , if (and only if) referred to the Panel by the Head of Paid Service due to a conflict-of-interest issue.

g) The above will not apply to disciplinary action concerning the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the disciplinary action in consultation with the Alexandra Palace and Park Board or its appointed Panel.(repeat of 4b not a new addition)

~~(e)~~

9. **Dismissal**

~~8.~~ a)The Disciplinary, Grievance and Dismissal Panel will exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome and will need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

~~(a)~~ b)Independent Panel. In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, before the taking of a vote at the relevant meeting on whether to approve or not a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

- (i) any advice, views or recommendations of the Independent Panel; (ii) the conclusions of any investigation into the proposed dismissal; and (iii) any representations from the relevant officer.

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(b)(a) c) Councillors will not be involved in the dismissal of any officer below Director 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.

9.10. Definitions

In these Rules:

- "Director " has the meaning given at Part 3 Section E Section 1; 2.01 of this Constitution and shall include the following officers:

- Members of the Council Leadership Team~~Corporate Board~~
- All Directors and Assistant Directors
- The Chief Executive of Alexandra Palace & Park(as appropriate)

“Council Leadership Team ~~orporate Board~~” means:

- ~~The~~ Director for Environment and Resident Engagement~~t and Neighbourhoods~~
- ~~The~~ Director of Placemaking and for Housing, ~~Regeneration and Planning~~
- The Director ~~offer~~ Children's Services
- The Director for Adults, ~~and~~ Health and Communities
- The Director of Culture Strategy and Engagement~~for Customers, Transformation and Resources~~ □ The Director for Finance

Appendix 2

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. **General Purposes Committee**
2. **Audit Committee**
3. **Combined Pensions Committee and Board**
4. **Overview and Scrutiny Committee**
5. **Standards Committee**
6. **Alexandra Palace and Park Board**
7. **The Licensing Committee**
8. **The Strategic Planning Committee**
9. **The Health and Wellbeing Board**
10. **Appointments Panel**
11. **Disciplinary, Grievance and Dismissal Panel**

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

1. **General Purposes Committee**

General Purposes Committee has: -

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

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the approval of pilot schemes for local elections which is reserved to full Council.

- (iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved for the Appointments Panel and Disciplinary, Grievance and Dismissal Panel. The Committee's functions include:
 - (iv) 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;
 - v) Authorising the making of payments or the provision of other benefits in cases of maladministration;
- 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) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.

Staffing Functions

- e) 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:
- f) 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
- g) 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

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all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.

- h) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.
- i) To approve procedures for appointment and dismissal of staff.
- j) To approve all human resources policies including pay and grading structures, and changes to employees' terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.
- (k) 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.

2. Audit Committee

Statement of purpose

The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

Governance, risk and control

- (a) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- (b) To monitor the effective development and operation of risk management in the council.
- (c) To monitor progress in addressing risk-related issues reported to the committee.
- (d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

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- (e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- (f) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (g) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (h) To monitor the counter fraud strategy, actions and resources.
- (i) To review the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

- (j) To review the [Annual Governance Statement](#) ~~Annual Governance Statement~~ (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- (k) To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

- l) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- m) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- n) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for audit and assurance

- o) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

- p) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by [Public Sector Audit Appointments](#) ~~Public Sector Audit Appointments~~ (PSAA) or the authority's auditor panel as appropriate.
- q) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- r) To consider specific reports as agreed with the external auditor.
- s) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- t) To consider additional commissions of work from external audit.
- u) To advise and recommend on the effectiveness of relationships between

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external and internal audit and other inspection agencies or relevant bodies.

- v) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- w) To approve the internal audit charter.
- x) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- y) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- z) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- A1) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- A2) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- A3) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
- A4) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
- A5) regular reports on the results of the QAIP; and
- A6) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- A7) To consider the head of internal audit's annual report, including:
 - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit); and
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- A8) To consider summaries of specific internal audit reports as requested.
- A9) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- A10) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- A11) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.

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A12) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

Treasury Management

A13) Reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).

Accountability arrangements

A14) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

A15) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

A16) To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Advisers to the Committee

A17) The Committee would be supported in its role and responsibilities through the appointment of two independent advisers, who are appropriately qualified.

A18) It is for individual Committee members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.

A19) The Council will provide a training programme, which all Committee members must attend. Training undertaken will be reported at each meeting.

Other legislative powers include:

A20) 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;

A21) The power to make recommendations to the Council on any of its functions set out in Article 4.

10. Appointments Panel

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Be the appropriate body to fulfil the Employment Procedure Rules as set out in Part 4 Section K in relation to Appointments.

- a) To exercise functions in respect of the appointment of the Chief Executive, Section 151 Officer and Monitoring officer and Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) To make recommendations to Council on the appointment of the Head of the Paid Service; and the appointment of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- c) That only members of this Panel participating in the Shortlisting, Interview and Appointment of Directors will have access to decision making reports and Appointments meeting.
- d) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute and vote on appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.
- e) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

11.Disciplinary, Grievance and Dismissal Panel

Be the appropriate body to fulfil the employment procedure rules as set out in Part 4 Section K in relation to Disciplinary, Grievance and Dismissals.

- a) Disciplinary, conduct ~~and capability~~ [and capability](#) decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- c) To exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the

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officer is a possible outcome, noting that as set out in the Employment procedure rules in section K, the need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

- d) To make recommendations to Council on the dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- e) To consider and approve any remuneration or severance payments to 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.
- f) To approve the early/flexible retirement of the Head of ~~Paid Service~~Paid Service, Section 151 Officer and Monitoring Officer ~~and Directors~~ (save where the Officer is simply resigning) and to agree the award of any discretionary payments in connection with such retirement or redundancy.

To exercise functions in respect of the following:

- h) Grievance decisions related to Director level direct reports of the Head of Paid Service, if (and only if) referred to the Committee by the Head of Paid Service due to a conflict-of-interest issue.

To note:

- i) That only members of this Panel participating in the hearings and subsequent Panel meeting will have access to- decision making reports and have a right to attend the hearing/meeting.
- j) Cabinet Members with a conflict will not participate in any of the decisions above.
- k) To note that Independent persons would be involved in involved in the investigation of a case against a statutory officer and dismissal hearing.
- l) The -substantive membership would be Leader of the ~~Council~~Council (Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes, (Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute unless there is a conflict. The quorum of the Committee shall be a minimum of three members.

- m) The minutes of the Panel would be received by the General

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Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

SECTION 3 - SUB-COMMITTEES AND PANELS

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

1. Under the General Purposes Committee

1.1 Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Directors. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made. Different arrangements apply for the Head of Paid Service, Chief Officer, and Monitoring Officer.

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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.

PART TWO – ARTICLES OF THE CONSTITUTION

Last updated 19 July 2021

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.

2.06 Political Groups

The Local Government (Committees and Political Groups) Regulations 1990 require that a political group is treated as constituted when there is delivered to the Proper Officer a notice in writing signed by two or more members of the authority who wish to be treated as a political group. A political group ceases to be constituted as such if the number of members of that group is less than two.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 3 – Citizens of The Council**3.01 Citizens rights**

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for 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

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

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

PART TWO – ARTICLES OF THE CONSTITUTION

themselves) and respecting any requirements for proper use of this information;

- (ii) Exercising their right to vote in local, regional, and national 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.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 4 - The Full Council**4.01 Meanings**

- (a) **Policy Framework.** These are the plans and strategies that must be reserved to the full Council for approval:
- Annual Library Plan
 - Best Value Performance Plan
 - Crime and Disorder Reduction (community safety) Strategy
 - Development Plan documents
 - Youth Justice Plan
 - Statement of Gambling Policy
 - Statement of Licensing Policy
 - Treasury Management Strategy

Any other policies the law requires must be approved by full Council.

Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:

- Housing Strategy

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

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying council tax;

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- (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 Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (i) 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;
- (j) Electing the Leader;
- (k) 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;
- (l) Agreeing recommendations arising from Scrutiny Reviews of nonexecutive functions;
- (m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (p) Adopting and amending the Members' Allowances Scheme;
- (q) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (r) Confirming the appointment or dismissal of the Head of Paid Service;
- (s) 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;
- (t) 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;

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- (u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either
 - i) “executive” functions when the decision is for the Cabinet; or ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;
- (v) Adopting the Members’ Code of Conduct;
- (w) Approving Pilot Schemes for Local Elections;
- (x) 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;
- (y) 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;
- (z) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (za) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (zb) 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
- (zc) 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 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.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

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

5.02 First Citizen.

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

Article 6 - Overview and Scrutiny

6.01 Terms of reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 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;

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- (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;
- (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.

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.

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

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

(d) Finance

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

(e) Annual report.

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

6.04 Proceedings of Overview and Scrutiny Committee

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

6.05 Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by

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the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by full Council.

Article 7 - The Leader and the Cabinet

7.01 The Leader

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

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- (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.
- (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

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- (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

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; or

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- (d) 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 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 Strategic Planning Committee to be responsible for planning control and a main Licensing Committee to be responsible for licensing matters. The following are also Committees of the council: (i) Audit Committee to be responsible for Audit , Risk and Treasury Management (ii) an Appointments Panel to appoint statutory officers and Directors and a Disciplinary, Grievance and Dismissal Panel and (iii) a General Purposes Committee 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 Instrument 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 subcommittees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- 8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

Article 9 - The Standards Committee**9.01 Standards Committee**

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

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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

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.

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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.
- (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.

Article 10 Joint Arrangements

10.01 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:

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- (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.

10.02 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 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

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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, and their terms of reference included in Part 3 Responsibility for Functions, Section DA.

10.03 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.

10.04 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.

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

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- (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.

10.06 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.

10.07 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 Coordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to coordinate 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
 - (i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of

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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.

10.08 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,
 - (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park &

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Palace Advisory Committee,

- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

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

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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.

10.09 Current Joint arrangements

The Council currently has formal joint arrangements as follows;

Health and Wellbeing Board Joint sub-committee (with Islington Council)

Article 11 – Officers**11.01 Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. For the avoidance of doubt, the words ‘staff’ ‘employees’ or ‘officers’ includes agency workers, consultants and secondees to the authority over whom the authority has managerial control.
- (b) **Senior Management.** The Council will engage the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council’s Leadership Team *:

Post	Functions and Responsibilities
Chief Executive	Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services ,

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Director of Adults, Health and Communities	Adults, Public Health, Commissioning
Director of Finance	Corporate Finance, Departmental Finance, Procurement Audit
Director of Placemaking and Housing	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing Emergency Planning and Civil Contingencies
Director of Children's Services	Children, Families, Schools, Early Help
Director of Environment and Resident Experience	Direct services and community safety, environment
Director of Culture, Strategy and Engagement	IT, Strategy, Culture, resident experience and communications, policy

(c) **Statutory officers**

The Council has to appoint officers to fulfil the statutory roles identified in Part 3, Section E, Section 3.

In addition to the functions set out in Part 3 the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (Director of Finance) have additional functions:

11.02 Functions of the Head of Paid Service (Chief Executive)

*A chart of the Council's L

The Disciplinary, Grievance and Dismissal Panel exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome and will need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

Leadership Team is appended to this Constitution.

- (a) **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 to this Constitution.

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- (b) **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.
- (c) **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.

11.03 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 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

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will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

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

11.04 Functions of the Chief Finance Officer and Section 151 Officer [Director of Finance]

- (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 a 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 (Director of Finance) will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer (Director of Finance) 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 (Director of Finance) 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 (Director of Finance) will provide financial information to the media, members of the public and the community.

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11.05 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 (Director of Finance) with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 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.

11.07 Employment

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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2 Decision Making**12.01 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.

12.02 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.

12.03 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 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

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- (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.

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.

12.04 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.

12.05. Decision making by the Executive

Subject to Article 7 the 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.

12.06 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.

12.07 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 set out in Part 4 of this Constitution as apply to them.

12.08 Decision making by Officers

Subject to Article 11, 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.

12.09 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

3 Finance, Contracts and Legal Matters

13.01 Financial management

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

13.02 Contracts

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

13.03 Legal proceedings

On the advice of the Monitoring Officer as appropriate, Officers 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 Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.04 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 Monitoring Officer 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.

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. 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 Monitoring Officer 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 Monitoring Officer, Chief Executive, Chief Finance Officer, Head of Legal Services or 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 1 -**4 Review and Revision of the Constitution****14.01 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.

14.02 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.

14.03 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 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. In addition, where in the reasonable opinion of the Monitoring Officer a proposed change is:
 - a) a minor variation; or
 - b) required in order to remove any inconsistency or ambiguity; or
 - c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,
 the Monitoring Officer may make that change. The change will come into force immediately, but will be reported to full Council at the next available meeting. Other changes to the Constitution will take effect from the date of the decision unless a later date for implementation is specified.
- (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

PART TWO – ARTICLES OF THE CONSTITUTION

Article 1 -

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.

5 Suspension, Interpretation and Publication of the Constitution

15.01 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.

15.02 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.

15.03 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 D

Responsibility for functions: Local Choice Functions

Local Choice Functions

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 or an officer and the Council may delegate any of the “non-executive” functions to a Committee, Sub-Committee or an officer. The list below shows where these “Local Choice” functions are allocated in this Constitution and the body or person expected to exercise the delegated decision-making powers. In the event that a Member body or an officer post has its name changed, the allocation/delegation in the list below will continue in force provided that there is no material change to the terms of reference of the body or the responsibilities of the post

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

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

Function	Whether Executive or Non-Executive	Where allocated or delegated
reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Democratic Services Manager
5. Making arrangements for admission appeals	Executive	Democratic Services Manager
6. Making arrangements for appeals by governing bodies	Executive	Democratic Services Manager
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	Director of Environment and Resident Experience
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Director of Environment and Resident Experience
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	General Purposes Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Director of Environment and Resident Experience
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Director of Environment and Resident Experience
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Monitoring Officer
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Monitoring Officer
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Director of Environment and Resident Experience 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	Executive	The full Council in the case of member appointments relating to non-Executive functions and the Leader in respect of appointments relating to executive functions. The Chief

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

Function	Whether Executive or Non-Executive	Where allocated or delegated
authorities or (c) to any committee or sub-committee of such a body		Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	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 Director 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 *Council Leadership Team* *
- All Directors and Assistant Directors
- The Chief Executive of Alexandra Palace & Park (as appropriate)

For the purposes of officer delegated powers, the term “Council Leadership Team—” means¹:

- The Chief Executive
Director of Environment and Resident Experience
- The Director of Placemaking and Housing
- The Director for Children’s Services
- The Director for Adults Health and Communities
- Director of Culture, Strategy and Engagement
- The Director of Finance

For the purposes of officer delegated powers, the term “Statutory Officers²” means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance*)
- The Monitoring Officer
- 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.

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

¹ NB. The Chief Executive and Head of Paid Service is a member of the Council 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- 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
 - 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 Assistant Director for Finance 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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 coordinate the actions of some or all London local authorities.

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 General Purposes 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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:

- (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.

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

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 their service area 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),

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- (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:

- (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).

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

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PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 Monitoring Officer as appropriate
- Subject to the agreement of the Monitoring Officer, 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 Monitoring Officer in accordance with Article 13.04
- 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 Monitoring Officer)
- 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 Directors which is reserved to the General Purposes 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 Directors which is reserved to the Appointments Panel Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the General Purposes Committee
- Disciplinary/capability action, save in relation to the Council 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 Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel . The power 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

Officer, save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel

- 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 Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel
- 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 the Monitoring Officer.
- 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 £250,000 but less than £500,000 except by use of compulsory powers or in advance

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

of identified requirements is reserved to the Director for Placemaking and Housing.

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- 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 for Placemaking and Housing.
- 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.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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
- 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)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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 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
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

Part Four, Section I

Financial Regulations

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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**
 - the **Section 151 Officer (Director of Finance also known as Chief Finance Officer) and Directors**;
 - **Budget Holders** within service areas.
- 1.4. **The Section 151 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**.
- 1.7. These Financial Regulations are supported, where appropriate, by detailed procedure notes, setting out how these Financial Regulations will be implemented.

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

- 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's Scheme for Financing Schools 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.

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 Strategy (MTFS).**

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.

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 **Section 151 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.

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.

Audit Committee

- 5.7. The **Audit 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 **Audit Committee** is responsible for reviewing the external auditor's reports and the Annual Audit and Inspection Letter and internal audit's annual report. The **Audit 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 and Board

- 5.9. The **Pensions Committee and Board** acts as the quasi-trustee of the Local Government Pension Scheme (LGPS) 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.

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.

The Section 151 Officer (Director of 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:

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- (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;
- (f) The Accounts and Audit Regulations 2015
- (g) The Local Audit and Accountability Act 2014

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 or other officer reporting to them, 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;
- (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:

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- (a) the **Section 151 Officer** to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally; 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;
- (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;

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- (d) ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report variances and forecast outturn adverse or favourable variances immediately when 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 as necessary, in accordance with appropriate legislation, accounting codes of practice 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 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**

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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** (or another suitably senior finance officer whose post title may vary from this). Heads of Finance are part of the Corporate Finance service area and report 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) to take new wording added responsibility for all aspects of the financial management of the service(s) which they are responsible for, including managing, controlling and recording all expenditure and income;
- (b) leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budget provision;
- (c) ensuring plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report year to date variances and forecast outturn adverse or favourable variances on the financial management system immediately when they exist;
- (d) 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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- (e) providing appropriate financial information to **Directors** and their respective teams in a timely, accurate and appropriate form and level of detail;
- (f) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting to **Directors**;
- (g) ensuring that appropriate financial controls and systems exist, are applied within the service area and report on any deficiencies to **Directors**;
- (h) 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;
- (i) ensuring value for money is obtained for the whole Council when undertaking any procurement activity;
- (j) reconciling all cash received by the service area on a regular basis (at least monthly);
- (k) ensuring all monies due to the council are recorded accurately and recovered promptly; and
- (l) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the **Section 151 Officer**.

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.

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

Other Financial Accountabilities**Virements – Revenue and Capital**

- 5.27. The Council controls approved budgets and transfers of budgetary provision representing policy change (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 any budget adjustments between or within service areas or capital schemes, required for technical reasons and which do not fall into the below mentioned revenue or capital virement definitions. For example, the Section 151 Officer may authorise central support cost allocation, capital charges such as depreciation, IAS19 pension adjustments, or to reflect the enactment of previous decision making. Such adjustments over £250k will be reported in the budget monitoring reports to **Cabinet** within 3 months of them taking place.
- 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.

Virements – Revenue

- 5.31. A policy change/re-prioritisation of resources between services relating to direct spend and excluding internal charges. These 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. A policy change/re-prioritisation of resources between capital schemes relating to direct spend and excluding internal charges. These are to be approved as a virement in accordance with the below thresholds:

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- (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 policy changes or re-prioritisation 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

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 and Board** 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 or contingent assets 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.

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.

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 Employee Code of Conduct 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. Internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates, and reports on the adequacy of internal control. It does this by objectively reviewing and advising management upon the effectiveness of their systems of internal control. It aims to provide assurance on the design and operation of internal controls and provide constructive and positive advice on control improvement and risk management.

5.46. 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, personnel, documents, assets and correspondence relating to any financial and other transactions that the auditors consider necessary for the purpose of their work;
- (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.

5.47. 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**.

5.48. 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

5.49. 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.

6. Financial Planning

Introduction

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

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 strategy;
- (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 and Board approves the policy framework for the Pension Fund; namely the Investment Strategy Statement (including responsible investment policies) and Funding Strategy Statement.

Preparation of the Council Plan

6.3. The **Council** will produce an updated Borough Plan every four years and report 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.

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.

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;

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- (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**.

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.

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 **Audit 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 Regulations 2015 require every local authority to maintain an adequate and effective internal audit. The rights of the internal audit function are set out in Regulation 5.
- 7.9. Public Sector Audit Appointments Ltd 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 20 of the Local Audit and Accountability Act 2014.
- 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 Policy and Strategy (which includes the Council's Whistleblowing Policy).
- 7.12. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- 7.13. The Council's expectation of propriety and accountability is that members and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and good practices.

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- 7.14. The Council also expects that individuals and organisations (e.g. suppliers, contractors, and service providers) with which it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Assets

- 7.15. **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

- 7.16. 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, 2017). 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.

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- 7.17 The **Audit 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, 2017). 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 2017.
- 7.18 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, 2017).
- 7.19 The **Section 151 Officer** is responsible for reporting to the **Audit 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.
- 7.20 The **Section 151 Officer** is responsible for consulting the Cabinet Member for Finance on the mid-year monitoring report and an out-turn report after the close of the year concerning treasury management policies and practices before these reports are considered by the **Audit Committee** and **full Council**.

Arrangements for Cash and Banking

7.21. 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** (or those officers to whom the S151 Officer has granted delegated authority to) 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

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(d) authorise direct debits.

7.22. 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.

Amenity, Trust and Other Unofficial Funds

- 7.23. 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

- 7.24. **Full Council** is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.
- 7.25. 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.
- 7.26. **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.

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**.

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- 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.

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 **Head of 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 Head of 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.

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- 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 Head of 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.

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, applying to individual debt accounts:
- a) on the Almo increasing approval levels from 100 to 1000 up to and including £1,000, the approval of **Chief Executive of the ALMO** and reported to the **Section 151 Officer**.
 - b) Over £1,000 and up and including £50,000, on the approval of the **Section 151 Officer** upon the advice of the **Chief Executive of the ALMO**.
 - c) Over £50,000, on the approval of the **Cabinet Member with responsibility for Finance** 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 individual debt accounts which remain unpaid may be written off in accordance with the below authorities:
- a) up to and including £1,000, the approval of relevant **Director** and reported to the **Section 151 Officer**.

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- b) Over £1,000 and up to and including £50,000 on the approval of the **Section 151 Officer** upon the advice of the relevant **Director**;
- c) Over £50,000 on the approval of the **Cabinet Member with responsibility for Finance** 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.

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.

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- 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. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 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.

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.

PART 4 – RULES OF PROCEDURE Section I – Financial Regulations

- 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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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 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 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.

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Section K– Officer Employment Procedure Rules

2. Recruitment of Head of Paid Service, Directors* and Statutory Officers*

Where the Council proposes to appoint a Head of Paid Service, a Director or a Statutory 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 the Head of Paid Service, Chief Finance Officer and Monitoring Officer

- a. The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Panel
- 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 Appointments Panel 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 appointment of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

3.1 Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

- a) The Council will approve the dismissal of the head of Paid service following the recommendation of such a dismissal by the Disciplinary, Grievance and Dismissal Panel.
- b) The Council may only make or approve the dismissal of the Head of Paid service where:

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Section K– Officer Employment Procedure Rules

- i) no objection has been made by any member of the Cabinet or
 - ii) if any objection is made the Disciplinary, Grievance and Dismissal Panel 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 Chief Finance officer and the Monitoring Officer

***the terms Director and Statutory Officer have the meaning given at Part 3 Section E Section1; 2.01 of this Constitution**

4. Appointment of Directors

- (a) The Appointments Panel will appoint Directors.
- (b) The procedures in (a) above will not apply to the appointment, of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a Director shall only be made where:
 - (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the Appointments Panel or the Chief Executive is satisfied that the objection is not material or well founded.

5. Dismissal of Directors

The Disciplinary, Grievance and Dismissal Panel will dismiss Directors.

The Dismissal of a Director shall only be made where:

- (i) no objection has been made by any Cabinet Member, or
- (ii) if any objection is made, the Disciplinary, Grievance and Dismissal Panel or the Chief Executive is satisfied that the objection is not material or well founded.

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- a) The procedures in paragraph 5 above will not apply to the dismissal of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to dismiss that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.

6. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the Assistant Director for Human Resources in consultation with the Monitoring Officer.

7. Other appointments

- (a) Appointment of all other officers (other than assistants to political groups) 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.

8. Disciplinary action

- a) The Disciplinaries, Grievance and Dismissal Panel will take forward disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) The Disciplinaries, Grievance and Dismissal Panel will hear and decide substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- c) 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.
- d) Independent Panel. No other disciplinary action may be taken in respect of any of those officers until the Authority has invited relevant independent persons to form an Independent Panel to advise on such matters as set out in the Local Authorities (Standing Orders)(England) Regulations 2001.
- e) Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any

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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.

- f) The Disciplinary, Grievance and Dismissal Panel will exercise functions in respect of Grievance decisions related to Director level direct reports of the Head of Paid Service, if (and only if) referred to the Panel by the Head of Paid Service due to a conflict-of-interest issue.
- g) The above will not apply to disciplinary action concerning the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the disciplinary action in consultation with the Alexandra Palace and Park Board or its appointed Panel.

9. Dismissal

- a) The Disciplinary, Grievance and Dismissal Panel will exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome and will need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.
- b) Independent Panel. In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, before the taking of a vote at the relevant meeting on whether to approve or not a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:
 - (i) any advice, views or recommendations of the Independent Panel; (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
- c) Councillors will not be involved in the dismissal of any officer below Director 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.

10. Definitions

In these Rules:

- "Director " has the meaning given at Part 3 Section E Section 1; 2.01 of this Constitution and shall include the following officers:

PART FOUR – RULES OF PROCEDURE

Section K– Officer Employment Procedure Rules

- ✦ Members of the Council Leadership Team
- ✦ All Directors and Assistant Directors
- ✦ The Chief Executive of Alexandra Palace & Park(as appropriate)

“Council Leadership Team ” means:

- ✦ Director for Environment and Resident Engagement
- ✦ Director of Placemaking and Housing,
- ✦ The Director of Children’s Services
- ✦ The Director for Adults, Health and Communities
- ✦ The Director of Culture Strategy and Engagement
- ✦ The Director for Finance

Appendix 2

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. **General Purposes Committee**
2. **Audit Committee**
3. **Combined Pensions Committee and Board**
4. **Overview and Scrutiny Committee**
5. **Standards Committee**
6. **Alexandra Palace and Park Board**
7. **The Licensing Committee**
8. **The Strategic Planning Committee**
9. **The Health and Wellbeing Board**
10. **Appointments Panel**
11. **Disciplinary, Grievance and Dismissal Panel**

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

1. **General Purposes Committee**

General Purposes Committee has: -

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

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the approval of pilot schemes for local elections which is reserved to full Council.

- (iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved for the Appointments Panel and Disciplinary, Grievance and Dismissal Panel. The Committee's functions include:
 - (iv) 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;
 - v) Authorising the making of payments or the provision of other benefits in cases of maladministration;
- 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) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.

Staffing Functions

- e) 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:
- f) 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
- g) 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

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all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.

- h) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.
- i) To approve procedures for appointment and dismissal of staff.
- j) To approve all human resources policies including pay and grading structures, and changes to employees' terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.
- (k) 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.

2. Audit Committee

Statement of purpose

The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

Governance, risk and control

- (a) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- (b) To monitor the effective development and operation of risk management in the council.
- (c) To monitor progress in addressing risk-related issues reported to the committee.
- (d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

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- (e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- (f) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (g) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (h) To monitor the counter fraud strategy, actions and resources.
- (i) To review the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

- (j) To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- (k) To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

- l) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- m) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- n) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for audit and assurance

- o) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

- p) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.
- q) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- r) To consider specific reports as agreed with the external auditor.
- s) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- t) To consider additional commissions of work from external audit.
- u) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant

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bodies.

- v) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- w) To approve the internal audit charter.
- x) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- y) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- z) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- A1) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- A2) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- A3) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - A4) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
 - A5) regular reports on the results of the QAIP; and
 - A6) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- A7) To consider the head of internal audit's annual report, including:
 - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit); and
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- A8) To consider summaries of specific internal audit reports as requested.
- A9) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- A10) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- A11) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.
- A12) To provide free and unfettered access to the audit committee chair for the

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head of internal audit, including the opportunity for a private meeting with the committee.

Treasury Management

A13) Reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).

Accountability arrangements

A14) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

A15) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

A16) To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Advisers to the Committee

A17) The Committee would be supported in its role and responsibilities through the appointment of two independent advisers, who are appropriately qualified.

A18) It is for individual Committee members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.

A19) The Council will provide a training programme, which all Committee members must attend. Training undertaken will be reported at each meeting.

Other legislative powers include:

A20) 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;

A21) The power to make recommendations to the Council on any of its functions set out in Article 4.

10. Appointments Panel

Be the appropriate body to fulfil the Employment Procedure Rules as set out

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in Part 4 Section K in relation to Appointments.

- a) To exercise functions in respect of the appointment of the Chief Executive, Section 151 Officer and Monitoring officer and Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) To make recommendations to Council on the appointment of the Head of the Paid Service; and the appointment of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- c) That only members of this Panel participating in the Shortlisting, Interview and Appointment of Directors will have access to decision making reports and Appointments meeting.
- d) The substantive membership would be Leader of the Council(Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute and vote on appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.
- e) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

11.Disciplinary, Grievance and Dismissal Panel

Be the appropriate body to fulfil the employment procedure rules as set out in Part 4 Section K in relation to Disciplinarys, Grievance and Dismissals.

- a) Disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b) Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.
- c) To exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome, noting that as set out in the Employment

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procedure rules in section K, the need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

- d) To make recommendations to Council on the dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- e) To consider and approve any remuneration or severance payments to 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.
- f) To approve the early/flexible retirement of the Head of Paid Service, Section 151 Officer and Monitoring Officer and Directors (save where the Officer is simply resigning) and to agree the award of any discretionary payments in connection with such retirement or redundancy.

To exercise functions in respect of the following:

h) Grievance decisions related to Director level direct reports of the Head of Paid Service, if (and only if) referred to the Committee by the Head of Paid Service due to a conflict-of-interest issue.

To note:

- i) That only members of this Panel participating in the hearings and subsequent Panel meeting will have access to decision making reports and have a right to attend the hearing/meeting.
- j) Cabinet Members with a conflict will not participate in any of the decisions above.
- k) To note that Independent persons would be involved in the investigation of a case against a statutory officer and dismissal hearing.
- l) The substantive membership would be Leader of the Council (Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes, (Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute unless there is a conflict. The quorum of the Committee shall be a minimum of three members.
- m) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight

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for staffing functions of the Council.

SECTION 3 - SUB-COMMITTEES AND PANELS

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

1. Under the General Purposes Committee

1.1 Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Directors. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made. Different arrangements apply for the Head of Paid Service, Chief Officer, and Monitoring Officer.

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Report for: Annual Council 15 May 2023

Title: Financial statement of allowances paid to Members 2022/23

Authorised by : Fiona Alderman, Head of Legal and Governance & Monitoring Officer

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
0208 489 2929 ayshe.simsek@haringey.gov.uk

Ward(s) affected: All

Report for Key/

Non Key Decision: Non Key Decision

1. Describe the issue under consideration

- 1.1 To note the end of year statement for 2022/23 of allowances paid to Members.

2. Cabinet Member Introduction

N/A

3. Recommendations

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

4. BACKGROUND

- 4.1 This report indicates the amounts paid to Members in 2022/23, as detailed at Appendix 1.

- 4.2 The allowances that can be paid include:

- basic allowance
- special responsibility allowance
- childcare and dependent carers' allowance
- travel (outside M25 area only)

- 4.3 Arrangements must be made for publication of the total amount paid to each member, including basic, special responsibility and childcare/dependent carers' allowance, after the end of the year to which the scheme relates. These are set out for 2022/23 in Appendix 1.

5. Comments of the Director of Finance and Financial Implications

- 5.1 The Chief Financial Officer confirms that the allowances paid during 2021/22 were within the budget provision for the year.

6. Comments of the Head of Legal and Governance and Legal Implications

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

7. Use of Appendices

7.1 Appendix 1 – Statement of Members' Allowances 2022/23

8. Local Government (Access to Information) Act 1985

8.1 Background documents:

- Appointments to Committees and Members' Allowances Scheme 2022/23

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

8.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.

Members' Allowances paid for Financial Year 2022-2023

	Basic Allowance	Positions Held 2022/23	Special Responsibility Allowance	Members' Travel	Total Payment
Cllr A Abela	£9,100				£9,100
Cllr G Adamou	£11,247	Mayor	£15,027		£26,274
Cllr C Adje	£11,247				£11,247
Cllr P Ahmet	£11,247	The Leader	£33,926		£45,173
Cllr I Ali	£9,100				£9,100
Cllr K Amin	£11,247				£11,247
Cllr E Arkell	£9,100				£9,100
Cllr D Barnes	£11,247	Deputy Leader of Opposition	£6,544		£17,791
Cllr N Bartlett	£9,100				£9,100
Cllr D Basu	£2,147		£1,619		£3,765
Cllr P Berryman	£2,147				£2,147
Cllr J Bevan	£11,247	Chair of Scrutiny	£23,662		£34,909
Cllr B Blake	£11,247	Chair of Strategic Planning	£13,089		£24,336
Cllr M Blake	£11,247				£11,247
Cllr Z Brabazon	£11,247	Cabinet Member, Children, Schools & Families	£25,443		£36,690
Cllr C Brennan	£9,100				£9,100
Cllr G Bull	£2,147				£2,147
Cllr L Buxton	£9,100	Deputy Mayor	£3,270		£12,370
Cllr D Carlin	£11,247	Cabinet Member, Housing Services, Private Renters & Planning	£23,153		£34,400
Cllr V Carroll	£2,147	Cabinet Member, Finance & Local Investment			£2,147
Cllr L Cawley-Harrison	£11,247	Leader of Opposition	£16,965		£28,212
Cllr S Chandwani	£11,247	Cabinet Member, Tackling Inequality & Resident Services	£25,443		£36,690
Cllr S Chenot	£2,147				£2,147
Cllr J Chiriyankandath	£2,147				£2,147
Cllr C Collett	£9,100				£9,100
Cllr P Connor	£11,247	Scrutiny	£15,421		£26,668

Members' Allowances paid for Financial Year 2022-2023

	Basic Allowance	Positions Held 2022/23	Special Responsibility Allowance	Members' Travel	Total Payment
Cllr E Culverwell	£11,247		£968		£12,215
Cllr N Da Costa	£11,247				£11,247
Cllr L das Neves	£11,247	Cabinet Member, Health, Social Care & Wellbeing	£25,443	£116	£36,806
Cllr J Davies	£11,247	Cabinet Member, Communities & Civic Life	£25,443		£36,690
Cllr M Demir	£2,147				£2,147
Cllr P Dennison	£2,147				£2,147
Cllr I Diakides	£11,247	Chair of Corporate Committee	£12,357		£23,604
Cllr J Dixon	£2,147		£1,619		£3,765
Cllr E Dogan	£11,247		£5,814		£17,061
Cllr G Dunstall	£9,100				£9,100
Cllr J Ejiofor	£2,147				£2,147
Cllr S Elliott	£9,100				£9,100
Cllr S Emery	£11,247	Chief Whip of Opposition	£6,544		£17,791
Cllr R Gordon	£11,247	Cabinet Member, Council Housebuilding, Placemaking & Development	£25,443	£33	£36,723
		<i>Resignation 19th January 2023 - due to a HR Error an overpayment was made and this has been rectified in the new financial year with a return of the overpayment</i>			
Cllr J Gourtsoyannis	£9,100				£9,100
Cllr M Gunes	£11,247	Scrutiny	£15,421		£26,668
Cllr M Hakata	£11,247	Deputy and Cabinet Member, Environment and Transport	£25,443	£177	£36,867
Cllr B Hare	£2,147				£2,147
Cllr H Harrison-Mullane	£9,100				£9,100
Cllr K Hearn	£2,147				£2,147
Cllr J Hinchcliffe	£2,147				£2,147
Cllr T Hymas	£9,100				£9,100
Cllr E Ibrahim	£11,247	Chair of Alexandra Palace & Park Board	£13,089		£24,336
Cllr M Isilar Gosling	£9,100				£9,100

Members' Allowances paid for Financial Year 2022-2023					
	Basic Allowance	Positions Held 2022/23	Special Responsibility Allowance	Members' Travel	Total Payment
Cllr T lyngkavan	£9,100				£9,100
Cllr S James	£2,147				£2,147
Cllr S Jameson	£9,100				£9,100
Cllr A Jogee	£11,247	Cabinet Member, Jobs & Community Cohesion	£23,506		£34,753
Cllr C Johnson	£9,100				£9,100
Cllr A Mahbub	£9,100				£9,100
Cllr M Mason	£9,100				£9,100
Cllr P Mitchell	£2,147			£1,619	£3,765
Cllr E Morris	£2,147				£2,147
Cllr K Moyeed	£11,247			£5,286	£16,533
Cllr J Ogiehor	£2,147		£1,619		£3,765
Cllr F Opoku	£11,247	Chair of Standards	£8,482		£19,729
Cllr A Ovat	£9,100	Chair of Licensing	£6,544		£15,644
Cllr T Palmer	£2,147				£2,147
Cllr S Peacock	£11,247				£11,247
Cllr R Rice	£11,247	Chair of Staffing & Remuneration	£10,420		£21,667
Cllr V Ross	£2,147				£2,147
Cllr A Rossetti	£11,247				£11,247
Cllr Y Say	£11,247	Chair of Combined Pensions Committee & Board	£8,482		£19,729
Cllr M Simmons-Safo	£9,100	Scrutiny	£11,897		£20,998
Cllr A Stennett	£11,247		£3,876		£15,123
Cllr D Stone	£2,147				£2,147
Cllr P Tabois	£2,147				£2,147
Cllr N Tucker	£2,147				£2,147
Cllr J Wallace	£9,100				£9,100
Cllr E Weston	£11,247	Chief Whip	£13,089		£24,336
Cllr M White	£11,247	Scrutiny	£15,421		£26,668

Members' Allowances paid for Financial Year 2022-2023

	Basic Allowance	Positions Held 2022/23	Special Responsibility Allowance	Members' Travel	Total Payment
Cllr S Williams	£11,247	Finance, Local Investment	£23,506		£34,753
Cllr A Worrell	£9,100				£9,100
Total	£641,079		£494,891	£326	£1,136,296

Co-optee Members'

Mr K Brown	£308	**
Ms Y Denny	£154	
Ms A Jakhu	£924	**
Ms K Jhjhunwala	£770	**
Ms L Klein	£1,250	
Ms V Holt	£154	
Mr I Owarish	£154	
Mr C Pattinson*	£0	
Mr R Plowright	£154	
Mr S Ross	£250	
Total	£4,118	

The above allowances show payments for April 2022 up until March 2023.

NB

* Chooses not to receive an allowance.

** This allowance includes payments that didn't go through in previous year.

This report is based on payments for 2022/23 Financial Year. Special Responsibility Allowances run from the date of the Annual Council Meeting.

Report for: Full Council – 15 May 2023

Item number:

Title: STATEMENT OF MEMBERS ATTENDANCE 2022/2023

Authorised by : Fiona Alderman–Head of Legal and Governance & Monitoring Officer

Lead Officer: **Ayshe Simsek**, Democratic Services and Scrutiny Manager
0208 489 2929 ayshe.simsek@haringey.gov.uk

Ward(s) affected: All

Report for Key/

Non Key Decision: Non Key Decisions

1. Describe the issue under consideration

- 1.1 To note the statement of Member attendance for the period 23 May 2022 to 11 May 2023.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That the statement of attendance, as attached, be noted.

4. BACKGROUND

- 4.1 Part four of the Council Constitution at section C paragraph 8 [Statement of attendances] advises that 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.

5. Comments of the Head of Legal and Governance & Monitoring Officer

- 5.1 Attendance of members at meetings of the Council is required to consider relevant facts and issues relating to the functions of the Council.
- 5.2 Section 85 of the Local Government Act 1972 states that if a member of the council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the council then they shall cease to be

a member, unless the failure was due to some reason approved before the expiry of the period they cease to be a member.

- 5.3 The publication of the statement of Member attendance is in the interest of good governance and transparency.

6. Use of Appendices

- 6.1 Appendix 1 –Statement of attendance 2022/23

7. Local Government (Access to Information) Act 1985

- 7.1 Background documents:

Statement of attendance 2020/21

- 7.2 The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.
- 7.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.

Statement of attendance of Councillors at Council, committees, sub-committees and panel meetings: 23 May 2022 to 11 May 2023 inclusive

These bodies have not been included:

- Disciplinary and Dismissal Appeals Panel
- Job Evaluation and Grievance Appeals Panels
- Outside bodies
- Single party meetings (with the exception of scheduled meetings of the Cabinet)
- Evidence gathering sessions for Scrutiny bodies

This list represents only the attendance at formal Council bodies .

Any meeting missed due to a clash with another council business is noted as 'Apologies due to Council Business' and any meeting missed due to adverse weather conditions (Feb & July 2022) were noted as 'Apologies due to Extreme Weather'.

The figures include members that have been in attendance at meetings where they are not members of that committee. This is 'in person' attendance.

These figures record member's attendance to quorum meetings .

Full details of Member's attendance figures can be found on the Haringey website where specific notes on reasons for apologies is explained. These are:

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

Also some members of the previous Staffing and Remuneration Committee will have a higher number of apologies due to the procedure rules and substitution rules that have been applied relating to appointments of directors.

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

This information is also listed on our website here:

<http://www.minutes.haringey.gov.uk/mgUserAttendanceSummary.aspx>

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Councillor	Party	Expected	Present	Apologies	Absent	In attendance
Adam Jogee	Lab	20	18	2	0	0
Ahmed Mahbub	Lab	27	14	10	3	0
Ajda Ovat	Lab	40	39	1	0	0
Alessandra Rossetti	Lib Dem	18	10	4	4	0
Alexandra Worrell	Lab	27	22	5	0	0
Anna Abela	Lab	20	19	1	0	0
Anne Stennett	Lab	27	18	9	0	0
Barbara Blake	Lab	32	31	1	0	0
Cathy Brennan	Lab	24	23	1	0	1
Charles Adje	Lab	15	10	5	0	0
Cressida Johnson	Lab	9	8	1	0	0
Dana Carlin	Lab	27	26	1	0	1
Dawn Barnes	Lib Dem	11	10	1	0	1
Thayahlan Iyngkaran	Lab	16	12	4	0	0
Eldridge Culverwell	Lab	15	14	1	0	0
Elin Weston	Lab	23	23	0	0	0
Emily Arkell	Lab	19	14	5	0	0
Emine Ibrahim	Lab	27	26	1	0	0
Erdal Dogan	Lab	10	8	2	0	0
Felicia Opoku	Lab	21	11	8	2	0
George Dunstall	Lab	27	19	8	0	0
Gina Adamou	Lab	5	4	1	0	1
Holly Harrison-Mullane	Lab	12	5	5	2	0
Ibrahim Ali	Lab	30	19	11	0	1
Isidoros Diakides	Lab	10	7	3	0	0
John Bevan	Lab	38	32	6	0	0
Joy Wallace	Lab	14	6	6	2	0
Julie Davies	Lab	26	11	15	0	0
Kaushika Amin	Lab	10	5	5	0	0
Khaled Moyeed	Lab	10	8	2	0	0
Lester Buxton	Lab	34	33	1	0	0
Lotte Collett	Lab	26	22	4	0	0
Lucia das Neves	Lab	23	21	2	0	1
Luke Cawley-Harrison	Lib Dem	23	20	3	0	1
Makbule Gunes	Lab	17	16	1	0	1
Mark Blake	Lab	17	10	7	0	0
Marsha Isliar-Gosling	Lib Dem	25	15	7	3	0
Mary Mason	Lab	16	12	3	1	0
Matt White	Lab	38	37	1	0	0
Michelle Simmons-Safo	Lab	21	14	7	0	1
Mike Hakata	Lab	22	17	5	0	0
Nick da Costa	Lib Dem	34	22	7	5	0
Nicola Bartlett	Lab	22	20	2	0	0
Peray Ahmet	Lab	24	24	0	0	0
Pippa Connor	Lib Dem	25	23	2	0	0
Reg Rice	Lab	41	38	3	0	0
Ruth Gordon	Lab	30	30	0	0	1
Sarah Elliot	Lab	16	8	8	0	0
Sarah Williams	Lab	22	19	3	0	0
Scott Emery	Lib Dem	16	13	3	0	1
Sean O'Donovan	Lab	1	1	0	0	0
Seema Chandwani	Lab	25	23	2	0	1
Sheila Peacock	Lab	18	17	1	0	1
Sue Jameson	Lab	16	14	2	0	0
Tammy Hymas	Lab	19	16	3	0	0
Yvonne Say	Lab	27	18	9	0	0
Zena Brabazon	Lab	32	32	0	0	2

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