

Ken Pryor

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19 February 2010

To: All Members of the Full Council

Dear Member,

Full Council - Monday, 22nd February, 2010

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:

8. TO RECEIVE THE REPORTS OF THE CHIEF EXECUTIVE (PAGES 1 - 12)

2. Changes to Political Groups, Cabinet Portfolios and Appointments to Committees and Sub Bodies: To note the changes to Political Groups as notified to the Chief Executive; to agree changes to Committee membership numbers resulting from the recent changes in political group composition; to agree changes to Cabinet portfolios.

10. TO MAKE APPOINTMENTS TO OUTSIDE BODIES (PAGES 13 - 16)

12. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 17 - 84)

- b) Constitution Review Working Group – Report 6 – 2009/10

Yours sincerely

Ken Pryor
Deputy Head of Local Democracy and Member Services

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Haringey Council

Agenda item:

Council**on 22 February 2010**

Report Title: **Changes to Political Groups, Cabinet Portfolios and Appointments to Committees and Sub Bodies.**

Forward Plan reference number (if applicable): n/a

Report of: **Chief Executive**

Wards(s) affected:

Report for: Non key decision.

1. Purpose

- 1.1 To note the changes to Political Groups as notified to the Chief Executive.
- 1.2 To agree changes to Committee membership numbers resulting from the recent changes in political group composition.
- 1.3 To agree changes to Cabinet portfolios.

2. Recommendations

- 2.1 That the changes to Political Group composition as detailed in paragraphs 8.1 & 8.2 be noted.
- 2.2 That the proposal for the allocation of Committee places as detailed in paragraph 8.8 be agreed. (Should any Member vote against this, the Council will vote on a strict application of the rules, whereby the majority Group are entitled to control the majority of seats on every Committee (the proposal that will then be voted on is shown in Appendix 3).
- 2.3 That the membership of the Pensions Committee and General Purposes Committee be each increased by one Liberal Democrat position in order to reflect proportionality in the overall number of seats on the Council (as detailed in paragraph 8.8). That Councillor Whyte be appointed to the Pensions Committee and to the General Purposes Committee.
- 2.4 That the membership of the Alexandra Palace and Park Board be increased by one place (as detailed in paragraph 8.8) and that Councillor Thompson remain as an Independent Member.
- 2.5 That the membership of the Alexandra Palace and Park Panel be decreased by one Labour position in order to reflect proportionality in the overall number of seats on the Council.
- 2.6 That the resultant changes to Council body memberships as detailed in paragraphs 8.8, 8.11 & 8.12 be agreed.

2.7 That the changes to Cabinet portfolios and reduction of one further Cabinet member, as detailed in paragraphs 8.13 & 8.14 and Appendix 1, be agreed and that Article 7.02 in Part 2 of the Constitution be suspended until the implementation of the new executive leadership arrangements, when the Leader will determine the number of Cabinet Members at a figure between 2 and 9.

Report Authorised by: **Chief Executive**

Contact Officer: **Ken Pryor, Deputy Head of Local Democracy and Member Services**
Tel: **0208 489 2915**

3. Chief Financial Officer Comments

3.1 The Chief Financial Officer comments that there will be a resultant saving to Special Responsibility Allowances of £23,691 arising from the proposed reduction of one Cabinet Member. The remaining changes detailed in this report will have no direct financial implications.

4. Head of Legal Services Comments

- 4.1 The report sets out those Council bodies to which the political balance rules apply. The 1989 Act requires political balance in the distribution of seats on committees to be undertaken "so far as is reasonably practicable" thus recognising that a mathematically precise split between political parties cannot always be achieved.
- 4.2 The rules in section 15 of the Local Government and Housing Act 1989 require that a party with a majority on full Council shall have a majority of seats on each non-executive body and this rule takes precedence over the rules requiring an exact political balance on those bodies individually and taken as a whole.
- 4.3 The 1989 Act provides that a distribution of seats not conforming to section 15 is permissible but only if all Members of the Council present vote in favour or abstain. In the event of a single vote against a non-conforming distribution of seats on non-executive bodies, then the Council would be under a legal duty to adopt a distribution in accordance with section 15 giving the majority party a majority of seats on each body.
- 4.4 Under the Licensing Act 2003 there must be at least 10 but no more than 15 Members serving on the Licensing Committee.

5. Local Government (Access to Information) Act 1985

Background papers

- 5.1 Local Government and Housing Act 1989.
5.2 Local Government Act 2000.
5.3 Report to Annual Council on Committee Appointments

The background papers are located at River Park House, 225 High Road, Wood Green,

London N22 8HQ.

To inspect them or to discuss this report further, please contact Ken Pryor on 0208 489 2915.

6. Financial Implications

- 6.1 There will be a resultant saving of £23,691 to Special Responsibility Allowances arising from this current reduction of one Cabinet Member.

7. Legal Implications

- 7.1 The Local Government and Housing Act 1989 requires the Council to ensure there is political balance on its non-executive Committees so far as reasonably practicable.

8. Background

- 8.1 The Chief Executive was notified on 18 January 2010 of a change to Political Groups within Haringey. With effect from that date Councillor Haley resigned the Labour Whip and joined the Liberal Democrat Group.
- 8.2 The Chief Executive was notified on 2 February 2010 that Councillor Thompson had resigned from the Labour Group and would sit as an Independent Councillor representing the Tottenham Hale Ward.
- 8.3 The Annual Meeting appoints Committees of the Council. Wherever possible bodies are constituted in accordance with the provisions of the Local Government and Housing Act 1989 in terms of political balance. Resulting from Councillor Haley resigning from the Labour Group and becoming a Liberal Democrat Councillor and Councillor Thompson resigning from the Labour Group and becoming an Independent Councillor, consideration was given to proportionality across Committees. Labour Councillors now constitute 50.88% of the available seats on the Council; the Liberal Democrats occupy 45.61%, Conservatives occupy 1.75% and the Independent Member occupies the remaining 1.75% of the seats. Where practicable the allocation of seats on Committees should be in line with the proportion of seats on the Council held by the political groups.
- 8.4 The Council on 20 July 2009 agreed that although there was no requirement to offer a seat to a single member as they did not constitute a "political group" under the definition in the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1553) Regulation 8, it was nevertheless proposed that a seat be offered to the Conservative Councillor.
- 8.5 Although there is no requirement to offer a seat to a single member as stated in paragraph 8.4 above, it is proposed that for consistency

Councillor Thompson be similarly allocated a seat.

- 8.6 In calculating the allocation of seats on Committees, the following bodies were excluded:
- the Cabinet and its subordinate bodies
 - the disciplinary pool
 - Licensing Committee
 - the Standards Committee and
 - other Committees where membership is determined on the basis of electoral ward represented (eg. Area Assemblies)
- 8.7 With the advent of minority opposition parties and an Independent member, the ability to achieve a precise balance is more difficult and the need to be able to guarantee any departure from the strictly prescribed application without any objection cannot be guaranteed. This could leave the Council open to challenge. Should any member of the Council vote against the proposals contained in paragraph 8.8 below, the Council would vote on a strict application of the rules, whereby the majority Group are entitled to control the majority of seats on every Committee (the effects of this are shown in Appendix 3). If this strict application was applied, neither Councillor Dobbie nor Councillor Thompson would be allocated a seat.
- 8.8 The number of seats available on Committees and Sub-Committees as agreed by Council on 20 July 2009 was 64. It is proposed that an additional place be created on both the General Purposes Committee and the Pensions Committee for the Liberal Democrat Group giving a 4 / 4 split on each body between Labour and Liberal Democrat Groups. It is also proposed to increase the membership of the Alexandra Palace and Park Board by 1 Labour position and that Councillor Thompson remain on the Board (giving the following split Lab 4, LD 3 and Ind 1). It is proposed that the Alexandra Palace and Park Panel be reduced by one Labour position in order to reflect overall proportionality (giving 2 Lab & 2 LD seats). The overall number of seats available under these proposals will be 66. Of this number 34 or 51.51% are allocated to the Labour Group, 30 or 45.45% to the Liberal Democrat Group, 1 or 1.52% to the Conservative Party and 1 or 1.52% to the Independent Member (Appendix 2 shows the effects of the above proposals). This arrangement for distributing seats is not intended to create a precedent.
- 8.9 Councillor Whyte will be offered a seat on both the General Purposes Committee and the Pensions Committee.
- 8.10 Councillor Thompson will remain on the Alexandra Palace and Park Board.
- 8.11 Councillor Haley will now be shown as a Liberal Democrat member on the St Ann's and Harringay Area Assembly membership. Councillor Thompson will now be shown as an Independent Councillor on the Tottenham Hale and Seven Sisters Area Assembly membership.

- 8.12 The Labour Group have also notified the following committee changes:
- Filling the extra Labour seat on the Alexandra Palace and Park Board will be deferred until a future Council meeting.
 - Councillor Thompson to be removed from the Alexandra Palace and Park Panel.
 - Councillor Jones to replace Councillor Thompson on Pensions Committee.
 - Councillor Peacock to replace Councillor Thompson on Licensing Committee and Licensing Sub B.
- 8.13 Councillor Haley also resigned as a Cabinet Member. It is proposed that the portfolio is undertaken by Councillor Bevan in addition to his current portfolio. Appendix 1 shows the revised portfolio allocation.
- 8.14 Resulting from the reduction in the number of Cabinet members it will be necessary to amend Article 7.02 in Part 2 of the Constitution, which requires there to be precisely 9 Cabinet Members apart from the Leader. The requirement for a specific number of Cabinet Members in Article 7.02 was suspended by full Council on 20 July 2009 following the resignation from the Cabinet of Councillor Cooke. This suspension was initially resolved until the special Council on 14 December which agreed the new executive leadership arrangements to take effect after the 2010 Council Elections. It is now proposed that this suspension be formally continued until the implementation of the new executive leadership arrangements when the Leader will determine the number of Cabinet Members at a figure between 2 and 9.
- 8.15 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate.

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<u>Cabinet Portfolios 2009/10</u>	
<u>Portfolio</u>	<u>Responsibility</u>
Leader and Cabinet Member for Performance Cllr Claire Kober	<ul style="list-style-type: none"> • Best Value and Performance Management (inc. achieving excellence agenda) • Co-ordination within the Cabinet • Communications (strategic) • Corporate policy and strategy • Legal Services • Partnerships and Haringey Strategic Partnership • Key sites • Planning Policy relating to spatial planning • Regeneration programme performance
Cabinet Member for Adult Social Care and Wellbeing Cllr Dilek Dogus	<ul style="list-style-type: none"> • Adult Social Services • Carers • Partnerships and liaison with NHS bodies • Public Health co-ordination across the executive portfolios • Services for Asylum Seekers
Cabinet Member for Children & Young People Cllr Lorna Reith	<ul style="list-style-type: none"> • Children and Families • Children's Centres • Children Education Services • Children Social services • Early Years and Play • Family and Community Involvement • Music Service • School Standards and Inclusion • Youth Services
Cabinet Member for Community Cohesion and Involvement Cllr Kaushika Amin	<ul style="list-style-type: none"> • Equalities • Member Services • Area Assemblies • Corporate Consultation • Corporate Engagement • Neighbourhoods • Voluntary Sector • Communications (operational) • Customer Services and Customer Focus • Complaints
Cabinet Member for Enforcement and Safer Communities Cllr Nilgun Canver	<ul style="list-style-type: none"> • Anti-social behaviour • Community Safety • Crime Issues • Crime reduction initiatives • Drug issues; Drug and Alcohol Action Team • Enforcement • Links to Police Service, Probation Service • Prevention of offending and re-offending • Safer Communities (including Domestic Violence & Harassment) • Services provided by the Youth Offending Team • Planning Policy relating to development control and building control

<u>Cabinet Portfolios 2009/10</u>	
<u>Portfolio</u>	<u>Responsibility</u>
Cabinet Member for Housing Services, Environment and Conservation Cllr John Bevan	<ul style="list-style-type: none"> • Housing Management • Housing Strategy and Needs • Technical and Building Services • Better Haringey • Conservation • Parking • Waste management • Recycling • Street Scene • Transport • Urban Futures • London 2012
Cabinet Member for Leisure, Culture, and Lifelong Learning Cllr Dhiren Basu	<ul style="list-style-type: none"> • Recreation and Leisure Services including Parks and Open Spaces • Libraries • Museums • Adult Education Services • Lifelong Learning • Cultural Industries
Cabinet Member for Resources Cllr Bob Harris	<ul style="list-style-type: none"> • Human Resources • Asset Management • IT Services and E-Government • Organisational Development and Learning • Benefits and Local Taxation • Corporate Finance • Procurement • Property Services • Business Support and employment initiatives • Economic Regeneration • External funding

Shadow Cabinet Spokespersons

Resources Spokesperson - Ed Butcher

Children and Young People Spokesperson - Gail Engert

Crime Spokesperson - Ron Aitken

Regeneration Spokesperson - Rachel Allison

Environment (Green Issues) spokesperson - Bob Hare

Environment (Traffic and Transport) Spokesperson - Martin Newton

Health Spokesperson - Nigel Scott

Adult Social Services Spokesperson - Richard Wilson

Housing Spokesperson - Matt Davies

Leisure and Culture Spokesperson - David Winskill

Appendix 2

Groups current % on Council: Lab 50.88%; LD 45.61%; Con 1.75%; Ind 1.75%

Body	Existing position		Proposal based on Rule B		Majority Group not controlling the majority of seats on every Committee.	
	Seats	Split	seats	split	seats	split
Alexandra Palace & Park Board	7	4 3	7	4 3	8	4 3 1
Alexandra Palace & Park Panel	5	3 2	5	3 2	4	2 2
Audit Committee	8	4 3 1	7	4 3	8	4 3 1
GP Committee	7	4 3	7	4 3	8	4 4
Miscellaneous Functions Cttee	6	3 3	5	3 2	6	3 3
Pensions Committee	7	4 3	7	4 3	8	4 4
Planning Committee	9	5 4	9	5 4	9	5 4
Overview & Scrutiny Cttee	7	4 3	7	4 3	7	4 3
Remuneration Cttee	8	4 4	7	4 3	8	4 4
Total seats	64	35 28 1	61	35 26	66	34 30 1 1
Provides % split of:			57.38;	42.62		51.51; 45.45; 1.52; 1.52

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Appendix 3

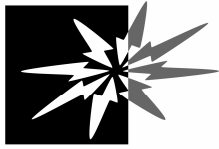
Political Groups' current % on Council: Lab 50.88%; LD 45.61%; Con 1.75%; Ind 1.75%

Body	Existing position		Proposal based on Rule B	
	Seats	Split	seats	split
Alexandra Palace & Park Board	7	4 3	7	4 3
Alexandra Palace & Park Panel	5	3 2	5	3 2
Audit Committee	8	4 3 1	7	4 3
GP Committee	7	4 3	7	4 3
Miscellaneous Functions Ctte	6	3 3	5	3 2
Pensions Committee	7	4 3	7	4 3
Planning Committee	9	5 4	9	5 4
Overview & Scrutiny Ctte	7	4 3	7	4 3
Remuneration Ctte	8	4 4	7	4 3
Total seats	64	35 28 1	61	35 26
Provides % split of:				57.38; 42.62

In the event of a strict application of the rules the following would apply:

1. Recommendation 2.3, 2.4, 2.5 and 2.6 would be deleted.
2. Labour councillors would fill the resulting vacancies on Alexandra Palace and Park Board and Panel and Consultative Committee and Forum.
3. Councillors Dobbie and Thompson would not have a seat on any Committee
4. The Liberal Democrat seats on the Miscellaneous Functions Committee and Remuneration Committee would each be reduced by one place.

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Haringey Council

Agenda item:

10

Council Meeting on 22 February 2010

Report Title: **APPOINTMENTS TO OUTSIDE BODIES**

Report of: **CHIEF EXECUTIVE**

Report for: Decision

1. Purpose

1.1 To advise the Council of nominations of Council representatives to fill current vacancies on outside bodies and seek approval for appointments.

2. Recommendations

2.1 That the appointments to outside bodies, as set out in the attached schedule, be approved.

Report Authorised by: **Chief Executive.**

Contact Officer: **Ken Pryor, Deputy Head of Local Democracy and Member Services.**
Tel: 0208 489 2915

3. Local Government (Access to Information) Act 1985

3.1 The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Ken Pryor on 020 8489 2915:

Information supplied by the Party Groups.

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Proposed Appointments to Outside Bodies
Council Meeting 22 February

Body name	No of Reps				
Environment Agency, Thames Regional Flood Defence Committee 14/nrat Granted Aid: no <u>Retiring Representative (s) / Expiry</u>	1 1 LAB	Cllr John Bevan	Term of Office: 22/02/10	4 Years 31/05/10	Category: Association Must be a councillor prefer cabinet member for Environment To replace Cllr Haley
<u>London Councils, Transport & Environment Committee</u> 14/alg/tcl Granted Aid: no <u>Retiring Representative (s) / Expiry</u>	5 2 LAB	Councillor Jayanti Patel Councillor John Bevan	Term of Office: 18/05/09 22/02/10	1 Year 31/05/10 31/05/10	Category: Association Cabinet member for Transport/Environment & upto 4 deputies Deputy to replace Cllr Haley
<u>North London Waste Authority</u> Granted Aid: no <u>Retiring Representative (s) / Expiry</u>	2 2 LAB	Councillor George Meehan Councillor Claire Kober	Term of Office: 18/05/09 22/02/10	1 year 31/05/10 31/05/10	Category: Statutory Cabinet Member for Environment & one other to replace Cllr Haley

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**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP
No. 6/2009-10**

COUNCIL 22 FEBRUARY 2010

In the Chair:
Councillor Reith

INTRODUCTION

- 1.1 This report to full Council follows two reports considered by the Constitution Review Working Group at our meeting on 17 February 2010. The first item for decision concerns amendments to the Council's Constitution that are necessary to implement the new executive leadership arrangements agreed by the extraordinary Council meeting on 14 December 2009. The second item for decision concerns amendments to the Council's Constitution that will embed sound treasury management policies and practices recommended to local authorities by CIPFA.

ITEMS FOR DECISION

**2. AMENDING THE CONSTITUTION TO IMPLEMENT THE
NEW EXECUTIVE LEADERSHIP ARRANGEMENTS**

- 2.1 We noted that the extraordinary meeting of the full Council on 14 December 2009 had passed a resolution to change the executive leadership arrangements to the new Cabinet and Leader model provided for in the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"). This followed an extensive two-stage public consultation exercise. The proposals agreed in principle by Council in December are set out in Appendix 1 to this report but without the Schedule of "Local Choice Functions" that will not change.
- 2.2 We were informed that the new leadership arrangements had to be implemented on the statutory changeover date which is Tuesday 11 May i.e. the third working day after the May 2010 Council Elections. All the text changes being recommended are set out in Appendices 2 to 11 to this report. We noted that many of the changes are repeated at several different places in the Constitution and it would not be useful to explain each of them individually. This report therefore draws attention to the main points underlying the new leadership model and to the details of the transitional arrangements after the May Elections. The opportunity has been taken to make a few minor corrections and clarifications to those Parts of the Constitution that have to be amended anyway but no changes of any substance are proposed in this way.

- 2.3 The principal effect of the reforms contained within the 2007 Act is to concentrate executive authority in the hands of the “senior executive member” whether this is the directly elected Mayor or the indirectly elected Leader as in Haringey and most other local authorities. The Leader will have the statutory powers which previously were only held by directly elected Mayors.
- 2.4 We noted that one key change is the power of the Leader at will to delegate or allocate all executive functions between the Cabinet meeting, Cabinet Committees, individual Cabinet Members and officers. The Leader will be empowered to reserve any matter for his/her personal decision and to revoke any delegation at any time either specifically or generally. This will result in changes to the Cabinet Terms of Reference (Appendix 7 to this report) and the Cabinet Procedure Rules (Appendix 11 to this report).
- 2.5 The other key change is the power of the Leader to appoint and remove each Cabinet Member and to determine their number and portfolios subject to there being no fewer than two or more than nine Cabinet Members. The Leader takes over these powers from the full Council and so the Council’s terms of reference will need to be amended at Article 4 (Appendix 3 to this report) and at Part 3, Section C (Appendix 6 to this report). These changes must be reflected in the Council Procedure Rules (Appendix 9 to this report) and in Article 7 on the Leader and Cabinet (Appendix 4 to this report).
- 2.6 We were advised that an important consequence of the Leader’s control over executive functions is that in future any amendments to The officer scheme of delegation with respect to executive functions must be agreed by the Leader, or the Leader and Cabinet, with the full Council simply noting the amendments and formally accepting them within the Constitution. The final arbiter of all executive delegations to officers and Cabinet Members will be the Leader not full Council. This needs to be reflected in the Ground Rules for the scheme of delegation (Appendix 8 to this report).
- 2.7 The new powers given to the Leader will affect the making of “joint arrangements” for the exercise of executive functions which are mainly joint Committees of the London Boroughs or partnership bodies within the Haringey Strategic Partnership. Powers to make appointments of Member representatives and to delegate authority to them, and to the joint bodies concerned, will continue to be exercised by the Cabinet but now with an express requirement for the Leader’s agreement. The changes are set out in Article 11 (Appendix 5 to this report).

The Deputy Leader and Default Provisions

- 2.8 We noted that the new leadership model prescribes an enhanced role for the Deputy Leader who is appointed by the Leader. Whenever the

Leader is “unable to act” or the office of Leader is vacant for any reason, then under the 2007 Act the Deputy Leader personally takes on all the powers of the Leader pending the Leader recovering capacity to act or the election by full Council of a new Leader should that be necessary. Provision for the Deputy Leader is made in Article 7.05 (Appendix 4 to this report) and the Cabinet Terms of Reference (Appendix 7 to this report).

- 2.9 The legislation sets out default provisions for the unlikely situation where both Leader and Deputy Leader are “unable to act” or their offices are vacant. In that case the remaining Cabinet Members act collectively in place of the Leader until the situation is resolved by a recovery of capacity or a fresh election. This is in Article 7.07 (i) (Appendix 4 to this report).
- 2.10 In the still more unlikely event that no Cabinet Members remain in office or able to act, then executive powers are delegated to the Chief Executive in consultation with the Mayor or Deputy Mayor. This is in Article 7.07 (ii) (Appendix 4 to this report) and it is non-statutory but it replaces a similar existing provision within Article 7.05 of the Constitution.

Appointment and Removal of the Leader

- 2.11 We considered the powers and term of office of the Leader which are set out in the proposed revision to Article 7 of the Constitution (Appendix 4 to this report). The Leader will be elected by the full Council for a 4 year term which in normal circumstances will end at the Annual Council meeting in May 2014. The Leader will cease to hold office as Leader if he/she resigns or is no longer a councillor. The Leader may be temporarily suspended from office as a result of a finding of breach of the Members’ Code of Conduct by the Standards Committee in which case the Deputy Leader would act until the period of suspension ended.
- 2.12 The proposals agreed by the December extraordinary Council will continue the existing provision in Article 7.05 for removal of the Leader by a “vote of no confidence” at full Council passed by a simple majority of the councillors present. This procedure is permitted under the 2007 Act with respect to the “Leader and Cabinet” model but would not be available to remove a directly elected Mayor in mid-term.
- 2.13 We noted that the “vote of no confidence” procedure at full Council will cease to apply to other Cabinet Members who in future could only be removed by the Leader. The Chairs of non-executive Committees will still be potentially subject to a “vote of no confidence” at full Council. This is set out in Council Procedure Rule 31 as proposed for amendment (Appendix 9 to this report).

The Transitional Arrangements

- 2.14 We were advised that the 2007 Act requires London Boroughs to bring the new leadership arrangements into force on 11 May 2010. This date falls just after the Council Elections on 6 May but before the Annual Council meeting scheduled for 24 May when the election of the Leader for the forthcoming 4 years is likely to be held. Consequently, the legislation allows for transitional arrangements until the Leader has been elected to office.
- 2.15 The proposals agreed by the December extraordinary Council are set out at Appendix 1 to this report at paragraph 8. The consequential Constitution amendments are shown in greater detail at Appendix 4 i.e. within the revised Article 7.02 which makes specific provision for any executive decision-making needed during the transition period in May 2010.
- 2.16 There are two possible outcomes from the Elections. The first is that the Leader in office immediately before the Elections is re-elected as a councillor within the party having a majority of seats post-Election. In that event the Leader continues in office until the Annual Council meeting or the completion of the first leadership election at another full Council if that occurs later than Annual Council for any reason. In the transition period it is proposed that the Leader could appoint an Interim Deputy Leader but no other Cabinet Members.
- 2.17 The second possible outcome is that the Leader in office immediately before the Elections ceases to be a councillor or ceases to be within the majority party post-Election. In that event all executive authority would be delegated to the Chief Executive acting in consultation with the representative of the largest political group (or groups in the case of parity between the parties).
- 2.18 We understood that in the transition period decisions would only be taken if there was a genuine urgent need to do so. But it would be essential for the Borough to keep in place a capacity for taking all decisions so as to ensure continuity of service provision in case of emergencies or unforeseen events.

Non-Executive Functions

- 2.19 It was explained to us that it is only the “executive” functions that will be directly affected by the new leadership arrangements. We recognise that, of course, “executive” functions include much the greater part of Council’s service provision and expenditure decisions.
- 2.20 The “non-executive” functions of the Council will not be directly affected by the new leadership arrangements. The “non-executive” side encompasses the remit of the Planning, Licensing, Pensions, Remuneration and General Purposes Committees and the Alexandra Palace & Park Board. It also includes the activities of “regulatory” and

“scrutiny” bodies such as the Standards, Audit and Overview & Scrutiny Committees and the powers of the full Council which determines the policy and budget framework. All these “non-executive” bodies will continue to operate as before and the officer scheme of delegation with respect to “non-executive” functions will continue to be determined by the full Council.

2.21 We were advised that the only recommended change to the provisions of the Constitution dealing with non-executive functions, apart from those affecting the terms of reference and procedure rules of full Council, is a new paragraph on “default provisions”.

2.22 In Part 3, Section C at section 6 (Appendix 6 to this report at page 3) there is already provision for “Emergency Procedures In Election Year” which enable the Chief Executive to take urgent non-executive decisions in consultation with the Mayor in the period between the Elections and Annual Council. We agreed that it would be prudent, in the interests of maintaining a continuous decision-making capacity, to guard against the possibility, albeit remote, that Annual Council proved unable to agree on Member appointments to non-executive bodies or that, at any other time, all Members of a non-executive body or bodies were removed or resigned without agreed replacements. For this reason a new section 7 is being recommended, headed “Default Provisions”, to grant delegated powers in these circumstances to the Chief Executive to take urgent non-executive decisions in consultation with the Mayor, or Deputy Mayor if the Mayor was unable to act.

Key Decisions, the Forward Plan and Public Access to Information

2.23 We noted that another significant continuing aspect of the arrangements for discharging executive functions is the maintenance unchanged of the rules on key decisions. These will still be advertised publicly on the Council’s Forward Plan and copies of agendas, reports and background papers will continue to be available to the public at least 5 clear days in advance of a meeting. These statutory rules will apply to decisions made by the Leader alone and the decision itself must be taken at a public meeting. There are exceptions where reports contain exempt information. The “special urgency” procedure, which requires the signed consent of the Chair of Overview and Scrutiny Committee before a key decision can be taken with less than 5 clear days public notice, continues to apply to urgent decisions taken by the Leader alone.

2.24 Consequently, there is only a minor amendment to the Access to Information Procedure Rules (Appendix 10 to this report) to clarify that these rules apply to key decisions taken by the Leader or an individual Cabinet Member.

2.25 We agreed a further change to Article 16 of the Constitution in recognition of our Greenest Borough Strategy whereby we will no longer automatically supply all Members of the Council with a paper copy of the

Constitution, except on demand (Appendix 12).

WE RECOMMEND

That Members agree the proposed changes as set out in Appendices 2 to 12 to this report and resolve to adopt them as amendments to the following Parts of the Council's Constitution:

Part 1 - the "Summary and Explanation" of the whole Constitution (Appendix 2 to this report),

Part 2, Article 4 concerning the Full Council (Appendix 3 to this report),

Part 2, Article 7 concerning the Leader and Cabinet (Appendix 4 to this report),

Part 2, Article 11 concerning Joint Arrangements (Appendix 5 to this report),

Part 3, Section C – the terms of reference of the full Council and non-executive bodies (Appendix 6 to this report),

Part 3, Section D – the terms of reference of the Cabinet and its subordinate bodies (Appendix 7 to this report),

Part 3, Section E – the Introduction and Ground Rules of the Officer Scheme of Delegation (Appendix 8 to this report),

Part 4, Section A – the Council Procedure Rules (Appendix 9 to this report),

Part 4, Section D – the Access to Information Procedure Rules (Appendix 10 to this report),

Part 4, Section F – the Cabinet Procedure Rules (Appendix 11 to this report).

Part 2, Article 16 concerning publication of the Constitution (Appendix 12 to this report),

3. AMENDING THE CONSTITUTION WITH RESPECT TO TREASURY MANAGEMENT FUNCTIONS

- 3.1 We were advised that CIPFA had amended its Code of Practice on Local Authority Treasury Management with a third edition produced in 2009. This followed a review of the lessons learnt from the crisis in the financial markets in 2008/09. CIPFA is now strongly recommending that all Councils embed practices to ensure sound treasury

management and effective risk management by making clearer and more detailed provision in their Constitutions for the process of adopting Treasury Management Strategies and for related scrutiny and reporting requirements.

- 3.2 We noted the clauses that CIPFA is recommending to all Councils for adoption in their Financial Regulations. These clauses relate to the contents of the Council's Treasury Management Strategy Statement and the control of treasury management practices. These matters are to conform to CIPFA Code of Practice with amendments that reflect local circumstances but do not deviate materially from the Code's key principles. The recommended clauses are set out in Appendix 17 to this report at paragraph 7.13 in Financial Regulations (Part 4, Section I of the Council's Constitution).
- 3.3 The report before us explained that, as part of the same process of complying with CIPFA's guidance, Members were being asked to agree changes to the terms of reference of the full Council, General Purposes Committee and Audit Committee and changes to the related paragraphs in Financial Regulations. Together these describe the procedure for formulating, scrutinising and adopting the Treasury Management Strategy Statement (TMSS).
- 3.4 We noted that General Purposes Committee has over-sight of the arrangements made for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 since this is a "non-executive" function. The direct responsibility for the actual management of the Council's investment, borrowing and treasury functions must, by law, be delegated to the Council's Chief Financial Officer or "Section 151 Officer". The Chief Financial Officer reports primarily to the General Purposes Committee in respect of these functions but must also report to the Cabinet because of the implications which treasury management has for budget setting and monitoring.
- 3.5 We approved proposals to set out the process for adopting the TMSS more fully and accurately in the amended paragraph 7.14 of Financial Regulations as shown at Appendix 17 to this report. This states that the General Purposes Committee formulates the annual TMSS and any amendments to it. The role of the Audit Committee in scrutinising the draft TMSS is expressly acknowledged. It is then explained that the draft TMSS is referred to the Cabinet meeting for consideration because of the budget implications. Cabinet finally recommends the draft TMSS to the full Council for formal adoption.

- 3.6 We noted that this process is also to be expressly included for the first time in the terms of reference of the full Council (Appendices 13 and 14), the General Purposes Committee (Appendix 15) and the Audit Committee (Appendix 16).
- 3.7 We considered amendments with respect to arrangements for interim monitoring that are being recommended for inclusion in the terms of reference of the General Purposes Committee (Appendix 15) and to Financial Regulations at paragraph 7.16 (Appendix 17). This is in order to make express provision for the existing practice whereby the Chief Financial Officer submits quarterly monitoring reports to the Committee on treasury management polices and practices.
- 3.8 To complete the process, we approved amendments which are proposed to the terms of reference of the full Council to include Members' consideration of a mid-year monitoring report on treasury management operations and an annual report on the past year following closure of the Council's accounts (Appendices 13 and 14).
- 3.9 We noted that versions of this report, explaining the principles but without the detailed constitutional amendments, had been considered and approved by the General Purposes Committee on 12 January, the Cabinet on 26 January and the Audit Committee on 1 February.

WE RECOMMEND

That Members agree the proposed changes as set out in Appendices 13 to 17 to this report and resolve to adopt them as amendments to the following Parts of the Council's Constitution:

Part 2, Article 4 concerning the Full Council (Appendix 13 to this report),

Part 3, Section C – the terms of reference of the full Council (Appendix 14 to this report),

Part 3, Section C – the terms of reference of the General Purposes Committee (Appendix 15 to this report),

Part 3, Section C – the terms of reference of the Audit Committee (Appendix 16 to this report),

Part 4, Section I – Financial Regulations – Treasury Management Section (Appendix 17 to this report).

APPENDIX 1

**PROPOSALS FOR NEW EXECUTIVE LEADERSHIP ARRANGEMENTS
AGREED AT THE EXTRAORDINARY MEETING OF THE FULL COUNCIL ON 14
DECEMBER 2009**

1. Starting from the Annual Council meeting in May 2010, the Leader of the Council will be elected from among the serving Councillors for a 4 year term instead of for one year only as at present.
2. The 4 year term is to be subject to the existing constitutional provisions for the early ending of the Leader's term after resignation, after ceasing to be a Councillor and after the carrying of a vote of no confidence at full Council by a simple majority of Councillors then present.
3. The other Cabinet Members, apart from the Leader, will no longer be elected annually by the full Council nor will their number be fixed at 9. Instead, the Leader will appoint between 2 and 9 Cabinet Members from among the serving Councillors and will determine their portfolio responsibilities, if any. The Leader will have power to replace or remove Cabinet Members and to vary or delete their portfolio responsibilities at any time.
4. The Leader must appoint a Deputy Leader from among the Cabinet Members and will have power to replace the Deputy Leader at any time. The Deputy Leader will have power to exercise the Leader's powers if that office is vacant or if the Leader is unable to act at any time.
5. All executive functions of the Council are to be vested in the Leader. The Leader may decide to delegate functions to other Cabinet Members, acting individually or collectively as the Cabinet meeting, or the Leader may delegate to Cabinet Committees or to officers. The Leader will be able to revoke such delegations at any time in order to take decisions personally. The powers of non-executive Committees and the delegation of non-executive powers to officers will not be affected.
6. The Local Choice Functions (functions which may be designated as executive or non-executive at the option of each Council) will

continue unchanged in accordance with the attached Schedule derived from Part 3, Section A of the Council's Constitution.

7. The new executive leadership arrangements, as proposed above, will be implemented on the third working day after the May 2010 Council Elections but subject to the transitional arrangements set out in paragraph 8 below.
8. The transitional arrangements necessary for implementation are as follows. The Leader in office immediately before the May 2010 Council Elections shall remain in office until the Annual Meeting of the Council in May 2010 unless, after the Elections, the Leader has ceased to be a Councillor or ceased to be within the political group having an overall majority of Councillors. In those events, the Leader shall not continue in office and delegated power is granted to the Chief Executive to exercise all the executive functions of the Council but only in cases of genuine urgency and in consultation with the representative of the largest political group of Councillors (or groups in the event of a parity of Councillors). This delegation to the Chief Executive shall cease upon the election of the new Leader.

APPENDIX 2

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part One

Summary and Explanation

The Council's Constitution

The London Borough of Haringey has agreed a new Constitution which sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. The law requires some of these processes, while others are a matter for the Council to choose.

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

What's in the Constitution?

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

How the Council operates

The Council is composed of 57 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and *the Leader appoints* members of the Executive (known in Haringey as the

PART ONE - SUMMARY AND EXPLANATION

Cabinet). and ~~it~~ The Council also appoints the various non-executive committees of the Council which cover regulatory matters outside the remit of the Cabinet. At Council meetings, members of the Council may:-

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

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

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

How decisions are made

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

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

Whenever there is a reference in this Constitution to a decision that may be taken by the Cabinet meeting, a Cabinet Committee or by an individual Cabinet Member, that decision may also be taken by the Leader personally. This also applies to Cabinet or executive functions delegated to officers except in the few instances, for example decisions requiring specific professional expertise, where legally a decision of that kind may only be

taken by an officer. These powers of the Leader do not extend to non-executive committees or non-executive functions delegated to officers.

Overview and Scrutiny

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

Area Assemblies

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

Haringey Strategic Partnership

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

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

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APPENDIX 3

[Text changes are at pages 2 and 3 at sub-paragraphs 4.02 (e), (g), (k) and (r). Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

PART 2 - ARTICLES

Article 4 - The Full Council

4.01 Meanings

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

Overarching strategies:

- (i) Community Strategy;
- (ii) Such other strategies that the full Council is required to adopt as a matter of law.

Major service plans:

- (i) Housing Strategy ;
- (ii) Unitary Development Plan;
- (iii) Single Education Plan;
- (iv) Strategy for Children and Young People;
- (v) Local Transport Plan;
- (vi) Statement of Licensing Policy
- (vii) Statement of Gambling Policy
- (viii) Such other service plans that the full Council is required to adopt as a matter of law

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

- (i) Crime and Disorder Reduction Partnership/Drug Action Team Strategy
- (ii) Connexions Business Plan

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

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements,

the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article ~~6~~4.01 (c) above;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader ~~and Members of the Cabinet~~;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

- (m) Adopting and amending the Members' Allowances Scheme;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the Head of Paid Service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Finance Procedure Rules; and
- (y) All other matters that, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meetings:

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

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

4.04 Responsibility for functions

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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APPENDIX 4

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition. The paragraphs have also been reordered]

PART 2 - ARTICLES

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. ~~powers delegated by the Cabinet within the specific portfolio responsibilities allocated to the Leader.~~

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader. ~~year in which he/she is elected to the position of Leader save that the Council may remove the Leader from office at an earlier date in the event of a change in political control of the Council.~~

Council Election Year Provisions in 2010

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

- (i) If the Leader in office immediately before the Council Elections is re-elected as a councillor within and if there is ~~no change in~~ the political group having an overall majority of councillors after the Elections, then the Leader shall continue

~~in office until the election of a Leader by the Annual Meeting of the Council and may exercise any “executive” Cabinet functions under this Constitution, if necessary. The Leader may appoint an Interim Deputy Leader with power to exercise “executive” functions if the Leader is unable to act. The Leader shall not appoint other Cabinet Members. in accordance with (ii) below but only in cases of urgency,~~

~~(ii) All urgent and unavoidable Cabinet decisions shall be made by the Leader and those Cabinet Members re-elected as councillors acting collectively as The Cabinet in accordance with the provisions of the Cabinet Procedures and Urgency Procedures so far as practicable. Individual Cabinet Members shall not take decisions under these provisions other than collectively either relating to their previous portfolio areas or to other matters.~~

~~(iii) (ii) If the Leader in office immediately before the Council Elections ceases to be a councillor or ceases to be within the political group having an overall majority of councillors after the Elections, then the Leader and Cabinet Members shall not continue in office and delegated power is granted to the Chief Executive to exercise all “executive” functions of the Council in consultation with the representative of the largest political group of councillors (or groups in the event of a parity of councillors) but only in cases of genuine urgency,~~

~~(iv) If there is no change in the political group having an overall majority of councillors after the Elections but the Leader is not re-elected as a councillor, then the Leader shall not continue in office and delegated power is granted to those of the former Cabinet Members who are re-elected as councillors to exercise all “executive” functions of the Council in accordance with (ii) above (except for the reference to the Leader) but only in cases advised by the Chief Executive to be urgent,~~

~~(v) (iii) Decisions made under these Council Election Year Provisions must be reported to the first meeting of the appropriate body after the Annual Meeting which will normally is likely to be the first meeting of the newly constituted Cabinet of the Council.~~

~~(iv) For the avoidance of doubt, the scheme of delegation to officers with respect to both “executive” and “non-executive” functions will remain in force.~~

7.03 ~~Role~~ 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 delegate them elsewhere.

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. Council

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 elected by the Leader Council to cover one of the specific portfolio responsibilities (other than those reserved to that of the Leader) determined by the Leader. as agreed by the Council. 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 Cabinet 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 but in 2010 the Cabinet Members in office immediately before the Elections shall cease to hold office after the Council Elections whether or not they are re-elected as councillors: and ~~a Council Election Year the Provisions above will apply in place of paragraph (e) in the period between Election day and the Annual Meeting:~~
 - (a) They resign from office; or
 - (b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension): or
 - (c) They are no longer councillors; or
 - (d) They are removed from office, either individually or collectively, by the Leader resolution of the Council; or
 - (e) The Annual Meeting following the Council Elections after their appointment. year in which he/she is elected to the position of Cabinet Member save that the Council may remove all Members of the Cabinet at an earlier date in the event of a change in political control of the Council.

7.06 Votes of No Confidence

The Leader ~~A Member of the Cabinet~~ shall cease to hold office ~~as a Cabinet member~~ 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 that member shall then be carried out by the Deputy Leader Cabinet collectively until such time as the election appointment of a replacement Leader, or the re-election reappointment of the previous Leader member concerned, 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. ~~In the event of all members of the Cabinet having been removed from office in this way at any time, Cabinet functions shall in the interim be carried out by the Chief Executive in consultation with the Mayor.~~

7.07 Default Provisions

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

~~7.06~~ 7.08 Proceedings of the Cabinet

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

~~7.07~~ 7.09 Responsibility for Functions

The Leader will maintain a list in ~~an appendix to 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.

APPENDIX 5

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition.]

PART 2 - ARTICLES

Article 11 - Joint Arrangements

11.01 Arrangements to promote well being

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

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

11.02 Joint arrangements

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

or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader or the Cabinet with the Leader's agreement may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.

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

11.03 Access to information

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

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Leader or the Cabinet with the Leader's agreement may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

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

11.05 Delegation to and from other organisations

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

11.06 Contracting out

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

11.08 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 & Palace Advisory Committee,
 - (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects, for example, the Haringey Strategic Partnership,
 - (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
 - (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
 - (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.
- (b) Nominations Procedure
 - (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of "Association" and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet Members will be made by The 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".

APPENDIX 6

[Text changes are at pages 1 and 2 at sub-paragraphs (g), (k), (m) and (r) and on page 3 at Section 7. Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

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

SECTION 1 - THE COUNCIL

THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in Article 4, above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and ~~Members of the Cabinet~~;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;

- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending ~~an~~ the Members' Allowances Scheme under Article 4;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Finance Procedure Rules; and
- (y) All other matters that, by law, must be reserved to Council.

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SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

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

SECTION 7 - DEFAULT PROVISIONS

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

SECTION ~~7~~ 8 - GROUP MEETINGS

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

- (a) suitable accommodation for meetings;
- (b) assistance with the production and distribution of agenda and minutes;
- (c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate Executive Member to ensure that official information, advice and reports are available to the Group Meetings;
- (d) where a Minority Group makes similar arrangements for the consideration of Council business, arrangements shall be made through the Leader of the Minority Group, or the appropriate

spokesperson, to make available information from published sources and advice on Council procedures but not official advice as to the policies which that Minority Group should pursue. The Majority Group Leader or the appropriate Cabinet Member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.

SECTION 8 9 - CREATION OF NEW BODIES

Creation of New Non-Executive Bodies

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

APPENDIX 7

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

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

SECTION 1 - CABINET FUNCTIONS

1. The Cabinet

1.1 The Cabinet shall have the functions as follows:

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

2. Individual Cabinet Members

2.1 Individual Cabinet Members have powers allocated by the Leader ~~Constitution~~ to exercise those functions of the Cabinet which fall within that Cabinet Member's specific portfolio responsibilities.

2.2 On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions –

- (a) may ~~only~~ be taken by the Cabinet Meeting, or
- (b) may be taken by a Cabinet Committee, or
- (c) may be taken by the Leader personally, or
- (d) may be taken by an individual Cabinet Member or Members.

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

2.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 2.2 (a) to (d) above.

2.4 ~~The Leader may determine at any time before that decision is taken by an individual Cabinet Member that any proposed decision (of any description) shall be referred to a Cabinet Meeting for decision. The Leader or the Cabinet Meeting may determine that any decision (of any description) previously allocated by the Leader to the Cabinet Meeting shall be referred instead to an individual Cabinet Member for decision. The Cabinet Meeting, when considering any matter referred to it, and with the Leader's agreement, may delegate any aspect of the matter to an individual Cabinet Member or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.~~

2.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.

2.6 The Leader may take any key decision that has become urgent including ~~a decision within sub paragraph 2.2 (a) above,~~ in accordance with the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but will consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is practicable. ~~Where the decision might have been taken by an individual Cabinet Member this power should only be used where relevant Cabinet Member is not available and the matter is genuinely urgent.~~

3. Assistant Cabinet Members

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

3.2 The Assistant Cabinet Members:-

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

4. Deputy Leader of the Council

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

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

SECTION 2 - COMMITTEES OF THE CABINET

The Cabinet may delegate any of its functions to a Committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. The Cabinet may establish decision-making

Committees, which may only include Cabinet Members. The Cabinet may establish advisory Committees, the membership of which need not be limited to Cabinet Members. The Cabinet may change them, abolish them, or create further ones, at its own discretion.

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

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

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

The following Committees are established:

Decision-Making Committees of the Cabinet

1. Cabinet Procurement Committee (Quorum 2)

The terms of reference of the Committee are:

a) To exercise the functions of the Cabinet in respect of all contracts for procurement for works, goods or services in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution except for those matters expressly delegated to any other body or person.

b) To undertake particular powers included within (a) as follows:

- (i) waiver of Contract Procedure Rules where appropriate;
- (ii) acceptance of tenders/award of contracts where appropriate;

- (iii) approving variations, extensions and novations of contracts where appropriate;
 - (iv) annual review of Contract Procedure Rules;
 - (v) receive quarterly reports of the Director of Adults, Culture and Community Services and the Director of Children and Young People's Services in relation to 'spot contracts'; and
 - (vi) agreeing approved lists of contractors.
- c) To oversee the process and receive reports at key milestones in respect of procurement of strategic service areas,
- d) To advise the Cabinet on all matters concerned with procurement generally.

2. Cabinet Voluntary Sector Committee (Quorum 2)

The terms of reference of the Committee are:

- a) To consider officer recommendations for future funding and agree the awarding of grant aid to the voluntary and community sector;
- b) To review funding to organisations where there is a potential breach of conditions of grant aid and/or service level agreement;
- c) To advise the Cabinet on variations to the overall grant aid policy;
- d) To advise the Cabinet on all aspects of the Council's relationship with the Voluntary Sector including the management and use of the community buildings portfolio.

SECTION 3 - LEADER'S CONFERENCES

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

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

SECTION 4 – CREATION OF NEW BODIES

Creation of New Cabinet Bodies

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

APPENDIX 8

[Text changes are at paragraphs 3.02, 4.03, 5.04, 6.03 and 6.04 on pages 1 to 4. Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Three, Section E
Officer Scheme of Delegation

Section 1. INTRODUCTION AND GROUND RULES

3. General Principles of the Schemes of Delegation

3.01. This scheme delegates some of the powers and duties of the Council to Senior Officers. This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions, and all powers and duties incidental to that legislation. Any reference to legislation in this scheme shall include any subordinate legislation within the meaning assigned in the Interpretation Act 1978 and the requirements of European law having effect in English law.

3.02. This scheme operates under Section 101, Section 151 and Section 270 of the Local Government Act 1972 in relation to the delegation of non-Executive functions by the Council. This scheme also operates under section ~~14~~ 15 of the Local Government Act 2000 in relation to the delegation of Executive functions by the Cabinet *with the Leader's agreement or by the Leader personally*. Senior Officers are authorised to exercise the functions of the London Borough of Haringey, both Executive and non-Executive relating to their areas of responsibility as set out in Appendix D of this Constitution including professional and managerial functions relating to the relevant Service subject to the limitations and reservations of the scheme.

4. General Limitations:

4.01. This scheme does not delegate to officers:

- (a) Any matter reserved to full Council;
- (b) Any matter which by law may not be delegated to an officer;
- (c) Any matter expressly reserved to the Cabinet within its Terms of Reference or otherwise, by Standing Orders or Financial Regulations or withdrawn from delegation by this scheme or by the Cabinet or full Council;

- (d) Change to fees, charges or concession policies;
- (e) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (f) The making of an order for the compulsory acquisition of land;
- (g) The acquisition of land in advance of requirements;
- (h) The confirmation of any order or the issue or grant of any permission, consent, licence or other determination that is the subject of a statutory right of appeal to an external authority that has been duly exercised;
- (i) The adoption, amendment or deletion of any strategic plan or policy as set out in the Terms of Reference of the full Council, the Cabinet or any Committee, Sub-Committee or Panel of the Council or The Cabinet.

4.02. Officers shall not be authorised by virtue of these provisions:

- (a) to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with Financial Regulations;
- (b) to authorise the adoption, exercise or discharge of any policy, power or duty of a kind which has not previously been undertaken by the Council;
- (c) to take a decision in contravention of any existing Council policy.

4.03. Where action needs to be taken on any urgent matter between meetings of The Cabinet ~~individual Cabinet Members~~ or any Committee or Sub-Committee of the Cabinet or the Council and, by virtue of paragraphs 4.01 or 4.02 above, such action would not be authorised within these provisions, the following rules shall apply:

- (a) in the case of executive functions, a report will be prepared for the Cabinet Member with portfolio responsibility for that Member to take the decision in advance of the scheduled meeting. The Protocol for Decision-Making in Part 5 shall be followed.
- (b) where the matter has been allocated in the Forward Plan to the Cabinet Meeting and subsequently becomes urgent, the decision shall be referred to the Leader in accordance with the provision on Executive Functions in Part 3.
- (c) in the case of non-executive functions, a report will be prepared so that the Chief Officer or Deputy Chief Officer having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

5. Further Provisions

- 5.01. In this scheme “Chief Officer” means an officer directly accountable to the Chief Executive and “Deputy Chief Officer” means an officer directly accountable to a Chief Officer (excluding for these purposes officers with secretarial, clerical or support service duties).
- 5.02. This scheme includes power for officers vested with delegated powers to nominate in writing other officers (described by name or post) to exercise any of their administrative functions either fully or under the general supervision and control of the officer primarily responsible. Nominations shall be notified to, on the forms supplied by, and recorded in a register kept by, the Head of Local Democracy & Member Services. Nominations may be made across departmental boundaries. (Any officer exercising powers or duties in pursuance of delegation will be politically restricted under Section 2 (1)(g) of the Local Government and Housing Act 1989).
- 5.03. A power specifically delegated by this Scheme to one officer shall not be exercised by another officer without the consent of the former.
- 5.04. 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* or to a Committee of the Council.
- 5.05. In exercising delegated powers, officers shall consult the relevant Cabinet Member as required in Financial Regulations or Contract Standing Orders.
- 5.06. The Chief Executive's powers shall include the power to act where necessary in relation to any matter which is not the specific responsibility of a Director or where the appropriate Director is absent or prevented from acting and no other arrangements have been made.
- 5.07. In the event of a “catastrophic incident”, declared by the Secretary of State to be imminent or to have occurred, all Council Officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.
- 5.08. This scheme operates from the date approved by the full Council.

6. Responsibility for maintaining and updating the Scheme of Delegations

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 to the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting the Directorate 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 General Purposes 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.

- ~~(a) by the Leader in relation to any Executive function, and~~
- ~~(b) by the Chief Executive, acting in consultation with the Chair of the General Purposes Committee, in relation to any non-Executive function.~~

~~6.04. 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.

APPENDIX 9

[text changes are at pages 2 and 3 at sub-paragraph 1.1 (xi) and paragraph 31. Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Four, Section A Council Procedure Rules

COUNCIL PROCEDURE RULES

Note

In these rules:

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

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

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

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

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Elect the Mayor for the ensuing year
- (iii) To receive apologies for absence.
- (iv) To receive any late or urgent business
- (v) Receive any declarations of interest from members
- (vi) Approve the minutes of the last meeting;
- (vii) To receive written notification of the appointment of Deputy

- Mayor.
- (viii) To pass a vote of thanks to the retiring Mayor and Mayoress / Escort and Deputy Mayor and Deputy Mayoress / Escort
 - (ix) To receive such communications as the Mayor may desire to lay before the Council.
 - (x) Elect the Leader of the Council (only applies to the first meeting after the Council election).
 - ~~(xi) Agree the number of councillors to be appointed to the Cabinet and appoint those members of the Cabinet;~~
 - (xi) Appoint a Scrutiny Committee, a Standards Committee, an Audit Committee, a Licensing Committee and such Committees and subordinate bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, of this Constitution). To confirm the size and terms of reference of these bodies and to appoint Chairs, Vice Chairs, Members and substitute or reserve Members and subordinate bodies in accordance with political balance rules (as set out in Part 3 of this Constitution);
 - (xii) To make appointments to outside bodies except where appointment to those bodies has been delegated by the Council;
 - (xiii) Receive any announcements from the Leader, and/or Head of Paid Service;
 - (xiv) Confirm the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
 - (xv) Receive a programme of ordinary meetings of the Council for the year; and
 - (xvi) Consider any business set out in the notice convening the meeting

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31. VOTES OF NO CONFIDENCE

31.1 A vote of no confidence relating to any office holder may only be moved if notice of it clearly set out as such appears on the agenda of the relevant meeting of the Council

31.2 In accordance with Article 7.05 in Part 2 of this Constitution, a ~~member of the Cabinet, including~~ the Leader shall cease to hold office ~~as an Cabinet member or Leader~~ if a vote of no confidence is carried at a meeting of the full council by a majority of the members

of the whole council then present. *In that event Articles 7.05 and 7.06 make provision for the discharge of the Leader's functions.*

~~31.3. The responsibilities of that member shall be carried out by the Cabinet collectively until such time as the appointment of a replacement or the reappointment of the member concerned by full Council.~~

~~31.4 In the event of all members of the Cabinet having been removed from office in this way at any time, Cabinet functions shall in the interim be carried out by the Chief Executive in consultation with the Mayor.~~

31.5 3 A Chair of a Committee, Sub-Committee or other body shall cease to hold office if a vote of no confidence is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The Vice Chair will assume the role of Chair until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.

31.6 4 For the avoidance of doubt, Rule 31.5 3 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 31.5 3 shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply. Rule 31.5 3 shall not apply to the Chair of the Standards Committee but Article 9.02(c) shall apply.

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APPENDIX 10

[Text changes are at paragraph 12 only. Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Four, Section D
Access to Information Procedure Rules

ACCESS TO INFORMATION PROCEDURE RULES

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12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 - 22 apply to the Cabinet and its Committees. If the Cabinet or its Committees, *or the Leader or an individual Cabinet Member*, meet to take a key decision then ~~it~~ the procedure must by law also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

A key decision is defined as:

A Cabinet (“executive function”) decision which is likely:-

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

In terms of the first part of the definition, commitment to the award of contracts or expenditure estimated at £500 K or above (except for spot contracts and contracts for the supply of energy to the Council), virements between directorate revenue cash limits in excess of £250 K and virements between programme areas within directorate capital budgets, will all be key decisions.

Rules 1 - 11 will apply to all meetings of the Cabinet and its Committees convened to decide a key decision to be taken collectively, unless Rule 15 (general exception) or Rule 16 (special urgency) applies. This requirement does not include meetings, whose principal purpose is for officers to brief members.

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APPENDIX 11

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Four, Section F

Cabinet Procedure Rules

1. CABINET (EXECUTIVE) PROCEDURE RULES

1.1 The Operation of the Cabinet

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

1.2 Cabinet decisions

The arrangements for the discharge of Cabinet functions are set out in Part 3 of the Constitution. These arrangements provide for Cabinet functions to be discharged by:

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

1.3 Key Decisions

(a) Key decisions may only be taken by *the Leader*, the Cabinet, or a Committee of the Cabinet, or an individual Cabinet member or the Chief Executive as described below. Decision-

making is allocated between these bodies/persons in accordance with Section 1 of the Cabinet Terms of Reference and the Cabinet collectively may also delegate specific decisions to these bodies/persons.

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

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

then the Deputy Leader shall be authorised to take the decision.

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

(d) The Deputy Leader or the Chief Executive will comply with the "General Exception" or "Special Urgency" procedure, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

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

1.4 Sub-delegation of Cabinet Functions

- (a) Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet function, they *with the Leader's agreement* may delegate further to a Joint Committee or a Director. Such delegations may be revoked at any time by the body which granted them or by the Leader.
- (b) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.

1.5 The Council's Scheme of Delegation and Cabinet Functions

- (a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader

personally and this will be reported to the full adoption by the Council and may only be amended by the Council for noting and inclusion in the Constitution. It will contain the details required in Article 15 and is set out in Part 3 Section E of, and Appendices D and E to, the Appendix to Part 3 of this Constitution.

1.6 Conflicts of Interest

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

1.7 Cabinet meetings – when and where

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

1.8 Public Meetings of the Cabinet

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

1.9 Quorum

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

1.10 Decisions Taken by the Cabinet

The ~~Cabinet~~ Leader has chosen to ~~reserve~~ collective responsibility for taking the majority of Cabinet decisions to itself allocate the majority of key decisions to the Cabinet meeting with the proviso that the Cabinet with the Leader's agreement it may, from time to time, further delegate to any Committee of the Cabinet, a Cabinet member, or a Chief Officer under the scheme of delegation as outlined in Part 3 of this Constitution.

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

APPENDIX 12**Article 16 - Suspension, Interpretation and Publication of the Constitution****16.01 Suspension of the Constitution**

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

16.02 Interpretation

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

16.03 Publication

- (a) ~~The Constitution is available on the Council's website. The Chief Executive will give on request a printed copy of this Constitution to a each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.~~
- (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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APPENDIX 13

[The text recommended for amendment is on page 3 below at sub-paragraph (x). The text shown struck through is for deletion and the text shown in italics and underlined is for addition.]

PART TWO OF THE COUNCIL'S CONSTITUTION - ARTICLES

Article 4 - The Full Council

4.01 Meanings

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

Overarching strategies:

- (i) Community Strategy;
- (ii) Such other strategies that the full Council is required to adopt as a matter of law.

Major service plans:

- (i) Housing Strategy ;
- (ii) Unitary Development Plan;
- (iii) Single Education Plan;
- (iv) Strategy for Children and Young People;
- (v) Local Transport Plan;
- (vi) Statement of Licensing Policy
- (vii) Statement of Gambling Policy
- (viii) Such other service plans that the full Council is required to adopt as a matter of law

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

- (i) Crime and Disorder Reduction Partnership/Drug Action Team Strategy
- (ii) Connexions Business Plan

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

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements,

the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 6.01 (c) above;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Cabinet;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

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

4.03 Council meetings

There are three types of Council meetings:

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

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

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APPENDIX 14

[The text recommended for amendment is on page 2 below at sub-paragraph (x). The text shown struck through is for deletion and the text shown in italics and underlined is for addition.]

**PART 3, SECTION C OF THE COUNCIL'S CONSTITUTION
- TERMS OF REFERENCE: NON-EXECUTIVE BODIES**

SECTION 1 - THE COUNCIL

THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in Article 4, above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Cabinet;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;

- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending an allowances scheme under Article 4;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the ~~Finance Procedure Rules~~ Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an outturn report after the close of the year on treasury management policies and practices; and
- (y) All other matters that, by law, must be reserved to Council.

APPENDIX 15

[The text recommended for amendment is on page 2 below at sub-paragraph (C). The text shown in italics and underlined is for addition.]

**PART 3, SECTION C OF THE COUNCIL'S CONSTITUTION
- TERMS OF REFERENCE: NON-EXECUTIVE BODIES****SECTION 2 - COMMITTEES****1. General Purposes Committee**

The 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 B - Licensing and Registration ; determining all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but excluding decisions in individual cases which are delegated to the Miscellaneous Functions Sub-Committee. The General Purposes Committee's functions include making recommendations on the Statement of Licensing Policy to full Council but do not include those functions under the Licensing Act 2003 which are within the jurisdiction of the Licensing Committee and Licensing Sub-Committees;
 - (ii) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
 - (iii) Paragraph D - Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.
 - (iv) Paragraph H - Pensions; determining the Council's policies as Employing Authority and determining the

terms of release of Chief and Deputy Chief Officers aged 50 or over and made redundant or retired early with a claim on the pension scheme;

- (v) Paragraph I - Miscellaneous; all functions except those retained by full Council in Article 4. The Committee's functions include:
 - (A) all functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Committee;
 - (B) making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4 and the Committee's financial functions do not include those delegated to the Audit Committee;
 - (C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Audit Committee and the Cabinet. Receiving quarterly monitoring reports on treasury management policies and practices;
 - (D) approving statements under The Accounts and Audit Regulations 2003 and any amendment or re-enactment of the Regulations;
 - (E) making arrangements for appointing and dismissing senior officers (Deputy Chief Officers and above) by establishing Appointment/Dismissal Panels in accordance with the Officer Employment Procedure Rules in Part 4 and determining the terms and conditions of service of those staff below Senior Management grades, including procedures for dismissal (determining terms and conditions of service of staff at and above Senior Management level is dealt with by Remuneration Committee);
 - (F) 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) 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.

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APPENDIX 16

[The text recommended for amendment is on page 2 below at sub-paragraph (e). The text shown in italics and underlined is for addition.]

**PART 3, SECTION C OF THE COUNCIL'S CONSTITUTION
- TERMS OF REFERENCE: NON-EXECUTIVE BODIES**

SECTION 2 - COMMITTEES

7. Audit Committee

The purpose of the Audit Committee is:

- (i) to provide independent assurance of the adequacy of the risk management framework and the associated control environment,
- (ii) independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and
- (iii) to oversee the financial reporting process.

The Audit Committee has the following non-executive functions arising under section 151 of the Local Government Act 1972 and The Accounts and Audit Regulations (S.I. 2003/533) and any amendment or re-enactment of these provisions: -

Corporate Governance and Regulatory Framework

- (a) To maintain an overview of the Council's Constitution in respect of the financial regulations and the contract procedure rules;
- (b) To maintain an overview of the Council's arrangements for Corporate Governance and agreeing necessary actions to enable the Council to implement best practice as set out in statutory and other guidance;
- (c) To receive and recommend for adoption the Council's Statement on Internal Control;
- (d) To monitor Council policies on "Whistle-blowing" and Anti-Fraud and Corruption;

- (e) To scrutinise the draft Treasury Management Strategy Statement prior to its adoption by full Council:
- (f) To review any issue referred to the Committee by another Council body, the Chief Executive or a Director;
- (g) To consider the Council's compliance with its own and other published standards and controls.

Risk Management

- (h) To approve the Council's Risk Management Policy and receive regular reports on compliance with the policy across the Council
- (i) To review the effectiveness of systems for the assessment and management of material areas of risk within the Council and to monitor their maintenance and development in accordance with the Risk Management Policy

Audit Activity

- (j) To consider the Head of Audit and Risk Management's annual report and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can provide about the Council's corporate governance arrangements
- (k) To consider and approve the Council's Annual Internal Audit Plan and the Annual Internal Audit Plan and ensure that it is consistent with the scope of the audit engagement or service delivery arrangements
- (l) To consider reports dealing with the management and performance of providers of internal audit services to the Council
- (m) To consider quarterly reports in respect of internal audit activity including ethical oversight issues and any major findings arising from internal audit reviews and to ensure that appropriate corrective action has been taken
- (n) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (o) To approve any significant changes to the Strategic or Annual Audit Plans as requested by officers
- (p) To receive reports from the Head of Audit and Risk Management on appropriate matters

- (q) To receive and note the Annual Audit Plan from the external auditor
- (r) To receive the Annual Audit Letter from the External Auditor and make any appropriate recommendations to full Council or The Cabinet in respect of these matters
- (s) To receive quarterly and annual reports in respect of external audit activity including ethical oversight issues.
- (t) To question officers and Cabinet Members on the above matters
- (u) To make any appropriate recommendations to full Council or the Cabinet in respect of these matters
- (v) To commission work from Internal and External Audit
- (w) To liaise with the Audit Commission over the appointment of the Council's external auditor

Accounts

- (x) To review the annual statement of accounts and, 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 or the Cabinet
- (y) To consider the External Auditor's report on issues arising from the audit of the accounts.

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APPENDIX 17

[The text recommended for amendment is on pages 1 and 2 below. The text shown struck through is for deletion and the text shown in italics and underlined is for insertion or addition.]

PART 4, SECTION I OF THE COUNCIL'S CONSTITUTION**FINANCIAL REGULATIONS****Treasury Management**

7.13 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities (2009). *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;

(a) 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 only where necessary to reflect the particular circumstances of Haringey Council but will not deviate materially from the Code's key principles.

- 7.14 The **General Purposes Committee** will formulate the **TMSS** and amendments to it. The draft **TMSS** will be considered by the **Cabinet** because of the budget implications and then recommended to the **full Council**. The **Audit Committee** will scrutinise the draft **TMSS** annually before its adoption by **full Council**. The **full Council** is responsible for approving and adopting the **TMSS** treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the **full Council** by the **Cabinet**. The **Section 151 Officer** has delegated responsibility for implementing and monitoring the **TMSS** statement. The Council sets its **TMSS** Treasury Management Strategy in line with the indicators required under the CIPFA Prudential Code for Capital Finance introduced from 1 April 2004 and subsequently revised in 2009.
- ~~7.15 The **Section 151 Officer** is responsible for reporting to the **Cabinet** a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.~~
- 7.15 All decisions on borrowing, investment, leasing or financing shall be delegated to the **Section 151 Officer**, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 7.16 The **Section 151 Officer** is responsible for reporting to the **General Purposes Committee** each quarter, or as near as practicable, on the implementation and regular monitoring of the treasury management policies and practices and on the exercise of his/her delegated treasury management powers.
- 7.17 The **Section 151 Officer** is responsible for reporting to the **Cabinet** on the annual, mid-year monitoring reports and an outturn report after the close of the year concerning treasury management policies and practices before these reports are considered by the **full Council**. ~~not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 June of the succeeding financial year.~~