

NOTICE OF MEETING

FULL COUNCIL

Monday, 17th July, 2023, 7.30 pm - Tottenham Town Hall, Town Hall Approach Road London N15 4RY (watch the live meeting [Here](#) And watch the recording [here](#))

Councillors: Anna Abela, Gina Adamou, Charles Adje, Peray Ahmet, Ibrahim Ali, Kaushika Amin, Emily Arkell, Dawn Barnes, Nicola Bartlett, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Cathy Brennan, Lester Buxton (Mayor), Dana Carlin, Luke Cawley-Harrison, Seema Chandwani, Lotte Collett, Pippa Connor, Eldridge Culverwell, Nick da Costa, Lucia das Neves, Isidoros Diakides, Erdal Dogan, George Dunstall, Sarah Elliott, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Harrison-Mullane, Tammy Hymas, Emine Ibrahim, Marsha Isilar-Gosling, Thayahlan Iyngkaran, Sue Jameson, Adam Jogee, Cressida Johnson, Anna Lawton, Ahmed Mahbub, Mary Mason, Khaled Moyeed, Sean O'Donovan, Felicia Opoku, Ajda Ovat, Sheila Peacock, Reg Rice, Alessandra Rossetti, Yvonne Say, Michelle Simmons-Safo, Anne Stennett, Joy Wallace, Elin Weston, Matt White, Sarah Williams and Alexandra Worrell

Quorum: 15

1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. **TO RECEIVE APOLOGIES FOR ABSENCE**

3. **TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 15 MAY 2023 (PAGES 1 - 14)

Minor clarification to the 2nd of March minutes relating to deputation representation.

6. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

7. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (PAGES 15 - 18)

Change to Political composition and Appointments to Committees 2023/24 and Committee position changes.

8. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES

9. ANNOUNCEMENT BY THE LEADER - CSO 3.1 VII (PAGES 19 - 24)

Update on Special Urgency Decisions

10. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 25 - 190)

Standards Committee report seeking approval of :

- 1. Amendments to Part Four of the Constitution, Section J Contract Procedure Rules

2. Constitutional related actions arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, namely:
 - Guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds.
 - Guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors.
 - Protocol for Decision Making to provide consistency and support.
 3. Changes to the Petitions Scheme and Council Standing Order section on Petitions.
 4. Addition of the Licensing Hearing protocol to the Council's Constitution.
- 11. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
- E – Petition on No to LTN's
- 12. HARINGEY DEBATE:EVERYONE WELCOME: PROVIDING A SAFE SPACE FOR MIGRANTS AND REFUGEES IN HARINGEY.**
- 13. TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10**

Cllr Cawley-Harrison to Cllr Ahmet

1. A couple of weeks ago you made a decision to allow Festival Republic to run the Wireless Festival in Finsbury Park for the next 5 years, plus allowing them a second weekend of events each year. This decision was taken behind closed doors, and was designated as 'non key', meaning there was no opportunity for Overview & Scrutiny to review the decision. Is this the kind of better listening and sharing of power you were talking about when you launched the Haringey Deal?

Cllr Ahmed Mahbub to Cllr Emily Arkell

2. The Council recently signed a 5-year contract with Festival Republic to hold wireless and other events in Finsbury Park. Can the Cabinet member explain what are the benefits of this deal for residents?

Cllr Barnes to Cllr Williams

3. You will no doubt have seen the report from the housing ombudsman, stating that failure in Haringey's housing service stemmed from a "culture of apathy and an acceptance of poor practice", with emails from as late as December 2022 showing that service leaders' only real motivation seemed to be the

avoiding being ordered to pay compensation by the ombudsman. Given the rejection of the idea of a Service Level Agreement with our tenants and leaseholders, what specific measures is the council taking to change the culture of the organisation?

Cllr Kaushika Amin to Cllr Ruth Gordon

4. Haringey has set out a bold and an ambitious council house building programme with 3000 new homes being built by 2031. Can the Cabinet Member outline what steps are being taken to ensure projects like this will ensure high quality housing stock for residents?

Cllr Rossetti to Cllr Ahmet

5. The current Members Enquiries system is not fit for purpose, with enquiries frequently not being logged, being logged late, and missing deadlines for responses. The new system being put in place will not impact on any of these problems. What are you going to do to improve this failing area of the council?

Cllr Thayahlan Iyngkaran to Cllr Sarah Williams

6. The Council is cracking down on rogue letting agents, protecting Haringey's 90,000 private renters. Can the Cabinet member explain how many penalties have been given since this new policy was introduced?

14. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Motion A

Period Poverty

Proposer: Councillor Rossetti

Seconder: Councillor da Costa

Council notes:

- In June 2022, a Plan International UK survey found that nearly one in four girls in London were unable to afford period products since the start of the year;
- The charity found that girls across the country were cutting down on food and school spending in order to afford period products;
- An ActionAid 2022 survey showed that of those who have struggled to afford menstrual products in the last six months, 75% said they had prioritised spending money on food, 49% had prioritised gas/electric, and 31% prioritised fuel;
- Nearly half (46%) of those who struggled to afford sanitary products in the last six months kept sanitary pads or tampons in for longer than recommended or used toilet paper, and 10% doubled up their underwear; and women, girls and others who menstruate are at risk of Toxic Shock Syndrome (TSS) if they do not have access to clean period products;

- The Period Products Scheme for schools and colleges in England has provided free period products to all state maintained schools and 16-19 education organisations in England since 2020;
- Scotland was the first country in the world to make period products free for all;
- Councils such as Sutton, Southwark and Oxford have set up or agreed schemes to provide free period products.

Council believes:

- No-one should experience period poverty.

Council resolves:

- To provide free period products in all of the council's public toilets and buildings including libraries and community centres, including all female, male, disabled and gender-neutral toilets;
- Where possible, to provide sustainable period products for free;
- To ensure there are sanitary waste bins in all of the council's toilets;
- To regularly communicate to residents that free period products are available in council property;
- To monitor whether state-maintained schools and education institutions in Haringey participate in the UK government's period product scheme;
- To call for the UK government to make period products free and available to all those who need them.

Motion B

Withdraw the Illegal Migration Bill

Proposer: Cllr Lucia das Neves, Cabinet Member for Health, Social Care, and Wellbeing

Seconder: Cllr Erdal Dogan

This Council is committed to defending the human rights of all our residents, and to fulfilling its public sector equality duty to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

The Council's Welcome Strategy sets out our ambition to be an inclusive place: for people from all cultures, nationalities, and backgrounds, and to work closely with our communities and voluntary organisations to make Haringey a welcoming borough for everyone who wants to live and work here.

This Council notes that:

- 1) The Government is bringing forward yet another immigration bill, at a time when there are currently no safe routes to the UK for the vast majority of those who seek asylum here, including those with family members in our communities.
- 2) Arriving irregularly is often the only option for asylum seekers, yet the provisions of this Bill mean that they will never be allowed to access the asylum system. Instead, they will be left destitute, without the right to work and in legal limbo indefinitely.
- 3) The Bill seeks to remove vital protections for children, victims of trafficking and those expecting a baby, meaning they could all face detention. Locking up children and people who are about to give birth represents a shocking rollback of human rights.
- 4) This Bill is in direct opposition to the aims and ambitions of our Welcome Strategy, and breaches our human rights obligations.
- 5) On 29 June 2023, the Court of Appeal ruled that it is unlawful to send asylum seekers to Rwanda to have their claims processed; this ruling calls into question the government's whole illegal migration bill. However, government plans to appeal to the supreme court leaves asylum seekers in continued uncertainty about their future.

- 1) This Council believes that: The Illegal Migration Bill, rips up fundamental tenets of international human rights law, and is an all-out assault on migrants' rights.

This Council resolves to:

- 1) Write to the Home Secretary and the Secretary of State for Levelling up, Housing and Communities to express the following:
 - This Council calls on the Home Secretary to
 - a) Withdraw the Illegal Migration Bill
 - b) Commit to resourcing an asylum system that can deliver fair and timely asylum decisions
 - c) Invest in safe and good quality accommodation for asylum seekers and end the use of temporary, poor quality hotels and hostels
 - This Council calls on the Home Secretary and the Secretary of State for Levelling up, Housing and Communities to:
 - d) open discussions now with local authorities about the best ways and

resources needed to provide good quality long term accommodation for all those in need, including asylum seekers, within our communities.

- 2) Commit to defending the rights of all our communities to live side by side in dignity, to continuing to welcome those who make our borough their home, and to working with them so that we can all thrive together.
- 3) Meet refugee and migrant communities in our area to discuss what more we can do to make them feel welcome here through the Welcome Advisory Board, in order to renew and refresh our Welcome Strategy
- 4) Continue to work with all our communities to develop and publicise proper reporting mechanisms for hate crime and, with all our partners in our community safety, work to ensure that all reports are followed up and action taken.
- 5) Raise a 'Refugees Welcome' banner in the borough.

Ayshe Simsek, Democratic Services and Scrutiny Manager

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Fiona Alderman

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Friday, 07 July 2023

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MINUTES OF MEETING Full Council HELD ON Monday, 15th May, 2023, 7.30pm

PRESENT:

Councillors: Anna Abela, Gina Adamou, Peray Ahmet, Ibrahim Ali, Kaushika Amin, Nicola Bartlett, John Bevan, Barbara Blake, Zena Brabazon, Cathy Brennan, Lester Buxton, Dana Carlin, Luke Cawley-Harrison, Lotte Collett, Pippa Connor, Eldridge Culverwell, Nick da Costa, Lucia das Neves, Isidoros Diakides, Erdal Dogan, Sarah Elliott, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Tammy Hymas, Emine Ibrahim, Marsha Isilar-Gosling, Thayahlan Iyngkaran, Sue Jameson, Adam Jogee, Cressida Johnson, Ahmed Mahbub, Mary Mason, Khaled Moyeed, Sean O'Donovan, Felicia Opoku, Ajda Ovat, Sheila Peacock, Reg Rice, Simmons-Safo, Anne Stennett, Elin Weston, Matt White, Sarah Williams and Alexandra Worrell

1. FILMING AT MEETINGS

The Mayor welcomed Members to the Annual Meeting of Full Council and notified attendees that it was being recorded for publication on the Council's website.

2. TO ELECT THE MAYOR FOR THE ENSUING YEAR 2023/24

Cllr Adamou, the Mayor, invited nominations for the office of the Mayor of Haringey for the municipal year 2023- 24.

Councillor Jogee nominated, and Councillor Johnson seconded that Councillor Lester Buxton be elected Mayor for the forthcoming municipal year.

There being no other nominations, and further to adherence to Council Order 17.3, the Mayor duly announced Councillor Lester Buxton as Mayor for the forthcoming municipal year.

RESOLVED

1. That Councillor Lester Buxton be elected Mayor for the Municipal Year 2023/24.
2. The Mayor made and signed the Declaration of Acceptance of Office, which was witnessed by Councillors Jogee and Johnson.
3. The Mayor then addressed the Council and gave thanks for his election.

4. The Mayor's Consorts Sascha Ritchie & Claire Buxton were invested with a Badge of Office.

3. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were noted from:

Cllr Barnes
Cllr Rossetti
Cllr Adje
Cllr Dunstall
Cllr Harrison – Mullane
Cllr Arkell
Cllr M Blake
Cllr Chandwani
Cllr Wallace

4. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972

The Chief Executive asked the Mayor to agree the admission of the following late items of business that could not be available earlier, and needed to be dealt with at this meeting.

Item 10 Appointments made by the political groups
Item 11 Appointments of Committees for the Municipal Year 2023/24
Item 12 Appointments to outside bodies 2023/24
Item 14 Report of the Monitoring Officer
Item 15 Attendance of councillors at meetings for 2022/23
Item 16 End of the year financial statement 2022/23 of allowances paid to Members

The first three reports outlined, were not available at the time of dispatch as they included recent changes following party group meetings and the final three report outlined required verification of information.

The Mayor accepted these items as late items of business.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. TO RECEIVE WRITTEN NOTIFICATION OF THE APPOINTMENT OF DEPUTY MAYOR

The Chief Executive reported that the Mayor had signified in writing the appointment of Councillor Ajda Ovat as Deputy Mayor for the Municipal Year 2023/24.

Councillor Ovat was invested with her Badge of Office.

The Mayor announced that the Deputy Mayor's Consort would be Yasemin Ozturk who was then invested with the Badge of Office.

7. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON THE 27TH OF MARCH 2023

RESOLVED

To approve the minutes of the Full Council meeting held on the 27th of March 2023.

8. TO PASS A VOTE OF THANKS TO THE RETIRING MAYOR AND MAYOR'S CONSORTS ,AND THE RETIRING DEPUTY MAYOR AND DEPUTY MAYOR'S CONSORTS

A vote of thanks to the retiring Mayor, Deputy Mayor and Consorts was moved by Councillor Ahmet and seconded by Councillor Cawley – Harrison.

The retiring Mayor was presented with a badge and a framed collage in honour of her municipal year of office. Cllr Adamou addressed the meeting, thanking the Council for the honour of being Mayor. She thanked officers and residents that had supported her in her Mayoral year, outlining the key moments in history she had led on as the Civic Head such as the Queen's Jubilee, the sad passing of the Queen and Coronation celebrations.

Cllr Adamou spoke about the unique perspective that the mayoral office provided and the opportunity to see every part of Haringey and meet many wonderful talented people.

Cllr Adamou described some of the many highlights to her mayoral year including: meeting children and young people in schools, visiting cultural religious institutions, community groups and voluntary organisations who were all doing great work and were the vital backbone of the community.

There was special mention made of the outgoing Mayor's charity Mind in Haringey whom Cllr Adamou hoped that Councillors would continue to support in their work for the community.

RESOLVED

That the Council extend its thanks and appreciation to the retiring Mayor, Gina Adamou, and her consorts Andreas Adamides and Jonathan Vellapah for the services they had rendered to the Borough during the past municipal year.

9. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

The Mayor advised that this agenda item would be utilised to:

- Pay tribute to Cllr Julie Davies.
- Mayor's chosen charity for the coming year.

The Mayor reported the sad passing of Cllr Julie Davies, on Thursday, 27 April 2023. Julie was first elected in 2018 to St Ann's ward and before being elected to the council, Julie worked as an English teacher in Haringey schools, where she also served as branch secretary for the National Union of Teachers. Her passion for improving outcomes for young people inspired Cllr Davies to serve as a school governor for five different Haringey schools.

The Mayor invited the Leader of the Council, Cllr Brabazon and Cllr Williams to pay tribute to Cllr Julie Davies.

Cllr Ahmet remembered Julie as a loyal friend, and expressed her personal sense of loss, and commented on the overwhelming mixture of pride and sorrow at the messages from colleagues, community groups and residents. Julie had held a significant role in the community as: a knowledgeable, experienced and effective trade unionist, Cabinet member and also advocate for children. She outlined that Julie had worked and campaigned for Haringey since 1983, becoming a councillor in 2018. As an English teacher Julie worked across five different schools, striving to improve outcomes for young people. She was also a branch secretary for the National Union of Teachers demonstrating her commitment to education. Cllr Ahmet described her as hardworking, sharp-witted and politically brilliant. Julie was committed to preserving, developing and celebrating the borough's heritage and civic resources. Cllr Ahmet offered her personal condolences to Julie's family particularly her children Harry and Ted, as well as her close friends. Julie would be missed by everyone.

Cllr Brabazon spoke of Julie as a friend of twenty-five years. She felt shock and great sadness of her death which she would endure for a long time. She recalled Julie's generosity and kindness. She highlighted Julie's significant contribution as a trade unionist representative. She described how Julie had played a pivotal role in the NEU and acted as a vital link between the schools and the union. Her influence was widely recognised and respected. Cllr Brabazon also continued to share an experience during a women's history month event. In this event Julie captivated the audience with stories and photographs from her time spent in Tehran during the 1979 revolution. Cllr Brabazon concluded that Julie was a fearless and an admired person, who would be personally missed by her and by many.

Cllr Williams spoke about her friendship with Julie, which began when they first crossed paths during a campaign against the forced academisation of the primary school attended by Cllr Williams' children. She spoke about being impressed with Julie's tenacious approach to the cause. She described Julie as a compassionate person, who was unwavering in her commitment to fighting for the rights and well-being of her friends and Haringey residents. She referred to Julie as a true fighter, someone who took on challenges and left an impact on those around her, and who would be missed by all.

The Mayor thanked councillors for their tributes.

The Mayor asked and the Council stood for a 1 minute silence in memory of Councillor Julie Davies.

The Mayor advised the Council that his chosen charity for his mayoral year was 'Open Door' . This was a local charity that provided mental health support to young people and their families. The Mayor outlined that many young people were living with poor mental health and were really struggling to manage in this very difficult time. The Mayor outlined that Open Door treats young people from ages 12 to 24 in Haringey and he would aim to raise much needed funds for this organisation and raise their profile in his mayoral year.

The Council noted that Open Door had branches in Crouch End and in Tottenham and the Technical Director, director was available to speak to at the end of meeting to provide more information about the provision and support needed.

The Mayor advised that his priority for the coming year was to listen to the voices of young people in our borough, also encouraging them to register to vote, and ensuring that they know how to get appropriate forms of ID to be able to vote.

The Mayor aimed to establish and have an active presence on social media, and would work with officers to set this up.

10. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE, NOTING THE APPOINTMENTS MADE BY THE POLITICAL GROUPS, AND TO TAKE SUCH ACTION AS MAY BE APPROPRIATE

Councillor Weston, as Chief Whip, introduced the paper that outlined appointments made by Political Groups in their recent annual meetings.

RESOLVED

That the constitution of the political groups be noted:

The Labour Group

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

Councillors

Adamou

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

The Liberal Democrat Group

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

Councillors:

Cllr Connor
Cllr da Costa
Cllr Isilar-Gosling

Independent Member

Cllr Joy Wallace

11. TO AGREE THE APPOINTMENTS PROCEDURE AND TO APPOINT COMMITTEES AND OTHER BODIES FOR THE MUNICIPAL YEAR 2023/24, INCLUDING THE SELECTION OF THE CHAIRS AND VICE CHAIRS

The Chief Whip MOVED recommendation 1, as detailed in the circulated report and this was AGREED.

The Chief Whip MOVED recommendation 2, as detailed in the circulated report and this was AGREED.

The Chief Whip MOVED recommendation 3, as detailed in the circulated report and this was AGREED.

The Mayor had received an amendment to recommendation 4. This was in accordance with Council Standing Order, 15.8 (a) and 15(b) from Cllr Emery and seconded by Cllr da Costa

Councillor Emery moved the amendment to Recommendation 4, seconded by Councillor da Costa. This was to agree the membership of Committees and the appointment of Chairs as detailed at Appendix 1 subject to Cllr Connor being made the Chair of Overview and Scrutiny Committee.

Councillor Weston responded to the amendment.

A vote was taken on the amendment to Recommendation 4, as follows:

5 in FAVOUR,

41 AGAINST

NO abstentions

The amendment was LOST On a vote on the original motion, this was AGREED.

The Chief Whip MOVED recommendation 5, as detailed in the circulated report and this was AGREED.

RESOLVED

1. To note the changes to the political composition set out at paragraph 4.2.
2. To appoint to the Committees on the "slate" basis.
3. To agree the allocation of seats on Committees and appointments in accordance with paragraph 4.6.

4. To agree the membership of Committees and the appointment of Chairs as detailed at Appendix 1 giving effect to the wishes of the political groups.
5. To note the proposed membership of the Cabinet as detailed at Appendix 2 appointed by the Leader in accordance with Article 7 paragraph 7.05 ii of the Council Constitution.

12. TO MAKE APPOINTMENTS TO OUTSIDE BODIES

The Chief Whip moved the report, as tabled.

RESOLVED

1. To note the appointments to the Partnership and Association bodies which mainly exercise 'executive' functions set out at Appendix 1 and in accordance with article 10.8b(i)
2. To approve the appointments to the remainder of outside bodies set out at Appendix 1.

13. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

The Chief Executive had no matters to report on.

14. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL & GOVERNANCE SERVICES

The Monitoring Officer outlined that at the 27th of March full Council Meeting, changes were agreed to the Committee structure of the Council and set out in Part 3 Section B of the Constitution which sets out the terms of reference for non-executive bodies of the Council.

Following these agreed changes, there was a need to update the remaining parts of the Council's Constitution to reflect these changes. This meant deletion of the reference to Corporate Committee and replacement with reference to the Audit Committee or General Purposes Committee where applicable. This also entailed updating Part 4 Section K employment procedures to reflect the deletion of the Staffing and Remuneration Committee and establishment of an Appointments Panel and Disciplinary Grievance and Dismissal Panel.

When updating these sections, officer postholder descriptions had also been updated to reflect changes to the Council Officer structure that have taken place over the last year.

These changes are in accordance with the delegations provided in the Constitution at Part 2 section 14.03 and resolutions made at the 27th of March meeting.

These changes were set out in appendices 1 to 7 and the final version of these appendices as set out in appendices 8 to 14 would be published on the 16th of May.

The Chief Whip continued to MOVE the recommendations and was,

RESOLVED

To receive the report and for the changes to be noted.

15. TO NOTE THE END OF MUNICIPAL YEAR FINANCIAL STATEMENT FOR 2022/23

RESOLVED

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

16. TO RECEIVE A STATEMENT OF COUNCILLORS' ATTENDANCE AT MEETINGS OF THE COUNCIL, COMMITTEES, AND SUB COMMITTEES IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

RESOLVED

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

CHAIR:

Signed by Chair

Date

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Minutes 2nd March 2023 – Minor amendment to the minutes for accuracy in relation to the deputation representations.

57. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS/ PETITIONS AND, IF APPROVED, TO RECEIVE THEM

The Deputy Mayor invited Mr Paul Burnham and Mr Jacob Secker to make their representations in relation to the budget and from concerned residents from Broadwater Farm. They were asking the Council, to not agree the Council tenant rent increase of 7% as shown on the budget report.

Mr Burnham raised the following issues:

- The Council's failure to consult with tenants about the 7% rent increase. He contended that 22 other local authorities did not increase rent to the government maximum last year.
- Speculating that the Cabinet's refusal to consult with tenants might be due to their expectation that tenants would oppose the increases during a cost-of-living crisis.
- That he had made a formal objection to the lack of consultation.
- Concerns about the proposal to implement London Affordable Rent for over 870 new homes. The proposed rent for a 2-bed property was £79 per week higher than the average Council rent in Haringey and would have a significant impact on household budgets.
- Housing Charity Shelter had already deemed the proposed Mayor's rent unaffordable, as low-income families would be paying up to 36% of their income on rent and service charges.
- That the economic rationale for LAR rent was poorly explained in the report and the proposed £14 difference from Council rents was unlikely to be critical to the £900M development program's viability.
- That a simplistic approach of charging higher rents across the board was risky and that the proposals should be rejected.
- Parents with existing properties have raised concerns about proposed rent and service charge increases.
- Cabinet suggested a maximum rent increase of 7%, but service charges may increase even more.
- Freedom of Information received indicated that tenant service charges for the current year were £11.7M, and the proposed service charges increase would generate more than £3M, a 23% increase per household from April.

- Specifically, heating and lighting charges may double, and that these charges were not covered by Universal Credit and currently stand at £10 a week. Despite government assistance programs, any increase in charges would cause financial hardship and discontent among residents.
- Referred to page 318 of the pack, which indicated that freezing all tenant heating and lighting charges would cost £2M from the housing revenue account reserve of £20Million and proposed that the report be amended to freeze these charges, alleviating the financial burden on residents.

The Deputation called for change in decision making on the rent increases and for the Council to campaign alongside tenants for a government supported rent freeze without any loss of services or of new build capacity.

In response to the questions from the Councillors: Dunstall, Ovat and Ibrahim, the deputation provided the following responses:

- Government investments were necessary to address social inclusion issues particularly, in Northumberland Park, and that social landlords' reliance on tenant funding was not a sufficient solution. The deputation suggested that Haringey should advocate for government investment in public assets, such as major repairs and fire safety grants, to improve the situation.
- The government had broken a previous agreement with councils by reducing the amount of money they received through self-financing, and this needed to be addressed through the public policy process. The deputation proposed that local authorities should stand together to prevent money from being siphoned out of council housing.
- Additionally, he expressed concern about a £3Million increase in tenant service charges and the lack of information about the pros and cons and consequences in a report.
- Defend Council Housing was a national campaign group that advocated for council housing tenants in Haringey. Mr Secker clarified that he was part of the Broadwater Farm Residents' Association, but was not representing them at this meeting and the deputation was a member of this group as well as the Broadwater Farm Residents Association.
- The deputation outlined concerns about the potential doubling of the district heating charges, which would have a detrimental impact on residents, particularly those on job seekers' allowance who may struggle to pay their bills and afford food. [It was noted that this was not an issue in the report or on the agenda]

The Cabinet Members for Council Housebuilding, Placemaking, and Development and Housing Services, Private Renters, and Planning responded outlining the following:

- Manifesto pledge is to build 3000 Council homes by 2030.
- Currently in an economic climate of huge increases in construction costs.

- Need to use the London Affordable Rent on those new homes to be able to progress with the housing delivery programme and ensure financially viable.
- 12500 people on Housing waiting list and need to provide homes
- London affordable rent was not the first option. However, it is a way in which to ensure housing pledge is achieved.
- The London Affordable Rent means that these new homes will be Council homes at council rents for people on the Council is Housing register and they will be secure tenancies. Residents would be on Haringey's housing register and able to be offered a home by the Council.

- The funding came from the Building Council Homes for Londoners programme and to contend that these are not Council homes was not correct.
- There was need to increase the rent and services charge to continue to provide services and repairs.
There was no legal requirement for the Council to specifically consult with tenants on the increase.
- Fire safety, was a high priority and the Council had allocated £30 to £35 million over the next five years to ensure that housing stock continues to meet the constantly evolving statutory requirements and that housing provision is safe.

The Deputy Mayor thanked the deputation for attending and making their representations.

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Report for: Full Council 17 July 2023

Title: **Change to Political composition and Appointments to Committees 2023/24 and Committee position changes**

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

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

Ward(s) affected: All

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

1. Describe the issue under consideration.

To note the changes to the political groups following the recent by-election in Hermitage Gardens ward and the election of Anna Lawton as a member of the Council.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 Council is asked to:
1. Note the changes to the political composition set out at paragraph 4.2.
 2. To agree that Cllr Isilar - Gosling will replace Cllr Dawn Barnes on the Appointments Panel.

4. Background information

4.1 Following a by-election on 29th of June 2023, Councillor Anna Lawton was elected to represent Hermitage & Gardens ward. Cllr Anna Lawton is a member of the Labour Group.

4.2 The political balance of the Council of 57 councillors is now as follows:

Labour	49 councillors (85.95%)
Liberal Democrats	7 councillors (12.3%)
Independent	1 Councillor (1.75%)

4.3 The Council is required to ensure that appointments to which the statutory political balance rules apply are made in accordance with those rules. The relevant rules are summarised below (see below paragraph). The Annual Meeting of the Council appoints Committees of the Council in accordance with Article 4.02(k) of the Constitution. The Council is required to comply with the provisions of the Local Government and Housing Act 1989 and the Local

Government (Committees and Political Groups) Regulations 1990 in terms of political balance when appointing 'ordinary' committees – that is, committees appointed under section 102(1)(a) of the Local Government Act 1972.

These rules provide that seats on 'ordinary' committees must be allocated in line with the following principles, so far as reasonably practicable:

- (a) that not all the seats on a body are allocated to the same political group;
- (b) that the majority of the seats on the body are allocated to the political group which has the majority of the Council's membership;
- (c) that, subject to principles (a) and (b) above, the proportion of seats allocated to each political group out of the total number of seats across all the ordinary committees of the Council shall be in the same proportion as their share of membership of the Council as a whole; and
- (d) that, subject to paragraphs (a) to (c) above, the number of seats on each individual body shall be allocated to each political group in the same proportion as their share of membership of the Council as a whole.

4.4 The number of seats currently available on Ordinary Committees is 61.

Alexandra Park and Palace Board -	6 seats
Audit Committee	7 seats
General Purposes Committee	5 seats
Licensing Committee	11 seats
Pensions Committee and Board	6 seats
Strategic Planning Committee	11 seats
Standards Committee	5 seats
Appointments Panel	5 seats
Disciplinary, Grievance and Dismissal Panel	5 seats
Total	61 seats

4.6 At the previous Council meeting in May 2023, **52 seats or 85.2% were allocated to the Labour Group and 9 or 14.8%** to the Liberal Democrat Group. The increase of the percentage share of the Labour group from 84.2% to 85.95% does not impact the seat allocation and there are no changes proposed.

4.7 This meets the requirements of the 1989 Act on proportionality as closely as possible. Although the Liberal Democrat group have a 2.5 % higher allocation this is to ensure that principle (a) set out at paragraph 4.3 is met and that not all seats on a committee are allocated to the Majority group.

- 4.8 The Liberal Democrat Chief whip has also notified a change in the Liberal Democrat Committee membership of the Appointments Panel. Cllr Isilar – Gosling is recommended to replace Cllr Dawn Barnes on this Panel.
- 4.9 In calculating the allocation of seats on ordinary committees, the following bodies were excluded because these bodies are excluded from the statutory rules on political balance:
- The Cabinet.
 - The disciplinary pool.
 - Licensing Sub-Committees (Licensing Act 2003 and Gambling Committee).
 - The Health and Wellbeing Board.
 - Overview and Scrutiny Committee

The Cabinet

- 4.10 The Cabinet is appointed by the Leader and may only comprise councillors from the majority party. It must have between 2 and 9 members in addition to the Leader.

Licensing Sub-Committees (Licensing Act 2003 and Gambling Committee).

- 4.11 The Licensing Committee establishes the Licensing Sub-Committee of 3 members which will be appointed from a pool of members from the Licensing Committee. The Sub-Committee conducts the same type of business which includes the Gambling Act 2005 applications. The political balance rules do not apply to the Licensing Sub-Committees because they are appointed under the Licensing Act 2003 and so are not ordinary committees appointed under section 102 of the Local Government Act 1972. However, it is normal practice to establish the Licensing Sub-Committee in accordance with political balance (that is, two Labour and one Liberal Democrat Member) so far as reasonably practicable.

The Health and Wellbeing Board

- 4.12 The political balance rules are disapplied by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218). The membership of the Health and Wellbeing Board is prescribed at section 194 of the Health and Social Care Act 2012.

Overview and Scrutiny Committee

- 4.13 Principles (a), (b) and (d) of the rules apply to the Overview and Scrutiny Committee by virtue of section 9FA(6)(b) of the Local Government Act 2000. However, because the Committee is established under the Local Government Act 2000, it is not an ordinary committee appointed under section 102 of the Local Government Act 1972 and so it is not included in the political balance calculations for the total number of seats on ordinary committees (principle c). As such, the Overview and Scrutiny Committee must be balanced, but on an individual basis.

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

5.1 There are no financial implications arising from the report.

Head of Legal and Governance & Monitoring Officer

5.2 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.

5.3 In section 15 of the Local Government and Housing Act 1989, principle (b) states that a party with a majority on full Council shall have a majority of seats on each individual body. This principle takes precedence over principles (c) and (d) which require political groups to be represented on the ordinary committees taken as a whole and on the bodies individually in proportion to their representation on Full Council.

5.4 Principle (c) concerning proportionate allocation of seats across all the ordinary committees of the council takes precedence over the principle (d) concerning proportionate allocation on any individual body.

5.5 There is no requirement to offer a seat to a single member as they do not constitute a "political group" under the definition in the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1553) Regulation 8.

6. Use of Appendices

None

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

- *Appointments to Cttees 2023- 24*
- *Change to Political composition and Appointments to Committees 2022/23 – 15 May 2023*
- *Haringey Council's Constitution*

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

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

Report for: Full Council – 17 July 2023

Title: **Leader’s Report on Special Urgency Decisions**

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

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

Ward(s) affected: All

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

1. Describe the issue under consideration

1.1 This report sets out the decisions taken under the Council’s Urgency Procedure which are required to be reported to Council on an annual basis.

2. Cabinet Member Introduction
N/A

3. Recommendations

3.1 Council is asked to:

Note the decisions taken under the Council’s Special Urgency Procedure.

4. Background information

4.1 Part 4 Section D, Paragraph 19.3 of the Council Constitution advises that the Leader submit a report to the Council at least annually on the Cabinet decisions taken in the circumstances set out in rule 17(special urgency) during the period since the last report was submitted to Council. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

Date	Report title	Report Recommendations
28.06.2022	Household Support Fund in Haringey	<p>It is recommended that the Cabinet Member for Tackling Inequality and Resident Services:</p> <p>Approves the expenditure of the remaining sum of the Household Support Fund allocation from the Government of £2,256,671.72 for the period April – September 2022.</p> <p>Approves the Household Support Fund Scheme Policy: June 2022 which sets out the Council’s arrangement for administering part of the additional funding and is attached at Appendix 1.</p>

		<p>Delegates authority to the Director for Adults, Health and Communities, in consultation with the Cabinet Member for Tackling Inequality and Resident Services, to amend this policy to give effect to changes in legislation, statutory or non-statutory guidance, or directives or instructions of a similar character issued by Government.</p> <p>Agrees that this policy is subject to the availability of government funding and will terminate on 30th September 2022 unless terminated earlier.</p>
13.09.2022	Haringey Safety Valve Programme	<p>To approve the application based on the indicative workstreams and projects outlined in this report and further note that the indicative workstreams and projects are not yet agreed by DfE.</p> <p>To delegate authority to the Director of Children's Services and Director of Finance, after consultation with the Cabinet Member for Children, Schools, and Families and the Cabinet Member for Finance and Local Investment, to make the initial application to the Department for Education (DfE) to enter the "Safety Valve" Intervention programme by 15 September 2022.</p> <p>To delegate to the Director of Children's Services and Director of Finance, after consultation with the Cabinet Member for Children, Schools, and Families and the Cabinet Member for Finance and Local Investment, to make final changes to the proposals following feedback from the DfE in advance of the final submission on the 6 October 2022.</p> <p>To approve, that, as part of the involvement in the 'Safety Valve' intervention programme, a request for capital will be submitted to the DfE, by 10 October 2022, to develop SEND provision in the Borough to aid delivery of the programme which will be incorporated into the strategic education master sites programme.</p> <p>To note that the Quarter 1 Corporate Monitoring Report addresses the Safety Valve project funding within the General Fund for the current year, and that the ongoing annual cost of this project will be taken into account in the preparation of the next future years' Medium Term Financial Strategy.</p>
10 October 2022	Household Support Grant	<p>It is recommended that Cabinet Member for Tackling Inequality and Resident Services:</p> <p>Approves the additional Housing Support Fund allocation from the Government of £2,406,671.72 for the period October 2022 – March 2023.</p> <p>Approves the Household Support Fund Scheme Policy: October 2022 which sets out the Council's arrangement for administering part of the additional funding and is attached at Appendix 1.</p>

		<p>Delegates authority to the Assistant Director Communities and Housing Related Support in consultation with the Cabinet Member for Tackling Inequality and Resident Services to amend this policy to give effect to changes in legislation, statutory or non statutory guidance, or directives or instructions of a similar character issued by Government.</p> <p>Agrees that this policy is subject to the availability of government funding and will terminate on 30th March 2023 unless terminated earlier</p> <p>Notes that a further set of recommendations for spend of the existing funding will come forward in due course, within the conditions set out by the guidance.</p>
19 January 2022	Schools Funding Formula 2023-24	<p>Schools' form will meet on 12th January 2023 to decide on the options outlined below. The Cabinet Member is asked to agree the changes (to be confirmed) to the local schools funding formula for the 2023-24 financial year.</p> <p>a) To adopt Model 2; and</p> <p>b) To note the transfer of 0.50% from the Schools Block allocation to the High Needs Block as agreed in the October 2022 Schools Forum. At the October decision this was estimated at £1.051m and with the proposed DSG allocation since announced this equates to £1.098m;</p> <p>c) To agree the Growth fund be set at £300k;</p> <p>d) To agree the Minimum Funding Guarantee (MFG) is set between 0.2% and 0.34% dependent on the block transfers agreed and any necessary consent from the DfE;</p> <p>e) To agree the Block transfer of £122k from the Schools Block to the Central Block for Education Welfare Services, dependent on any necessary consent from the DfE;</p> <p>f) To agree the block transfer from the Schools block to the Early Years block of £60k to fund a Haringey Primary school with a Nursery School on a split site, dependent on any necessary consent from the DfE;</p> <p>g) To agree the de-delegation of £165k for Trade Union Representation (for maintained schools only).</p>
22 March 2023	Waiver of Call-in process for Good Growth Fund: Enterprising Tottenham High Road Deed of Variation	<p>To approve the receipt of £2.3 million from the GLA for the purpose of facilitating the delivery of the 639 Enterprise Centre Building Project.</p> <p>To agree to the Deed of Variation to the Good Growth Fund Enterprising Tottenham High Road Grant Agreement attached at Appendix 1 of the report.</p> <p>To agree to the Forward Strategy for the delivery of the 639 Enterprise Centre Building Project as per Appendix 2 of the report to enable the council to receive the £2.3 million grant by March 2023.</p> <p>To agree to entering into a funding agreement with the GLA for the purpose of delivering the 639 Enterprise Centre Building Project in conformity with the Forward Strategy set</p>

		<p>out at Appendix 2 of the report and to grant delegated authority to the Director of Placemaking and Housing, after consultation with the Lead Member for Housing, Placemaking, and Development and the Director of Finance, to agree the final terms of the Agreement, and to any amendments subsequently required.</p>
28 March 2023	Reallocation of Shared Equity tenure to Social Rent (High Road West)	<p>The Cabinet Member:</p> <p>Agrees to change the tenure of 46 homes currently designated as Shared Equity units as part of the High Road West Scheme to Social Rent homes as described in paragraphs 6.3-6.8</p> <p>Delegates authority to the Director of Housing, Regeneration and Planning to finalise any amendments to the existing contracts for the specification of the units to enable the change referred to at Recommendation 'i'.</p> <p>Notes changes to the grant funding arrangements as set out in paragraph 6.9-6.12</p> <p>Notes that the Council's offer to resident leaseholders is maintained as a commitment as set out in the Landlord Offer.</p>
28 March 2023	Household Support Fund in Haringey	<p>The Government through the Department of Works and Pensions (DWP) has provided funding to local authorities to administer the Household Support Fund. It is acknowledged that local authorities have the local ties and knowledge and are best placed to allocate funding according to local need.</p> <p>The Guidance for The Fund provides for local authorities to determine eligibility in their area and target support to those most in need but within the scope of conditions set by DWP. The proposed decision on the Household Support Fund sets out how the Council will target and deliver support to residents. This spend is targeted to those that are most in need and is in accordance with the Scheme.</p> <p>The Household Support Fund payments are expected to support households over the grant period and for all funding to be spent between 1st April 2023 – 31st March 2024. The Council has identified that the cohort of low income households with children, who are eligible to receive free school meals vouchers, will be particularly impacted by the challenges presented by the significantly rising cost of living. Without support over the school holiday period, children in these households will not be able to access free meals. There is a need, therefore, for an urgent decision to be taken on the recommendations contained in this report, in order to ensure that payments are made to support families with children, to continue to access Free School Meals vouchers during the Easter school holiday period.</p>
12 May 2023	Park View Secondary School	<p>For the Cabinet Member for Children, Education and Families to:</p> <p>Approve, pursuant to Contract Standing Order (CSO) 9.07.1d) and CSO 16.02, the award to Contractor A named in Part B</p>

		<p>exempt report of a contract to provide temporary accommodation (13 classrooms, 1 office and 4 toilets) for an 18 month hire period at Park View Secondary School for a fixed price of £1,134,000 plus a contingency as set out in the Part B exempt report.</p> <p>Approve, pursuant to CSO 9.07.3, the issuance of a letter of intent for up to 10% of the contract value, namely £113,400.</p>

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

5.1 There are no financial implications as this is a noting report.

Assistant Director Corporate Governance & Monitoring Officer

5.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England Regulations 2012) requires local authorities to consider an annual report detailing each executive decision where the making of the decision was agreed as special urgency.

6. Use of Appendices

None

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

Link to urgent decisions is as follows:

<https://www.minutes.haringey.gov.uk/ieListMeetings.aspx?CId=773&Year=0>

<https://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=435&MId=9521&Ver=4>

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

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

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REPORT OF STANDARDS COMMITTEE 01/2023/24**FULL COUNCIL 17 July 2023**

Chair: Ibrahim Ali

1. INTRODUCTION

- 1.1 This report arises from the Standards Committee meeting held on the 27th of June 2023 and asks Full Council to consider the following:
- 1.2 To approve amendments to Part Four of the Constitution, Section J Contract Procedure Rules and any other consequential amendments arising as a result of:
 - Removal of relevant references to EU law and legislation, updated references to current legislation, Council policy and Officer roles.
 - Formalisation of existing practices and Council Policies.
 - Minor drafting amendments.
- 1.3 To approve the constitutional related actions arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, namely:
 - Guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds.
 - Guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors.
 - Protocol for Decision Making to provide consistency and support.
- 1.4 To approve the changes to the Petitions Scheme and Council Standing Order section on Petitions.
- 1.5 To approve the addition of the Licensing Hearing protocol to the Council's Constitution.

2. Proposed changes to the Council's Contract Standing Orders

- 2.1 On the 27th of June we considered a report setting out changes to the Council's Constitution, in part four, section J. This included:
 - Renaming the Contract Procedure Rules to Contract Standing Orders.
 - That Directors to approve additional extensions or a variation to a contract that has previously been approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000) and that such decisions will not be treated as a key decision.

- Formalising existing practice that Directors are required to report any decisions valued at one hundred thousand pounds (£100,000) or more are reported to Cabinet.
- Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above.
- An amendment enabling a director (or Head of Service up to their level of delegated authority) to sign or approve any contract valued below two hundred and fifty thousand pounds (£250,000), instead of both officers as presently required.
- An amendment to waiver provisions, so that waivers valued at £160,000 or above, is approved by the Head of Procurement prior to engaging the supply chain.

2.2 We welcomed the report and agreed the proposed changes were required as a result of changes to legislation and to reflect current structures within the Council. The changes supported efficiency of contract approvals and we were assured of the measures to be taken forward to ensure transparency and accountability.

3. WE RECOMMEND

Council adopts the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at **Appendix 2**.

4. Responses to three of the recommendations arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions.

4.1 We noted that the Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023, included constitutional related actions that we were required to consider in accordance with our responsibilities for recommending changes to the Constitution to full Council. This included:

- Additional guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds and assets. The guidance had been reviewed by the Member Constitution Working Group and included their comments on: a duty to act in the interest of the outside body, and how not to conflict between both outside body role and councillor role discussion with the Monitoring Officer, the potential need to recuse from meetings, and considering public perception. We noted that the Action Plan to Cabinet indicated that existing guidance would be reviewed, and new guidance or amendments as required would be implemented and that there was a need for training for Members and officers

relating to this area. We noted that this took place on 15th of June 2023. There was an action to look to having a signed declaration of having read new guidance and this was planned for implementation following Council approval in July 2023.

- Guidance to Councillors meeting with landowners, contractors etc when not in their capacity as ward councillors. We noted that this has been compiled by considering the seven principles of public life, the Planning Protocol of the Council and LGA guidance on ethical governance. This guidance included the Constitution Working Group's comments on outlining the difference between a proper and improper approach, declaring gifts using the Declaration of Interest form, and the circumstances of when to report participation in ward-based meetings with third parties where there could be a future potential interest.
- Response to recommendation that further information on the Leader's powers are included in the Constitution. We noted the additional wording added to the Protocol for Decision Making to provide consistency and understanding of the key principles of decision making. There would be officer training on decision making reports managed by Legal services and supported by Democratic services, Procurement Team and Policy team where these additions would be highlighted. We further noted that the Asset Management Plan action plan also identified a full review of property related processes. This review would inform any required further updates to Section D and part 5 of the Constitution, in November from a service perspective, and would be considered at our meeting on the 31 October 2023 and Full Council on the 20th of November 2023.

5. WE RECOMMEND

- 5.1 Adoption of **Appendix 5** – Advice on Outside Bodies
- 5.2 Adoption of **Appendix 6** -- Guidance for Councillors on contact with third parties and stakeholders.
- 5.3 Adoption of **Appendix 8**(final version) of updates to the Part 5 Section D, Protocol for Decision Making.

6. Haringey Petitions Scheme Update

- 6.1.1 We noted that The Council's Petitions Scheme was implemented in 2010 and updated in 2011 to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009 which imposed a duty on local authorities to respond to petitions. We noted that the requirements of the Act in relation to petitions had been repealed but the majority of local authorities, processes for dealing with petitions were already in place and petitions submitted to a local authority by a body of its citizens were usually presented

to the full Council. Some Councils had removed or amended the provisions regarding petitions from their Constitutions following the repeal of the statutory requirements, while others have retained the schemes.

- 6.1.2 We noted the need to update the petitions scheme to improve accessibility and understanding of the scheme and to set out the distinction between e- petitions and paper petitions. We considered the proposed changes and the reasons for them, which were set out in the attached report at **Appendix 9**. There was also included a proposed change to the Council Standing Orders to reflect the provision of a council debate for petitions supported by 1% of the borough population (2643 signatures).
- 6.1.3 We discussed petitions with signatures of less than 2643 and noted that the separate Committee Standing Order provision remained unchanged. Residents were still able to put forward a petition with less than 2643 signatories to a Committee meeting and it would be received and responded to at the next meeting.
- 6.1.4 We discussed the provision for residents to put forward questions to Cabinet Members at full Council meetings and were advised that this provision was contained in Council Standing Orders and residents were able to submit questions to full Council, 8 clear days in advance of the meeting, and could attend and present them. We noted that this provision could be better highlighted in on the Council web pages.
- 6.1.5 We discussed the submission and hearing of petitions at full Council where the number of signatures was over 2643, and how similar issues could be raised but with some minor differences in wording. We noted that a petition that was heard at a meeting could subsequently be slightly updated and then submitted straight after being heard. There was a need to ensure that the Full Council meetings heard petitions on a range of local issues and from a range of community voices. We continued to agree the updated Petitions Scheme, subject to changes to the wording relating to the submission and hearing of petitions. This updated wording would be sent out to the Committee to consider and agree prior to submission to the full Council.

- 6.1.6 We subsequently considered the following updated wording:

Additionally:

Raising similar issues as a petition submitted and response received in writing within the last 6 months.

A paper petition or e- petition considered at an Overview and Scrutiny Committee or Full Council raising similar issues heard at these meetings in the last 6 months. This is to allow as many voices in the community to be heard as possible.

Once a petition has been heard at a Full Council or Overview and Scrutiny Meeting, a petition on the same topic cannot be submitted until a further 6 months has elapsed from the meeting date.

6.1.7 This was agreed and incorporated in the petitions scheme attached at **Appendix 12.**

7. WE RECOMMEND

Adoption of the updated Petitions Scheme attached at **Appendix 12.**

Adoption of the Updated Council Standing Orders attached at **Appendix 13.**

8. Licensing Protocol

8.1 We noted that the local Licensing procedure protocol, would replace the Committee procedure rules in the Constitution under part four, Section B of the Constitution, in relation to Licensing Sub Committee meetings and therefore were required to be formally incorporated within the Council's constitution.

8.2 We noted that the amendments had been considered by the Constitution Working Group and also by the Licensing Committee, who had to approve them before they come to the Standards Committee.

8.3 We noted that the procedures had not been updated since 2014 and therefore needed to be updated to reflect three main changes:

- That the Licensing Sub Committee hearings under the Licensing Act 2003 were now being held remotely.
- Introducing a time limit for initial representations to make sure that they were concise and that the meetings were completed by 10pm where possible.
- A change in the order of the speakers so that the applicant, whether it's an application, or a review of an application, the applicant would go first as it was felt that this would be more efficient in terms of the procedure for the hearings.

8.4 We noted that the Licensing Committee that met on the 22nd of June had made a number of recommendations for amendments which had been incorporated and put forward to us for consideration in the supplementary pack.

8.5 We queried the time limitation of 5 minutes proposed in terms of equity and fairness for considering presentations. We noted that there still remained a discretion for the Chair to extend this time, taking account where the facts being considered were complex or where the matter might be controversial. It was accepted that there could be meetings with a number of objectors attending and there was provision to extend that time limit if appropriate. It was further explained that this time limit was being introduced to mitigate against repetition and provide a length of time to follow by presenters. This was in line with other boroughs, and this regularised the procedure and supported the chairing of the meeting.

8.6 We discussed the proposed change to the protocol of not starting consideration of applications after 9.30pm as this would mean that the meeting would finish much after 10pm. We were concerned about how the 9.30pm timing had been

arrived at. We felt that this change may delay consideration of applications that may be time limited or community sensitive and may need to be considered on that evening. It was accepted that although this may not be a common occurrence, it was prudent to include discretion in the hearing protocol for the Sub Committee to start to consider applications/ review of applications after 9.30pm, in these situations. We agreed the recommendations, subject to this change which is now included in **Appendix 15**. Rule 63 is amended to read that *Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 p.m. unless the chair determines that it is urgent*".

WE RECOMMEND

Adoption of the updated Licensing Protocol attached at **Appendix 15** and addition to the Council Constitution.

Appendices

Appendix 1 - Standards Committee Cover report outlining summary of changes

Appendix 2 Contract Standing Orders Part 4 Section J - to be Published

Appendix 3 Contract Standing orders - Part 4 Section J - Track changes

Appendix 4 Cover report on Response to Recommendations from Independent Review

Appendix 5 Advice on Outside Bodies

Appendix 6 Guidance on meeting with Third parties and stakeholders

Appendix 7 track changes to Part 5 Section D Protocol for Decision Making

Appendix 8 Published Part 5 Section D Protocol on Decision Making

Appendix 9 Petitions scheme Cover report summarising changes

Appendix 10 Petitions scheme track changes considered by Standards Committee 27 June 2023

Appendix 11 - Petitions scheme without track changes considered by Standards Committee on 27 June

Appendix 12 Petitions scheme updated by Standards Committee for approval

Appendix 13 Part4 Section A Council Procedure Rules_ petitions update for approval

Appendix 14 Licensing Protocol Addendum considered by Standards Committee 27 June 2023

Appendix 15 Local Licensing Rules (Licensing Protocol) updated by Standards for approval

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DECISION MAKING REPORT

Report for: Standards Committee

Item number: To be added by the Committee Section

Title: Proposed changes to the Council’s Contract Standing Orders

Report authorised by : Jon Warlow Director of Finance

Lead Officer: Barry Phelps, Head of Procurement

Ward(s) affected: N/A

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

1. Describe the issue under consideration

- 1.1. The Council Constitution defines the Council decision making procedures. It is kept under review and when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to full council.
- 1.2. The previous update to Part Four of the Constitution, Section J Contract Procedure Rules was in 2016. Since then, the Brexit Freedom Bill has been implemented following the UK’s withdrawal from the EU. The proposed amendments to the Contract Standing Orders (CSO) recognise the withdrawal from the EU and the relevant references contained therein
- 1.3. This report proposes changes to the constitution in the following areas:
 - 1.3.1. Amendments to Part Four of the Constitution, Section J Contract Procedure Rules and any other consequential amendments arising as a result of these;
 - 1.3.2. Removal of relevant references to EU law and legislation, updated references to current legislation, Council policy and Officer roles;
 - 1.3.3. Formalisation of existing practices and Council Policies;
 - 1.3.4. Minor drafting amendments.

2. Cabinet Member Introduction
N/A

3. Recommendations

- 3.1. That Standards Committee recommends that the Council adopt the proposed revised Part Four of the Constitution, Section J Contract Procedure Rules as attached at Appendix 1.

3.2. The Standards Committee notes the following key amendments:

- 3.2.1. Part Four of the Constitution, Section J Contract Procedure Rules is renamed to Part Four of the Constitution, Section J Contract Standing Orders;
- 3.2.2. Directors to approve additional extensions or a variations to a contract that has previously been approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000) and that such decisions will not be treated as a key decision;
- 3.2.3. Formalising existing practice that Directors are required to report any decisions valued at one hundred thousand pounds (£100,000) or more, are reported to Cabinet;
- 3.2.4. Formalising Council Policy for contracts to include the payment of London Living Wage in contracts valued £50,000 or above;
- 3.2.5. An amendment enabling a Director (or Head of Service up to their level of delegated authority) to sign or approve any contract valued below two hundred and fifty thousand pounds (£250,000), instead of both officers as presently required;
- 3.2.6. An amendment to waiver provisions, so that waivers valued at £160,000 or above, is approved by the Head of Procurement prior to engaging the supply chain.

4. Reasons for decision

- 4.1. The CSO's have not been updated since 2016 and need updating to reflect changes in legislation, improve processes and to reflect current Council Policies.
- 4.2. The title has been amended from 'Contract Procedure Rules' to 'Contract Standing Orders' as all officers and decision reports refer to Contract Standing Orders and not Contract Procedure Rules, therefore the title has been amended to what is commonly referred to throughout the Council.
- 4.3. References to officer roles have been updated to reflect current structures within the Council. Definitions of the roles have been updated to ensure the CSO's remain current going forward by referring to 'or the most senior officer'. This avoids the need to keep amending the roles referenced in the CSO's when job titles change.
- 4.4. New legislation has replaced out of date legislation referenced in the current CSOs; therefore various amendments have been made throughout the document to remove references to old legislation, including those references to the EU brought about by Brexit, so as to ensure the CSOs remain aligned to legislative changes.
- 4.5. Definitions have been updated to ensure references in the CSOs remain consistent throughout the document.
- 4.6. To improve process efficiency by removing the need for matters to return to Cabinet (or member signings) of any amendments to contracts with relatively low values. (i.e. currently

a contract for £1m previously approved by Cabinet would need to return to Cabinet for any additional variation, even if this was just £1). Directors will therefore be able to approve contract extensions and variations on contracts previously approved by Cabinet, up to an aggregated value of five hundred thousand pounds (£500,000). This is consistent with Directors delegated authority of up to £500,000 throughout the constitution.

- 4.7. To ensure transparency and visibility of any variations or extensions agreed by Directors under CSO 3.01 d), Directors are required to report these as part of the quarterly finance report to Cabinet. In continuing the theme of transparency, the formalisation of Directors to report all decisions exceeding one hundred thousand pounds (£100,000) to Cabinet each month is incorporated into the CSOs (CSO 3.02 p)).
- 4.8. Reference to the use of Constructionline as a compliant process has been removed throughout the CSO's. This is because Constructionline has been privatised and no longer remains compliant with the Public Contract Regulations (PCRs).
- 4.9. Formalisation of the use of purchase cards (P cards) needing to comply with the CSO's to ensure the Council remains compliant with the PCRs and the Councils procurement policies and procedures (CSO 8.09).
- 4.10. Removal of reference to postal bids from the CSOs, as legislation now requires all tenders to be conducted electronically.
- 4.11. To re-enforce the Procurement Strategy previously approved by Cabinet and ensure officers comply with the delegated authority thresholds for Directors and Cabinet as stated in the constitution, CSO 9.04 drafting has been strengthened to re-enforce the use of corporate Dynamic Purchasing Systems (DPS) established by the Council. To use a non-Haringey DPS, will require the consent of the Head of Procurement to ensure compliance with the Public Contract Regulations.
- 4.12. Council has already approved a policy to pay London Living Wage (LLW) through contractual provisions, this amendment formalises this within the constitution for contracts valued at fifty thousand pounds (£50,000) or more (CSO 9.08.9). This a practical threshold for applying such conditions and ensures the Council remains eligible for LLW accreditation. The Payment of LLW can still apply to contracts below £50,000 where it is appropriate and viable to do so.
- 4.13. To ensure consistency with other delegated powers in the constitution, improve efficiency, reduce administrative burden and be more operationally practical, it is proposed that either a Director or Head of Service (with appropriate delegated authority) can approve and sign contracts valued below two hundred and fifty thousand pounds (£250,000). Currently both a Director and a Head of Service is required to sign or approve contracts (that do not require sealing) valued at two hundred and fifty thousand pounds (£250,000) or below; even if the contract was only valued at £1,000. The constitution already makes provision for a Director to award contracts up to £500,000, which is further supported by a scheme of delegation to other officers.

- 4.14. To enable contracts to be more accessible to small and medium sized enterprises who are unable to provide the Parent Company guarantees or bonds which may be cost prohibitive, the Director of finance can consider alternate forms of surety on contracts over two hundred and fifty thousand pounds (£250,000), which will also provide more commercially viable options for both the Council and the supply chain.
- 4.15. To ensure officers remain compliant with the Councils CSOs and relevant legislation, officers will require approval by the Head of Procurement of any waivers above one hundred and sixty thousand pounds (£160,000) prior to engaging the supply chain.

5. Alternative options considered

- 5.1. **Do Nothing** – This option would mean the Council would be referencing outdated legislation in its constitution.

6. Background information

- 6.1. In November 2016, Full Council approved the current version of Part Four of the Constitution, Section J Contract Procedure Rules. Since then, the Brexit Freedom Bill has been implemented following the UK's withdrawal from the EU. Therefore there is no need to fully comply with previous EU based legislation and alternate procurement related legislation amendments have been passed into law.
- 6.2. The Government intends to bring forward the Procurement Act which will be a major overhaul of the current Public Contract Regulations. The original intention was to wait for the Procurement Act to be passed into law and then redraft the CSO's to reflect new legislation; however, these reforms have been delayed several times and may not come into force for some time (2024). Therefore, it is proposed to address some of the immediate inconsistencies in the CSOs now and wait for a more fundamental review of the CSOs when the Procurement Act is passed into law.
- 6.3. Currently contracts previously awarded by Cabinet, require Cabinet (or member signing) for any contract extension or variation where there is an increase in value, even if only £1. This applies to each and every change. This can take a considerable amount of time to complete the governance process and can be an expensive use of resource for potentially low values. It is therefore proposed that Directors can approve such contract variations and extensions up to an aggregated value of five hundred thousand pounds (£500,000), to reduce the volume of contractual amendments requiring Cabinet or Member approval.
- 6.4. The Head of Procurement has consulted with legal colleagues in prioritising the changes.
- 6.5. The proposed changes have been shared with an officer working group and the members Constitutional Working Group, both of which are supportive of the amendments proposed.

7. Contribution to strategic outcomes

- 7.1. The recommendations in this report support the Your Council Priority and the Haringey Deal in 'getting the basics right' and ensuring the Council remains compliant with legislation.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Head of Legal & Governance (Monitoring Officer), Equalities)

Finance

8.1. The Director of Finance notes the contents of the report and confirms there are no financial implications directly arising from this report.

Procurement

8.2. The Head of Procurement has prepared this report following consultation on the proposed changes to the Constitution with senior officers within the Council, legal services and the member Constitutional Working Group.

8.3. The Head of Procurement supports the recommendations proposed in this report and confirms the current version of the CSO's is outdated. The proposed amendments will align the CSO's with current legislation and ways of working.

Legal

8.4. The Head of Legal and Governance notes the contents of the report and sees no legal reasons preventing Members from approving the recommendations in the report.

8.5. Equality

N/A

9. Use of Appendices

9.1. Appendix 1 – Contract Standing Orders Revised July 2023 (clean copy)

9.2. Appendix 2 - Contract Standing Orders Revised July 2023 (with track changes from current version)

10. Local Government (Access to Information) Act 1985

N/A

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PART FOUR – RULES OF PROCEDURE

Section J – Contract Standing Orders

0. Statement of Principles

- 0.1 The Contract Standing Orders provide the constitutional basis for the Council's procurement of works, goods and services. Following them will assist in ensuring statutory compliance, value for money, propriety and the proper spending of public money.
- 0.2 The Procurement Code of Practice provides more detail and shall govern Council procurement and contract procedures. The Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice and all such other guidance issued by the Head of Procurement.
- 0.3 The Head of Procurement shall make the latest version of the Contract Standing Orders and the Procurement Code of Practice available to every Director, Member and officer of the Council. Directors, or officers acting on their behalf, shall apply the requirements of the Contract Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.
- 0.4 Procurement activity shall be used (amongst other things) to achieve Best Value in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of Best Value with regards to the optimal combination of economy, efficiency and effectiveness.
- 0.5 Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant laws of England and Wales.
- 0.6 Directors shall ensure that the Cabinet or an appropriate Member of the Cabinet is consulted on any procurement activity prior to its publication in the Council's Forward Plan.

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- 0.7 Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.
- 0.8 No Member of the Council shall enter into any contract on the Council's behalf.
- 0.9 No Member of the Council shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

1. Introduction

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value is obtained when procuring works, goods and services. Efficient use of resources to achieve Best Value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with Contract Standing Orders and the Procurement Code of Practice when letting contracts and raising orders with suppliers. Employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit & Risk Management.
- 1.03. Unless otherwise provided within these Contract Standing Orders or the Procurement Code of Practice or with the express approval of the Head of Procurement, all procurement should be conducted via the Corporate Procurement Systems, regardless of value.
- 1.04. Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

2. Definitions and Interpretation

- 2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.

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- 2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them:
- a) **“Approved Electronic Means”** means such electronic means of authenticating the formation of a contract, which may include the use of electronic signatures, positive approval through the use of check boxes or other similar means, as may be expressly approved by the Head of Legal and Governance from time to time or for a specific contract;
 - b) **“Bids”** means Tenders and Quotations;
 - c) **“Concession Contracts Regulations”** means the Concession Contracts Regulations 2016 (SI 2016/273), as amended from time to time;
 - d) **“Contracts Finder”** means a web-based portal provided by or on behalf of the Cabinet Office;
 - e) **“Corporate Procurement Systems”** includes the following:
 - The corporate sourcing solution, dynamic purchasing systems (DPS), contract management and performance management systems as referred to in the Procurement Code of Practice, or
 - Such other systems as may be approved by the Head of Procurement from time to time;
 - f) **“Director”** means an employee of the Council holding a post designated as:
 - The Chief Executive
 - A member of the Strategic Leadership Team
 - A Director or Assistant Director;
 - g) **“Director of Finance”** means the Councils most senior Finance Officer, as amended from time to time;
 - h) **“Find a Tender Service”** means a web-based portal provided by or on behalf of the Cabinet Office or any successor as amended from time to time;
 - i) **“Head of Legal and Governance”** means the Council most senior Legal Officer, as amended from time to time;

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- j) “**Head of Procurement**” means the Council most senior Procurement Officer, as amended from time to time;
- k) “**London Living Wage**” means as defined by the Living Wage Foundation (<https://www.livingwage.org.uk/what-real-living-wage>);
- l) “**Public Contract Regulations**” means the Public Contracts Regulations 2015 (SI 2015/102), as amended from time to time;
- m) “**Regulations**” means the Concession Contracts Regulations 2016, The Utilities Contracts Regulations 2016 and the Public Contracts Regulations, as amended from time to time.

2.03. In the event of any conflict between the law of England and Wales and Council policy, the requirements of the law of England and Wales shall prevail over Council policy.

2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Head of Procurement.

3. Roles & Responsibilities

3.01 The Cabinet (and Pensions Committee where relevant) will:

- a) hold Directors accountable for any decisions they make under their delegated authority or under these Contract Standing Orders;
- b) approve awards of contract valued at £500,000 (five hundred thousand pounds) or more;
- c) approve any variation or extension valued at £500,000 (five hundred thousand pounds) or more, whether or not such variation or extension was included in the original award in b) above;
- d) ensure that the award of any contract and any extension or variation with an aggregated value at £500,000 (five hundred thousand) or more is treated as a 'Key Decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution;

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- e) Where an award of a contract and any extension or variation that has previously been approved under 3.01 d) above, following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent extensions and variations up to the aggregated value of £500,000 (five hundred thousand) and any such variation(s) or extension(s) will not be treated as a 'Key Decision';
- f) For the avoidance of doubt, where the additional cumulative value of all variations and extensions of the original key decision is £500,000 (five hundred thousand) or more, this will be treated as a 'Key Decision' and 3.01 d) will apply;
- g) Where a Director undertakes a decision in relation to 3.01 e) above, details of the extension or variation must be reported retrospectively via the quarterly financial update report to Cabinet.

3.02 Directors

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

- a) to ensure compliance with the law of England and Wales and Council Policy;
- b) to ensure value for money in all procurement matters;
- c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;
- d) to maintain a departmental scheme of delegation;
- e) to ensure that all relevant officers are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;

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- g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;
- h) to keep: (i) copies of all concluded contracts as required by Regulation 83 of the Public Contract Regulations, and ensure electronic copies of such contracts are stored, and (ii) proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the contract, as required by Regulation 84 of the Public Contract Regulations;
- i) to keep records of waivers of any provision of these Contract Standing Orders and forward a copy of such signed records to the Strategic Procurement;
- j) to make appropriate arrangements for the opening of bids and their secure retention so as to protect the integrity of the procurement process;
- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved Electronic Means as provided for in these Contract Standing Orders;
- l) to ensure original sealed contract documents are held by the Head of Legal and Governance for safekeeping;
- m) to record all contracts valued at £10,000 or more in the Corporate Contracts Register;
- n) to ensure effective management of all contracts under his/her control and to a level deemed appropriate in regard to risk or value of each contract.
- o) to ensure that no contract is let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget.

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- p) to record and report on decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E - paragraphs 3.01 to 3.05 of the Councils Constitution. Procurement decisions including any contract award, variation and extension of £100,000 or more are mainly executive decisions and should be reported to Cabinet.

3.03 **Pensions Committee**

The Pensions Committee shall have the same powers and duties of the Cabinet specified in these Contract Standing Orders but limited to procurement decisions and award of contracts relating to the Pension Fund.

4. Scope of Contract Standing Orders

4.01. These Contract Standing Orders shall apply to all contracts for the procurement by the Council of works, goods and services (including concessions) unless otherwise expressly stated or these requirements are waived in accordance with Contract Standing Order 10.

4.02. Where the Council:

- a) secures funding from an external funding body, or
- b) intends to assign grant funding to an external body;

Contract Standing Order 17 and the forming of necessary agreements shall apply.

4.03. These Contract Standing Orders shall **not apply** to contracts falling within Regulation 10 of the Public Contract Regulations. For the avoidance of doubt, this exclusion applies to (amongst other things) contracts of employment, certain contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases).

4.04. These Contract Standing Orders shall **not apply** to contracts falling within Regulation 10 of the Concession Contracts Regulations. For the avoidance of doubt, this exclusion applies to (but not limited to) air transport and passenger transport services, certain contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases).

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5. Public Procurement Directives

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

6. Contract Value and Aggregation

6.01. Directors must ensure that a pre-tender estimate of the total contract value is prepared and recorded in writing and in order to determine whether the thresholds under the Regulations apply.

6.02. Unless otherwise specifically provided and subject to Contract Standing Order 6.04, reference to total contract value or an estimated total contract value in these Contract Standing Orders means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any extension periods as anticipated in the proposed contract.

6.03. A contract's value must not be artificially under or overestimated or divided into two or more separate contracts with the intention of avoiding the application of Contract Standing Orders or the Regulations.

6.04. In the case of Concession Contracts these are to be calculated in accordance with Regulation 9. (3) – (11) of the Concession Contract Regulations.

7. Framework, Consortia and Joint Procurement Arrangements

7.01. Subject to the provision of Contract Standing Order 7.02, these Contract Standing Orders shall **not apply** where the Council procures particular works, goods and/or services:

- a) as part of a group of public sector bodies contracting with one or more contractors (consortium arrangement), provided the contract standing orders of one of the public sector bodies constituting the group and/or where applicable the Regulations have been followed; or

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- b) by selecting one or more contractors from a Framework or similar arrangement (including approved lists and dynamic purchasing systems), established by a public sector body in accordance with the contract standing orders of that public sector body and/or where applicable the Regulations; or

7.02. The Council's decision to enter into a contract with the recommended Contractor must be made in accordance with Contract Standing Order 9.07.

7.03. The Council shall observe these Contract Standing Orders where it procures works, goods and/or services for the benefit, or on behalf of, other public bodies.

7.04. Where the Council is considering leading on any joint procurement activities with other contracting authorities, approval must be obtained in advance of any commitment to do so and on the basis of a robust business case from:

- (a) the Cabinet where the joint procurement is liable to result in a contract award that would involve a 'key decision' by the Council;

- (b) the Head of Procurement for non-key decisions.

8. Procedure for Contracts under £160,000

8.01. Contracts for works, goods and/or services with an estimated value below £160,000 (one hundred and sixty thousand pounds) must be procured via the Corporate Sourcing Solution except where Contract Standing Order 7.01 applies or where an alternate e-sourcing solution is used that has been pre-approved in writing by the Head of Procurement.

8.02. Where a contract for works, goods and/or services has an estimated value of less than £10,000 (ten thousand pounds), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

8.03. Where a contract for goods or services has an estimated value of £10,000 (ten thousand pounds) or more, but less than £160,000 (one hundred and sixty thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution without the need for

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an advertisement or to follow the tender procedure. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement to lead on it.

- 8.04. Where a contract for works has an estimated value of £10,000 (ten thousand pounds) or more, but less than £160,000 (one hundred and sixty thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution without the need for an advertisement or to follow the competitive tender procedure. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement to lead on it.
- 8.05. The quotation procedure shall comply with Contract Standing Orders 9.02 to 9.05 and be managed by the relevant Director.
- 8.06. Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then CSO 9.01.2f applies.
- 8.07. The Head of Procurement may decide that processes in CSO 8 are not appropriate in order to secure value for money for the Council and to ensure general procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria and/or ensure compliance with procurement law. The decision and process must be properly documented.
- 8.08. Where a contract with an estimated value of £25,000 (twenty five thousand pounds) or more is advertised, the contract opportunity must be published on Contracts Finder within 24 hours of the first advertisement. The Contracts Finder publication will comply with Regulation 110 of the Public Contract Regulations as applicable.
- 8.09. Where a purchasing card is used to procure goods, works or services it cannot be used to circumvent these Contract Standing Orders. The relevant approvals in accordance with these Contract Standing Orders must be in place prior to procuring the goods, works or services.

9. Procedure for Contracts valued at £160,000 or more

- 9.01. Except as otherwise expressly permitted by or under these Contract Standing Orders, in the case of contracts for works and contracts subject to

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the Light Touch Regime (Regulation 74 of the Public Contract Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more but less than £500,000 (five hundred thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution, without the need for an advertisement or to follow the competitive tender procedure. This activity will be managed by the Head of Corporate Procurement.

9.01.1 Except as otherwise expressly permitted by or under these Contract Standing Orders, contracts for goods and/or services with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more as well as contracts for works and contracts subject to the Light Touch Regime (Regulation 74 of the Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) which have an estimated value of £500,000 (five hundred thousand pounds) or more must be let following publication of an appropriate (tender) advertisement.

9.01.2 Where tenders are to be invited the procedure to be followed shall be determined prior to advertising and be managed by the Head of Procurement and shall be one of the following:

- a) open tender procedure (all interested contractors submit a tender in response to an advertisement);
- b) restricted procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors subsequently being invited to submit a tender;
- c) competitive procedure with negotiation, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors being invited to negotiate;
- d) competitive dialogue procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to

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submit tenders based on the solution/s resulting from the dialogue;

- e) innovation partnership procedure 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by a competitive award procedure aimed at the development, and subsequent purchase, of an innovative product, service or works;
- f) where it is proposed to award a specific contract based on a framework agreement in which all the terms of the proposed contract are not laid down, a mini competition shall be held in which tenders shall be invited from all members of the framework agreement that are capable of carrying out the requirements of the specific contract;
- g) negotiated procedure without prior publication of an advertisement where the requirements of Regulation 32 of the Public Contract Regulations are made out. The Head of Procurement must first be consulted before this procedure is used.

9.01.3 Procurements requiring use of a qualitative selection questionnaire must comply with the Crown Commercial Services (CCS) guidance on the use of these questionnaires including any applicable guidance on the use of the Single Procurement Document (SPD) provided for in Regulation 59 of the Public Contract Regulations.

9.01.4 Prior approval must be obtained from the Head of Procurement to derogate from the CCS guidance referred to in 9.01.3. Any such derogation must be disclosed to the Cabinet Office.

9.02 Electronic communications, procurement documents, division into lots and receipt and opening of bids

9.02.1. Subject to the terms of Regulation 22 of the Public Contract Regulations, all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

9.02.2. Subject to the terms of Regulation 53 of the Public Contract Regulations or 34 of the Concession Contract Regulations as applicable, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement,

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or the date on which an invitation to confirm interest was sent.

- 9.02.3. The Council may award a contract in the form of separate lots and may determine the size and subject matter of such lots. Where a contract is subject to the Public Contract Regulations, if the Council determines that it should not be subdivided into lots then in compliance with Regulation 46(2) of the Public Contracts Regulations it shall provide and retain an indication of the main reasons for its decision.
- 9.02.4 The approval of contract awards, variations and extensions may be evidenced within the Corporate Procurement Systems by electronic copies of signatures or through positive acceptance (i.e. tick box, yes /no indicator or other similar means of approval).
- 9.02.8 Electronic Bids received securely may be opened at the appointed date and time by one officer or appointed consultant.
- 9.02.9. The Head of Procurement must approve the training and seniority of all officers employed to open Bids and also the arrangements for ensuring the independence of such officers from the teams involved in the competitive process.

9.03 Abnormally Low, Late or Non-Compliant Bids

- 9.03.1. In respect of any contract that is subject to the Regulations, if the Council determines that a Bid is abnormally low then it shall ask the bidder to explain the prices or costs proposed in its Bid.
- 9.03.2. Records of any non-compliant Bids and of the date and time of receipt of any late tenders must be kept by officers.
- 9.03.3. Bids received late may only be considered if the other Bids have not yet been opened and:
- a) failure to comply is the Council's fault; or
 - b) it is clear that the Bid was sent in such a way that in the normal course of events it would have arrived on time.

9.04 Dynamic Purchasing Systems

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- 9.04.1. Subject to Contract Standing Order 9.07.1, these Contract Standing Orders shall not apply where the Council procures particular works, goods and/or services under a Dynamic Purchasing System (DPS) where:
- a) A Dynamic Purchasing System (DPS) is used to carry out procurements in accordance with Regulation 34 of the Public Contract Regulations, with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.
 - b) The Council operates its own Dynamic Purchasing System (DPS) for a works, goods, or service category, this must be used to carry out the procurements related to those categories, unless otherwise agreed by the Head of Procurement.
- 9.04.2. Electronic formation of individual contracts within the DPS is permitted, subject to Contract Standing Orders 9.08.8. and 9.08.9.

9.05. E-Auctions

In appropriate cases, the submission of prices for a bid may be conducted by e-auction in accordance with Regulation 35 of the Public Contract Regulations, with the prior approval of, and in accordance with a procedure specified by, the Head of Procurement.

9.06 Post Tender Clarifications/Confirmations

- 9.06.1. Except where the competitive procedure with negotiation referred to in Contract Standing Order 9.01.2c and 9.01.2g applies, negotiation after receipt of formal bids and before the award of contract is only permitted:
- a) in circumstances which do not breach the Regulations or put other contractors at a disadvantage, distort competition or adversely affect trust in the competitive process, and
 - b) if the prior authority of the Head of Procurement has been obtained.
- 9.06.2. All communication with contractors under this Contract Standing Order 9.06.1 must be in writing or recorded in writing.

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9.07 Bid Acceptance, Contract Award and Letters of Intent

9.07.1. Bids are to be accepted on the basis:

- a) either, if the contract value is above the applicable threshold pursuant to the Regulations, of the most economically advantageous tender (“MEAT”), except where provided otherwise by the Regulations and as determined by the application of the published award criteria; or
- b) if the contract value is below the applicable threshold pursuant to the Regulations, of either (i) MEAT, or (ii) lowest cost.
- c) A Director may award, assign, or novate contracts valued less than £500,000 (five hundred thousand pounds).
- d) All contracts valued at £500,000 (five hundred thousand pounds) or more at the time of award may only be awarded, assigned, or novated by the Cabinet.
- e) The award of any contract valued at £500,000 (five hundred thousand pounds) or more is a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.
- f) In accordance with Part 5 Section C of the Constitution, the award of spot contracts for care packages and contracts for the supply of energy to the Council are not “key decisions”.

9.07.2 Where a contract has been awarded, including by way of a call off from a Framework, with an estimated value of £25,000 or more, the award must be published on Find a Tender and Contracts Finder portals.

9.07.3 Where the provision of works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed £100,000 or 10% of the total contract price, whichever is the higher value.

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9.08. Conditions Applying to All Contracts:

- 9.08.1. The tender documents in respect of every contract to which the Regulations apply shall provide for the contract to include provisions enabling the Council to terminate the contract in each of the circumstances set out in Regulation 73 of the Public Contract Regulations or Regulation 44 of the Concession Contracts Regulations, as applicable.
- 9.08.2. The tender documents in respect of every contract to which the Regulations apply shall include a requirement that the Council may require the successful contractor to enter into a collateral contract in a form approved by the Head of Legal and Governance which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court.
- 9.08.3. The decision as to whether or not a collateral contract will be required in respect of a contract will ultimately be made, before the formal contract is issued and executed, by the Head of Legal and Governance or an officer acting under his/her delegated authority.

Valued £10,000 or more:

- 9.08.4. All contracts valued at £10,000 (ten thousand pounds) or more must be in writing by way of a document prepared, or on a basis approved, by the Head of Legal and Governance.
- 9.08.5. Every contract valued at £10,000 (ten thousand pounds) or more shall specify:
- a) the works, goods or services to be provided or executed;
 - b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
 - c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period;
 - d) compliance with the Council's insurance requirements. The

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requirement to comply with the Council's standard insurance requirements may only be waived with the Director of Finance approval;

- e) compliance with the Council's equality policy;
- f) compliance with regards to the protection of personal data.

9.08.6. All contracts for the provision of services which may entail members of the service provider's staff (including agents, sub-contractors and assigns) carrying out a role that involves contact with children and/or vulnerable adults or access to their personal records shall contain a provision requiring the service provider to undertake in respect of each staff member the appropriate level of Disclosure and Baring Service check for which his/her role is eligible prior to provision of the services being carried out by the relevant staff member and at appropriate intervals thereafter.

9.08.7. All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software license might otherwise be required.

Valued £50,000 or more:

9.08.8. Every contract with a value of £50,000 (fifty thousand pounds) or more must, unless the Head of Legal and Governance and Director of Finance agree to the contrary, contain clauses to cover the following:

- a) compliance with all applicable legislation;
- b) a prohibition on assignment and/or subletting without the written consent of the Director;
- c) a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Bribery Act 2010 or incites breach of Section 117 (2) of the Local Government Act 1972;
- d) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to

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the contract;

- e) if the contractor is in breach of contract the Council can do any or all of the following:
 - i. determine all or part of the contract or determine the contractor's appointment;
 - ii. itself perform the contract in whole or in part;
 - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract;
- f) If the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for, and award of, any works/services contract, that the Council shall be entitled to terminate that contract;
- g) It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to manage a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.

9.08.9. All contracts for works and services valued at £50,000 (fifty thousand pounds) and above must include provisions for the payment of London Living Wage.

9.08.10. A contract valued at less than £250,000 (two hundred and fifty thousand pounds) does not require sealing and should either be signed or electronically approved on behalf of the Council by the relevant Director or the Head of the relevant business unit, where permitted to do so under the scheme of delegation. Where the nature of the works, goods or services is such so as to pose a high risk of significant latent defects, then the Head of Procurement may decide to have the contract executed under seal as a deed.

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Valued £250,000 or more:

9.08.11. A contract valued at £250,000 (two hundred and fifty thousand pounds) or more must be executed on behalf of the Council under seal as a deed. Where appropriate this may be undertaken electronically.

9.08.12. Every contract valued at £250,000 (two hundred and fifty thousand pounds) or more must contain clauses to cover the following:

- a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
- b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.
- c) or other means of surety as agreed by the Director of Finance or an officer acting under his/her delegated authority.

9.08.13. The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract valued at £250,000 or more will ultimately be made by the Director of Finance or an officer acting under his/her delegated authority.

10. Waivers, Variations, Extensions and Novations

10.01 Waivers

10.01.1. Contract Standing Orders other than Contract Standing Order 5 (which relates to the Regulations) may be waived on the basis set out in CSO 10.01.2 by:

- a) the Cabinet where the contract value is £500,000 (five hundred thousand pounds) or more;
- b) a Director where the contract value is less than £500,000 (five hundred thousand pounds) (save that the Director shall not have authority to waive CSO 9.08).
- c) Any waiver valued at £160,000 or above must be agreed by the Head of

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Procurement prior to engaging the supply chain.

10.01.2. A waiver may be agreed after considering a written report that demonstrates:

- a) the contract is one entered into between entities within the public sector in circumstances permitted by Regulation 12 of the Public Contract Regulations or Regulation 17 of the Concession Contract Regulations as applicable; or
- b) the contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by Regulation 77 of the Public Contracts Regulations or Regulation 24 of the Concession Contracts Regulations; or
- c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (under the law of England and Wales); or
- d) the value of the contract is below the applicable threshold pursuant to the Regulations and:
 - (i) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Standing Orders is justifiable;
 - (ii) it is in the Council's overall interest; or
 - (iii) there are other circumstances which are genuinely exceptional.

10.01.3. Waiver requests must be approved before any related contract awards.

10.01.4. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Head of Procurement.

10.01.5. Where an additional waiver of Contract Standing Orders is sought in relation to the same individual contract, whereby the aggregated value of the contract increases to £500,000 (five hundred thousand pounds) or more, the waiver must be agreed by the Cabinet.

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10.02 Variations and Extension

10.02.1. Subject to the provisions of CSO 3.01 and the Regulations (in particular Regulation 72 of the Public Contract Regulations or Regulation 43 of the Concession Contracts Regulations (as applicable), compliance with Financial Regulations and subject to satisfactory outcomes of contract monitoring; the following may authorise an extension or variation to a contract:

- a) a Director provided the value of the extension or variation is less than £500,000 (five hundred thousand pounds);
- b) the Cabinet where the value is £500,000 (five hundred thousand pounds) or more.

10.02.2. All variations and extensions must be recorded in writing and an electronic copy retained by the business unit.

10.03 Novations (Transfers)

In circumstances permitted in Regulation 72 of the Public Contract Regulations or Regulation 43 of the Concession Contracts Regulations or where the value of a contract is below the applicable threshold pursuant to the Regulations the Council may agree to the novation or assignment of a contract.

11. Contract Termination

11.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated contract(s) and initiate alternative arrangements as may be required taking into account Contract Standing Order 10.03 in cases of novation or Contract Standing Order 4.01 in cases that warrant the re-letting of the contract(s).

11.02. The decision to terminate a contract early in all other circumstances must be approved by a Director.

11.03. In all cases of contract termination for whatever reason where the awarded contract value was £500,000 (five hundred thousand pounds) or more a report must be presented at the earliest opportunity to Cabinet.

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12. Schools

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

13. Care Contracts for Individuals

Subject to Regulation 74 of the Public Contract Regulations and Regulation 19 of the Concession Regulations as applicable, Adults & Housing Services and the Children & Young People's Service care contracts may be 'block' contracts (where a number of beds, places or services are provided by the contractor at pre-agreed pricing schedules, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor without pre-agreed prices, such prices to be agreed upon each referral of a user over the contract period). The Directors of the Adult's, Health & Communities Services and the Children's Service will seek to optimise the overall best value for the Council. The following provisions shall apply to the Adult's, Health & Communities Services and the Children's Service care contracts:

- a) All Contract Standing Orders apply to block contracts;
- b) Where a spot contract has an estimated value of less than £160,000 (one hundred and sixty thousand pounds), CSO 8.02 and CSO 8.03 shall not apply, and the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- c) Where a spot contract has an estimated value of £160,000 (one hundred and sixty thousand pounds) or more, CSO 9.01 shall apply.

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14. Alexandra Palace and Park

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

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

15. Disposal of assets

- 15.01. Where Council assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavors must be undertaken to realise the residual value of the assets.
- 15.02. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of business unit, provided that the disposal shall be in favour of recycling wherever possible.
- 15.03. In respect of assets to be disposed of having an estimated value of less than £10,000 (ten thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 15.04. Assets recommended for disposal with an estimated value of £10,000 (ten thousand pounds) or more, shall be disposed of in such a manner as to secure best value.
- 15.05. Disposal of assets valued at £250,000 (two hundred and fifty thousand pounds) or more must be reported to the Cabinet.

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15.06. Under no circumstances shall disposal of Council assets be made to employees or Members of the Council without the prior approval of the relevant Director.

16. Urgent Decisions/Decisions Required in-between Cabinet Meetings

16.01. These provisions apply where action needs to be taken between meetings of the Cabinet or in cases of urgency and that action would be outside the powers given to a Director under these Contract Standing Orders.

16.02. Decisions reserved to Members under these Contract Standing Orders will ordinarily be taken at a Cabinet meeting. Notwithstanding this, the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities or to a Committee of the Cabinet.

16.03 The provisions of the Access to Information Procedure Rules at Part 4 of this Constitution will apply. All key decisions should be listed on the forward plan accordingly. Where a decision is urgent, rules 16 and 17 within the Access to Information Procedure Rules will apply.

17. Application of CSOs to Grants

Approval for Receipt of Grants by the Council from External Bodies

17.1 Where the Council receives a grant from an external body, the process for approving or varying the agreement for the grant shall be the same as that set out in CSO 9.07 (i.e. the Director may approve receipt of a grant valued at less than £500,000. For approval of receipt of grants valued at £500,000 or more, a Cabinet decision is required).

17.2 The Council's requirements in respect of execution of contracts as deeds (CSO 9.08.9) shall not apply in respect of grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the business unit or authenticated by Approved Electronic Means.

Approval for Payment of Grants from the Council to External Bodies

- 17.3 Where the Council awards a grant to an external body, the process for approving or varying the agreement for the grant shall be the same as that set out in CSO 9.07 (i.e. the Director may approve awards of grants valued less than £500,000. For approval of award of grants valued at £500,000 or more, a Cabinet decision is required).

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0. Statement of Principles

0.1 The Contract Standing Orders provide the ~~framework rules~~constitutional basis for the Council's procurement of works, goods and services. Following them will assist ~~to ensure~~in ensuring statutory compliance, value for money, propriety and the proper spending of public money.

0.2 The Procurement Code of Practice provides more detail and shall govern Council ~~tendering~~procurement and contract procedures. The Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice and all such other guidance issued by the Head of Procurement.

0.3 The Head of Procurement shall make the latest version of the Contract Standing Orders and the Procurement Code of Practice available to every Director, Member and officer of the Council. Directors, or officers acting on their behalf, shall apply the requirements of the Contract Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.

0.4 Procurement activity shall be used (amongst other things) to achieve Best Value in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of Best Value with regards the optimal combination of economy, efficiency and effectiveness.

0.5 Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant ~~law~~laws of England and Wales ~~and of the European Union~~.

0.6 ~~0.6~~—Directors shall ensure that the Cabinet or an appropriate Member of the Cabinet is consulted on any procurement activity prior to its publication in the Council's Forward Plan.

~~0.7~~—

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[0.7](#) Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.

~~0.8~~[0.8](#) No Member of the Council shall enter into any contract on the Council's behalf.

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~~0.9.0.9~~ No Member of the Council shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

1. Introduction

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value [is obtained when procuring](#) works, goods and services ~~are provided.~~ Efficient use of resources ~~in order~~ to achieve Best Value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with Contract Standing Orders and the Procurement Code of Practice when letting contracts and raising orders with suppliers. Employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit & Risk Management.
- 1.03. Unless otherwise provided within these Contract Standing Orders or the Procurement Code of Practice or with the express approval of the Head of Procurement, all ~~procurements~~[procurement](#) should be conducted via the Corporate Procurement Systems, regardless of value.
- 1.04. Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

2. Definitions and Interpretation

- 2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.
- 2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them:

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- a) **“Approved Electronic Means”** means such electronic means of authenticating the formation of a contract, which may include the use of electronic signatures, [positive approval through the use of check boxes or other similar means](#), as may be expressly approved by the ~~Assistant Director~~[Head](#) of ~~Corporate~~[Legal and](#) Governance from time to time or for a specific contract;
- b) **“Bids”** means Tenders and Quotations;

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- c) **“Concession Contracts Regulations”** means the Concession Contracts Regulations 2016 (SI 2016/273), as amended from time to time;
- d) **“Contracts Finder”** means a web-based portal provided by or on behalf of the Cabinet Office;
- e) **“Corporate Procurement Systems”** ~~means any one of~~includes the following:
- ~~the Corporate Contract Repository being the Wax Digital Contract Management and Supplier Relationship Systems;~~
 - ~~the Corporate Dynamic Purchasing System (DPS) being the Council’s web-based dynamic purchasing system currently provided by adam-HTT (as amended);~~
 - ~~the Corporate Sourcing Solution being the Wax Digital Sourcing Solution;~~
 - or suchThe corporate sourcing solution, dynamic purchasing systems (DPS), contract management and performance management systems as referred to in the Procurement Code of Practice, or
 - Such other systems as may be approved by the Head of Procurement from time to time;
- f) **“Director”** means an employee of the Council holding a post designated as:
- The Chief Executive
 - A member of the Strategic Leadership Team
 - A Director or Assistant Director;
- ~~g) “EU” means the European Union;~~
- g) “Director of Finance” means the Councils most senior Finance Officer, as amended from time to time;
- h) “Find a Tender Service “ means a web-based portal provided by or on behalf of the Cabinet Office or any successor as amended from time to time;
- i) “Head of Legal and Governance” means the Council most senior Legal Officer, as amended from time to time;

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j) “Head of Procurement” means the Council most senior Procurement Officer, as amended from time to time;

k) “London Living Wage” means as defined by the Living Wage Foundation (<https://www.livingwage.org.uk/what-real-living-wage>);

~~h)~~l) “Public Contract Regulations” means the Public Contracts Regulations 2015 (SI 2015/102), as amended from time to time;

~~i)~~m) “Regulations” means the Concession Contracts Regulations 2016, [The Utilities Contracts Regulations 2016](#) and the Public Contracts Regulations, as amended from time to time.

2.03. In the event of any conflict between ~~EU law~~, the law of England and Wales and Council policy, the requirements of ~~EU law shall prevail over the law of England and Wales and the requirements of the~~ law of England and Wales shall prevail over Council policy.

2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Head of Procurement.

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3. Roles & Responsibilities

3.01 The Cabinet (and Pensions Committee where relevant) will:

- a) hold Directors accountable for any decisions they make under their delegated authority or under these Contract Standing Orders;
- b) approve awards of contract valued at £500,000 (five hundred thousand pounds) or more;
- c) approve any variation or extension valued at £500,000 (five hundred thousand pounds) or more, whether or not such variation or extension was included in the original award in b) above;
- d) ensure that the award of any contract and any extension or variation with an aggregated value at £500,000 (five hundred thousand) or more is treated as a ~~'key decision'~~'Key Decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.
- e) Where an award of a contract and any extension or variation that has previously been approved under 3.01 d) above, following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent extensions and variations up to the aggregated value of £500,000 (five hundred thousand) and any such variation(s) or extension(s) will not be treated as a 'Key Decision'.
- f) For the avoidance of doubt, where the additional cumulative value of all variations and extensions of the original key decision is £500,000 (five hundred thousand) or more, this will be treated as a 'Key Decision' and 3.01 d) will apply.
- g) Where a Director undertakes a decision in relation to 3.01 e) above, details of the extension or variation must be reported retrospectively via the quarterly financial update report to Cabinet.

3.02 Directors

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

- a) to ensure compliance with ~~EU law~~, the law of England and Wales and Council Policy;
- b) to ensure value for money in all procurement matters;
- c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;
- d) to maintain a departmental scheme of delegation;
- e) to ensure that all relevant officers are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
- g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;

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- h) to keep: (i) copies of all concluded contracts as required by Regulation 83 of the Public Contract Regulations, and ensure electronic copies of such contracts are stored ~~in the Council's Corporate Contract Repository~~, and (ii) proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the contract, as required by Regulation 84 of the Public Contract Regulations;
- i) to keep records of waivers of any provision of these Contract Standing Orders and forward a copy of such signed records to the ~~Corporate Strategic~~ Procurement ~~Unit~~;
- j) to make appropriate arrangements for the opening of bids and their secure retention so as to protect the integrity of the procurement process;
- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved Electronic Means as provided for in these Contract Standing Orders;
- l) to ensure original sealed contract documents are held by the ~~Assistant Director~~Head of ~~Corporate Legal and~~ Governance for safekeeping;
- m) to record all contracts valued at £10,000 or more in the Corporate Contracts ~~Repository~~Register;
- n) to ensure effective management of all contracts under his/her control and to a level deemed appropriate in regard to risk or value of each contract.
- o) to ensure that no contract is let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget.
- p) to record and report on decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E - paragraphs

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3.01 to 3.05 of the Councils Constitution. Procurement decisions including any contract award, variation and extension of £100,000 or more are mainly executive decisions and should be reported to Cabinet.

⇒

3.03 **Pensions Committee**

The Pensions Committee shall have the same powers and duties of the Cabinet specified in these Contract Standing Orders but limited to procurement decisions and award of contracts relating to the Pension Fund.

4. **Scope of Contract Standing Orders**

4.01. These Contract Standing Orders shall apply to all contracts for the procurement by the Council of works, goods and services (including concessions) unless otherwise expressly stated or these requirements are waived in accordance with Contract Standing Order 10.

4.02. Where the Council:

- a) secures funding from an external funding body, or
- b) intends to assign grant funding to an external body;

Contract Standing Order 17 and the forming of necessary agreements shall apply.

4.03. These Contract Standing Orders shall **not apply** to contracts falling within Regulation 10 of the Public Contract Regulations. For the avoidance of doubt, this exclusion applies to (amongst other things) contracts of employment, certain contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases).

4.04. These Contract Standing Orders shall **not apply** to contracts falling within Regulation 10 of the Concession Contracts Regulations. For the avoidance of doubt, this exclusion applies to (but not limited to) air transport and passenger transport services, certain contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases).

5. **~~EU~~ Public Procurement Directives**

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

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6. Contract Value and Aggregation

- 6.01. Directors must ensure that a pre-tender estimate of the total contract value is prepared and recorded in writing and in order to determine whether the thresholds under the Regulations apply.
- 6.02. Unless otherwise specifically provided and subject to Contract Standing Order 6.04, reference to total contract value or an estimated total contract value in these Contract Standing Orders means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any extension periods as anticipated in the proposed contract.
- 6.03. A contract's value must not be artificially under or ~~over~~ [estimated](#)~~overestimated~~ or divided into two or more separate contracts with the intention of avoiding the application of Contract Standing Orders or the Regulations.

~~6.04.~~ [6.04](#)—In the case of Concession Contracts these are to be calculated in accordance with Regulation 9. (3) – (11) of the Concession Contract Regulations.

7. Framework, Consortia and Joint Procurement Arrangements

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

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systems), established by a public sector body in accordance with the contract standing orders of that public sector body and/or where applicable the Regulations; or

~~e) by selecting one or more contractors from ConstructionLine in accordance with the criteria applicable to the project.~~

7.02. The Council's decision to enter into a contract with the recommended Contractor must be made in accordance with Contract Standing Order 9.07.

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7.03. The Council shall observe these Contract Standing Orders where it procures works, goods and/or services for the benefit, or on behalf of, other public bodies.

7.04. ~~7.04~~—Where the Council is considering leading on any joint procurement activities with other contracting authorities, approval must be obtained in advance of any commitment to do so and on the basis of a robust business case from:

(a) the Cabinet where the joint procurement is liable to result in a contract award that would involve a ‘key decision’ by the Council;

~~(b) the Chief Operating Officer, after consultation with the Leader of the Council, in other cases.~~

(b) the Head of Procurement for non-key decisions.

8. Procedure for Contracts under £160,000

8.01. Contracts for works, goods and/or services with an estimated value below £160,000 (one hundred and sixty thousand pounds) must be procured via the Corporate Sourcing Solution except ~~whereby~~where Contract Standing Order 7.01 applies or where an alternate e-sourcing solution is used that has been pre-approved in writing by the Head of Procurement.

8.02. Where a contract for works, goods and/or services has an estimated value of less than £10,000 (ten thousand pounds), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

8.03. Where a contract for goods or services has an estimated value of £10,000 (ten thousand pounds) or more, but less than £160,000 (one hundred and sixty thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution without the need for an advertisement or to follow the tender procedure. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement to lead on it.

8.04. Where a contract for works has an estimated value of £10,000 (ten thousand pounds) or more, but less than £160,000 (one hundred and sixty thousand pounds) or more, but less than £160,000 (one hundred and sixty

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thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution ~~or via ConstructionLine~~ without the need for an advertisement or to follow the competitive tender procedure. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement to lead on it.

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- 8.05. The quotation procedure shall comply with Contract Standing Orders 9.02 to 9.05 and be managed by the relevant Director.
- 8.06. Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then CSO 9.01.2f applies.
- 8.07. The Head of Procurement may decide that processes in CSO 8 are not appropriate in order to secure value for money for the Council and to ensure general ~~EU~~ procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria and/or ensure compliance with ~~EU~~ procurement law. The decision and process must be properly documented.
- 8.08. Where a contract with an estimated value of £25,000 (twenty five thousand pounds) or more is advertised, the contract opportunity must be published on Contracts Finder within 24 hours of the first advertisement. The Contracts Finder publication will comply with Regulation 110 of the Public Contract Regulations as applicable.

8.09. Where a purchasing card is used to procure goods, works or services it cannot be used to circumvent these Contract Standing Orders. The relevant approvals in accordance with these Contract Standing Orders must be in place prior to procuring the goods, works or services.

9. Procedure for Contracts valued at £160,000 or more

9.01. Except as otherwise expressly permitted by or under these Contract Standing Orders, in the case of contracts for works and contracts subject to the Light Touch Regime (Regulation 74 of the Public Contract Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more but less than £500,000 (five hundred thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution ~~or via ConstructionLine~~, without the need for an advertisement or to follow the competitive tender procedure. This activity will be managed by the Head of Corporate Procurement.

9.01.1 Except as otherwise expressly permitted by or under these Contract

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Standing Orders, contracts for goods and/or services with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more as well as contracts for works and contracts subject to the Light Touch Regime (Regulation 74 of the Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) which have an estimated value of £500,000 (five hundred thousand pounds) or more must be let following publication of an appropriate (tender) advertisement.

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9.01.2 Where tenders are to be invited the procedure to be followed shall be determined prior to advertising and be managed by the Head of Procurement and shall be one of the following:

- a) open tender procedure (all interested contractors submit a tender in response to an advertisement);
- b) restricted procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors subsequently being invited to submit a tender;
- c) competitive procedure with negotiation, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors being invited to negotiate;
- d) competitive dialogue procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue;
- e) innovation partnership procedure 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by a competitive award procedure aimed at the development, and subsequent purchase, of an innovative product, service or works;
- f) where it is proposed to award a specific contract based on a framework agreement in which all the terms of the proposed contract are not laid down, a mini-competition shall be held in which tenders shall be invited from all members of the framework agreement that are capable of carrying out the requirements of the specific contract;
- g) negotiated procedure without prior publication of an advertisement where the requirements of Regulation 32 of the Public Contract

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Regulations are made out. The Head of Procurement must first be consulted before this procedure is used.

- 9.01.3 Procurements requiring use of a qualitative selection questionnaire must comply with the Crown Commercial Services (CCS) guidance on the use of these questionnaires including any applicable guidance on the use of

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the ~~European~~ Single Procurement Document (~~ESPD~~~~SPD~~) provided for in Regulation 59 of the Public Contract Regulations.

9.01.4 Prior approval must be obtained from the Head of Procurement to derogate from the CCS guidance referred to in 9.01.3. Any such derogation must be disclosed to the Cabinet Office.

9.02 Electronic communications, procurement documents, division into lots and receipt and opening of bids

9.02.1. Subject to the terms of Regulation 22 of the Public Contract Regulations, all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

9.02.2. Subject to the terms of Regulation 53 of the Public Contract Regulations or 34 of the Concession Contract Regulations as applicable, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement, or the date on which an invitation to confirm interest was sent.

9.02.3. The Council may award a contract in the form of separate lots and may determine the size and subject-matter of such lots. Where a contract is subject to the Public Contract Regulations, if the Council determines that it should not be subdivided into lots then in compliance with Regulation 46(2) of the Public Contracts Regulations it shall provide and retain an indication of the main reasons for its decision.

9.02.4 The approval of contract awards, variations and extensions may be evidenced within the Corporate Procurement Systems by electronic copies of signatures ~~;~~ or through positive acceptance (i.e tick box, yes /no indicator or other similar means of approval).

~~9.02.5 Due to the nature of works documentation, if Bids cannot be submitted electronically, contractors must be informed that their Bids will only be considered if they are:~~

~~a) sent in a plain envelope or parcel with a label on which is printed either with the word "Tender" or "Quotation" followed by the subject of the contract; and~~

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- ~~b) contained in a sealed envelope or parcel which does not show the identity of the contractor in any way; and~~
- ~~c) delivered to the place and by the date and time stated in the invitation.~~

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~~9.02.6. Bids must be kept safe until the date and time for their opening by the officers given this duty by the Director or Head of Procurement, whichever is responsible for managing the process.~~

~~9.02.7. Non-electronic Bids must be opened at the same time in the presence of two officers, one of whom has had no involvement in the process. These officers shall be responsible for properly recording the price, duration of any works and all other relevant details of each opened Bid.~~

9.02.8 Electronic Bids received securely may be opened at the appointed date and time by one officer or appointed consultant.

9.02.9 The Head of Procurement must approve the training and seniority of all officers employed to open Bids and also the arrangements for ensuring the independence of such officers from the teams involved in the competitive process.

9.03 Abnormally Low, Late or Non Compliant Bids

9.03.1. In respect of any contract that is subject to the Regulations, if the Council determines that a Bid is abnormally low then it shall ask the bidder to explain the prices or costs proposed in its Bid.

9.03.2. Records of any non-compliant Bids and of the date and time of receipt of any late tenders must be kept by officers.

9.03.3. Bids received late may only be considered if the other Bids have not yet been opened and:

- a) failure to comply is the Council's fault; or
- b) it is clear that the Bid was sent in such a way that in the normal course of events it would have arrived on time.

9.04 Dynamic Purchasing Systems

~~9.04.1. In appropriate cases, Subject to Contract Standing Order 9.07.1, these Contract Standing Orders shall not apply where the Council procures particular works, goods and/or services under a Dynamic Purchasing System (DPS) may be where:~~

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9.04.1.a) A Dynamic Purchasing System (DPS) is used to carry out procurements in accordance with Regulation 34 of the Public Contract Regulations, with the prior approval of, and in accordance with a procedure specified by, the Head of Procurement.

9.04.2.b) WhereThe Council operates its own Dynamic Purchasing System (DPS) for a DPS is to be works, goods, or service category, this must be used to carry out ~~a procurement this must be done through the Corporate DPS procurements related to those categories,~~ unless ~~prior written agreement from~~otherwise agreed by the Head of Procurement ~~has been obtained.~~ .

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~~9.04.3~~9.04.2. Electronic formation of individual contracts within the DPS is permitted, subject to Contract Standing Orders 9.08.8. and 9.08.9.

9.05. E-Auctions

In appropriate cases, the submission of prices for a bid may be conducted by e-auction in accordance with Regulation 35 of the Public Contract Regulations, with the prior approval of, and in accordance with a procedure specified by, the Head of Procurement.

9.06 Post Tender Clarifications/Confirmations

9.06.1. Except where the competitive procedure with negotiation referred to in Contract Standing Order 9.01.2c and 9.01.2g applies, negotiation after receipt of formal bids and before the award of contract is only permitted:

- a) in circumstances which do not [breach the Regulations or](#) put other contractors at a disadvantage, distort competition or adversely affect trust in the competitive process, and
- b) if the prior authority of the Head of Procurement has been obtained.

9.06.2. All communication with contractors under this Contract Standing Order 9.06.1 must be in writing or recorded in writing.

9.07 Bid Acceptance, Contract Award and Letters of Intent

9.07.1. Bids are to be accepted on the basis:

- a) a) either, if the contract value is above the applicable threshold pursuant to the Regulations, of the most economically advantageous tender ([“MEAT”](#)), [except where provided otherwise by the Regulations and](#) as determined by the application of the published award criteria ([“MEAT”](#)); or
- b) if the contract value is below the applicable threshold pursuant to the Regulations, of either (i) MEAT, or (ii) lowest cost.
- c) A Director may award, assign, or novate contracts valued less than

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£500,000 (five hundred thousand pounds).

- d) All contracts valued at £500,000 (five hundred thousand pounds) or more at the time of award may only be awarded, assigned, or novated by the Cabinet.

- e) The award of any contract valued £500,000 (five hundred thousand pounds) or more is a 'key decision' and as such must be in the [Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.](#)

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~~Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.~~

- f) In accordance with Part 5 Section C of the Constitution, the award of spot contracts for care packages and contracts for the supply of energy to the Council are not “key decisions”.

9.07.2 Where a contract has been awarded, including by way of a call off from a Framework ~~(but not by way of a contract placed under a DPS)~~, with an estimated value of £25,000 or more, the award must be published on [Find a Tender and Contracts Finder portals](#).

~~9.07.3~~ Where the provision of works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council’s best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed

~~9.07.3~~ £100,000 or 10% of the total contract price, whichever is the higher value.

9.08. Conditions Applying to All Contracts:

9.08.1. The tender documents in respect of every contract to which the Regulations apply shall provide for the contract to include provisions enabling the Council to terminate the contract in each of the circumstances set out in Regulation 73 of the Public Contract Regulations or Regulation 44 of the Concession Contracts Regulations, as applicable.

~~9.08.1A.~~

~~9.08.2.~~ The tender documents in respect of every contract to which the Regulations apply shall include a requirement that the Council may require the successful contractor to enter into a collateral contract in a form approved by the ~~Assistant Director~~[Head of Corporate Legal and Governance](#) which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court.

~~9.08.3.~~ ~~9.08.1B.~~ The decision as to whether or not a collateral contract will be required in respect of a contract will ultimately be made, before the formal contract is issued and executed, by the ~~Assistant Director~~[Head of Corporate Legal and Governance](#) or an officer acting under his/her delegated authority.

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Valued £10,000 or more:

~~9.08.2-9.08.4.~~ 9.08.4. All contracts valued at £10,000 (ten thousand pounds) or more must be in writing by way of a document prepared, or on a basis approved, by the ~~Assistant Director~~Head of ~~Corporate~~Legal and Governance.

~~9.08.3-9.08.5.~~ 9.08.5. Every contract valued at £10,000 (ten thousand pounds) or more shall specify:

- a) the works, goods or services to be provided or executed;
- b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
- c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period;
- d) compliance with the Council's insurance requirements. The requirement to comply with the Council's standard insurance requirements may only be waived with the ~~Chief~~Director of Finance Officer's approval;
- e) compliance with the Council's equality policy;
- f) compliance with regards to the protection of personal data.

~~9.08.4-9.08.6.~~ 9.08.6. All contracts for the provision of services which may entail members of the service provider's staff (including agents, sub-contractors and assigns) carrying out a role that involves contact with children and/or vulnerable adults or access to their personal records shall contain a provision requiring the service provider to undertake in respect of each staff member the appropriate level of Disclosure and Baring Service check for which his/her role is eligible prior to provision of the services being carried out by the relevant staff member and at appropriate intervals thereafter.

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~~9.08.5-9.08.7.~~ 9.08.7. All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

Valued £50,000 or more:

~~9.08.6.~~ Every contract with a value of £50,000 (fifty thousand pounds) or more must, unless the ~~Assistant Director~~Head of ~~Corporate~~Legal and Governance and ~~Chief~~

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[9.08.8. Director of Finance](#)~~Officer~~ agree to the contrary, contain clauses to cover the following:

- a) compliance with all applicable legislation;
- b) a prohibition on assignment and/or subletting without the written consent of the Director;
- c) a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Bribery Act 2010 or incites breach of Section 117 (2) of the Local Government Act 1972;
- d) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- e) if the contractor is in breach of contract the Council can do any or all of the following:
 - i. determine all or part of the contract or determine the contractor's appointment;
 - ii. itself perform the contract in whole or in part;
 - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract;
- f) If the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for, and award of, any works/services contract, that the Council shall be entitled to terminate that contract;
- g) It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to manage a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.

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9.08.9. All contracts for works and services valued at £50,000 (fifty thousand pounds) and above must include provisions for the payment of London Living Wage.

~~9.08.7.~~ A contract valued at less than £250,000 (two hundred and fifty thousand pounds) does not require sealing and should either be signed or electronically approved on behalf of the Council, by ~~both~~ the relevant Director and by the Head of the relevant business unit, ~~or authenticated by Approved Electronic Means. However, if~~ where permitted to do so under the scheme of delegation. Where the nature of the works, goods or services is such so as to pose

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[9.08.10.](#) a high risk of significant latent defects, then the Head of Procurement may decide to have the contract executed under seal as a deed.

Valued £250,000 or more:

~~9.08.8-9.08.11.~~ A contract valued at £250,000 (two hundred and fifty thousand pounds) or more must be executed on behalf of the Council under seal as a deed. Where appropriate this may be undertaken electronically.

~~9.08.12.9.08.09.~~ Every contract valued at £250,000 (two hundred and fifty thousand pounds) or more must contain clauses to cover the following:

- a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
- b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.
- c) [9.08.10. or other means of surety as agreed by the Director of Finance or an officer acting under his/her delegated authority.](#)

[9.08.13.](#) The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract valued at £250,000 or more will ultimately be made by the [Chief Director of Finance](#)~~Officer~~ or an officer acting under his/her delegated authority.

10. Waivers, Variations, Extensions and Novations

10.01 Waivers

10.01.1. Contract Standing Orders other than Contract Standing Order 5 (which relates to the Regulations) may be waived on the basis set out in CSO 10.01.2 by:

- a) the Cabinet where the contract value is £500,000 (five hundred thousand pounds) or more;
- b) a Director where the contract value is less than £500,000 (five hundred thousand pounds) (save that the Director shall not have

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authority to waive CSO 9.08).

- c) [Any waiver valued at £160,000 or above must be agreed by the Head of Procurement prior to engaging the supply chain.](#)

10.01.2. A waiver may be agreed after considering a written report that demonstrates:

- a) the contract is one entered into between entities within the public sector in circumstances permitted by Regulation 12 of the Public [Contract Regulations](#) or Regulation 17 of the [Concession Contract Regulations](#) as applicable; or

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~~Contract Regulations or Regulation 17 of the Concession Contract Regulations as applicable; or~~

- b) the contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by Regulation 77 of the Public Contracts Regulations or Regulation 24 of the Concession Contracts Regulations; or
- c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (~~whether under EU law or~~ the law of England and Wales); or
- d) the value of the contract is below the applicable threshold pursuant to the Regulations and:
 - (i) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Standing Orders is justifiable;
 - (ii) it is in the Council's overall interest; or
 - (iii) there are other circumstances which are genuinely exceptional.

10.01.3. Waiver requests must be approved before any related contract awards, ~~variations or extensions.~~

10.01.4. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Head of Procurement.

10.01.5. Where an additional waiver of Contract Standing Orders is sought in relation to the same individual contract, whereby the aggregated value of the contract increases to £500,000 (five hundred thousand pounds) or more, the waiver must be agreed by the Cabinet.

10.02 Variations and Extension

10.02.1. Subject to the provisions of CSO 3.01 and the Regulations (in particular Regulation 72 of the Public Contract Regulations or Regulation 43 of the

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Concession Contracts Regulations (as applicable), compliance with Financial Regulations and subject to satisfactory outcomes of contract monitoring; the following may authorise an extension or variation to a contract:

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- a) a Director provided the value of the extension or variation is less than £500,000 (five hundred thousand pounds);
- b) the Cabinet where the value is £500,000 (five hundred thousand pounds) or more.

10.02.2. All variations and extensions must be recorded in writing and an electronic copy ~~maintained within the Council's Corporate Contract System~~retained by the business unit.

10.03 Novations (Transfers)

In circumstances permitted in Regulation 72 of the Public Contract Regulations or Regulation 43 of the Concession Contracts Regulations or where the value of a contract is below the applicable threshold pursuant to the Regulations the Council may agree to the novation or assignment of a contract.

11. Contract Termination

11.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated contract(s) and initiate alternative arrangements as may be required taking into account Contract Standing Order 10.03 in cases of novation or Contract Standing Order 4.01 in cases that warrant the re-letting of the contract(s).

11.02. The decision to terminate a contract early in all other circumstances must be approved by a Director.

11.03. In all cases of contract termination for whatever reason where the awarded contract value was £500,000 (five hundred thousand pounds) or more a report must be presented at the earliest opportunity to Cabinet.

12. Schools

In accordance with the requirements of the Council's Scheme for Financing Schools and the Financial Regulations for Schools, where a school acts as an agent for the Council, these Contract Standing Orders apply to all schools within the London Borough of Haringey with the

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exception of Academy and Trust Schools. A school's governing body shall have the powers and duties of the Cabinet specified in these Contract Standing Orders, except in relation to waivers (CSO 10.01).

13. Care Contracts for Individuals

Subject to Regulation 74 of the Public Contract Regulations and Regulation 19 of the Concession Regulations as applicable, Adults & Housing Services and the Children & Young People's Service care contracts may be 'block' contracts (where a number of beds, places or services are provided by the contractor at pre-agreed pricing schedules, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor without pre-agreed prices, such prices to be agreed upon each referral of a user over the contract period). The Directors of the ~~Adult & Housing~~[Adult's, Health & Communities](#) Services and the ~~Children & Young People's~~[Children's](#) Service will seek to optimise overall best value for the Council. The following provisions shall apply to the ~~Adults & Housing~~[Adult's, Health & Communities](#) Services and the ~~Children & Young People's~~[Children's](#) Service care contracts:

- a) All Contract Standing Orders apply to block contracts;
- b) Where a spot contract has an estimated value of less than £160,000 (one hundred and sixty thousand pounds), CSO 8.02 and CSO 8.03 shall not apply, and the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- c) Where a spot contract has an estimated value of £160,000 (one hundred and sixty thousand pounds) or more, CSO 9.01 shall apply.

14. Alexandra Palace and Park

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

- a) The Chief Executive of APPCT shall have the powers and duties of a Director specified in Contract Standing Orders;
- b) The Alexandra Palace and Park Board and Panel shall have the

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powers and duties of the Cabinet and a Cabinet Member specified in these Contract Standing Orders;

- c) In the event of any conflict, the requirements of the Charities Act 1993, any regulations made under that Act or charity law in general shall prevail over the provisions of Contract Standing Orders.

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15. Disposal of assets

- 15.01. Where Council assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.
- 15.02. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of ~~Business Unit~~business unit, provided that the disposal shall be in favour of recycling wherever possible.
- 15.03. In respect of assets to be disposed of having an estimated value of less than £10,000 (ten thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 15.04. Assets recommended for disposal with an estimated value of £10,000 (ten thousand pounds) or more, shall be disposed of in such a manner as to secure best value.
- 15.05. Disposal of assets valued at £250,000 (two hundred and fifty thousand pounds) or more must be reported to the Cabinet.
- 15.06. Under no circumstances shall disposal of Council assets be made to employees or Members of the Council without the prior approval of the relevant Director.

16. Urgent Decisions/Decisions Required in-between Cabinet Meetings

- 16.01. These provisions apply where action needs to be taken between meetings of the Cabinet or in cases of urgency and that action would be outside the powers given to a Director under these Contract Standing Orders.
- 16.02. Decisions reserved to members under these Contract Standing Orders will ordinarily be taken at a Cabinet meeting. Notwithstanding this, the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member

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having the relevant portfolio responsibilities or to a Committee of the Cabinet.

- 16.03 The provisions of the Access to Information Procedure Rules at Part 4 of this Constitution will apply. All key decisions should be listed on the forward plan accordingly. Where a decision is urgent, rules 16 and 17 within the Access to Information Procedure Rules will apply.

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17. Application of CSOs to Grants

Approval for Receipt of Grants by the Council from External Bodies

- 17.1 Where the Council receives a grant from an external body, the process for approving or varying the agreement for the grant shall be the same as that set out in CSO 9.07 (i.e. the Director may approve receipt of a grant valued less than £500,000. For approval of receipt of grants valued at £500,000 or more, a Cabinet decision is required).
- 17.2 The Council's requirements in respect of execution of contracts as deeds (CSO 9.08.9) shall not apply in respect of grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the ~~Business Unit~~[business unit](#) or authenticated by Approved Electronic Means.

Approval for Payment of Grants from the Council to External Bodies

- 17.3 Where the Council awards a grant to an external body, the process for approving or varying the agreement for the grant shall be the same as that set out in CSO 9.07 (i.e. the Director may approve awards of grants valued less than £500,000. For approval of award of grants valued at £500,000 or more, a Cabinet decision is required).

Report for: Standards Committee 27th of June 2023

Title: Responses to three of the recommendations arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions

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

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

Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1 The Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023 indicated that constitutional related actions would be going forward to the Standards Committee in June/ October 2023 & Full Council in July/ November 2023.
- 1.2 This report responds to the recommendation that the Council issue additional guidance on the role of Council appointees to voluntary sector organisations, reminding them of their role as stewards of public funds and assets is attached at Appendix 1. The advice provided by the Monitoring Officer on Outside bodies includes additional wording on the role as stewards of public funds. The Action Plan indicates that existing guidance will be reviewed and new guidance or amendments as required will be implemented. This has been updated in consultation with the Constitution Review Working Group. The review identified a need for training for members and officers relating to this area. This took place on 15th of June 2023. There is an action to look to having a Signed declaration of having read new guidance and this is planned for implementation following Council approval in July.
- 1.3 The response to recommendation that the Council review guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors, is attached at Appendix 2. This has been compiled by considering the seven principles of public life, the Planning Protocol of the Council and LGA guidance on ethical governance. The action plan agreed by the Cabinet on the 18th of April, indicates an initial document to Standards in June, Council in July and then Standards in October and Council in November 2023. The Constitution Working Group comments are included in this guidance.

- 1.4 The response to recommendation that further information on the Leader's powers are included in the Constitution are attached and this shows some additional wording added to the Protocol for Decision Making to provide consistency and support for good decision making. There will be officer training on decision making reports managed by Legal services and supported by Democratic services, Procurement Team and Policy team where these additions will be highlighted. The Asset Management Plan action plans, also identifies a full review of property related processes. This review will inform any required further updates to Section D and part 5 of the Constitution, in November from a service perspective and will come to Standards in October .

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To consider and recommend the adoption of Appendix 1 – Advice on Outside Bodies to full Council on the 17th of July 2023.
- 3.2 To consider and recommend the adoption of Appendix 2 -- Guidance for Councillors on contact with third parties and stakeholders. to full Council on the 17th of July 2023.
- 3.3 To consider and recommend the adoption of Appendix 3(track changes) and Appendix 4(final version) of updates to the Part 5 Section D, Protocol for Decision Making, to full Council on the 17th of July 2023.

4. Reason for recommendations

- 4.1 To respond to the Action Plan for the Independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023 indicated that constitutional related actions would be going forward to the Standards Committee in June/ October 2023 & Full Council in July/November 2023.

5. Alternative Options

None - As this report and appendices are a requirement of the Action Plan arising from the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions, approved at Cabinet on the 18th of April 2023.

4. Background information

- 4.1 As set out in paragraphs 1.1 to 1.4. The cross-party Constitution Working Group has been consulted on and commented on the appendices put forward for approval.

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

Finance

- 5.1 There are no direct financial implications arising as a result of The Review recommendations. Any changes in practice, as a result of the implementation of the recommendations will of course improve the financial efficiency of the Council.

Head of Legal and Governance & Monitoring Officer

These are set out within the report.

Equalities

The council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

The recommendations relate to governance changes to allow for different approvals mechanisms for decisions relating to property to be created. The rationale behind these changes is to ensure that asset management decisions are sufficiently robust, transparent and take into account all of the relevant and necessary information. As enabling processes and actions for service delivery and improved financial management, it is considered that implementing these recommendations in and of themselves will have a neutral equality impact, as they will not have any disproportionate impact on groups which share protected characteristics.

6. Use of Appendices

Appendix 1 – Advice on Outside Bodies

Appendix 2 – Guidance for Councillors on contact with third parties and stakeholders.

Appendix 3 – Section 5 Part D Protocol for Decision Making (Track Changes)

Appendix 4 - Section 5 Part D Protocol for Decision Making (published version)

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

- *Haringey Council's Constitution*

7.2 The background papers are located at George Meehan House , Wood Green, London N22 8JZ.

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

GUIDANCE FOR COUNCILLORS ON MEMBERSHIP OF OUTSIDE BODIES

Introduction

All public office holders are both servants of the public and stewards of public resources and should approach their role on an outside body with Nolan's seven principles of public life, in mind considering if their actions convey:

selflessness, honesty, Integrity, objectivity, accountability, openness, leadership.

This guidance is intended to help Councillors understand their duties, when appointed to outside bodies, navigate their significant legal responsibilities and how to handle the conflicts of interest that can arise.

It is not a fully comprehensive guide, so if you have any queries, you can obtain further advice from the Monitoring Officer.

1. General

1.1 Membership on outside bodies can take various forms and it would be prudent to establish the capacity in which you are appointed. The first question is whether you are appointed by the Council, or in some other capacity. If you are not appointed by the Council to a particular position, you do not owe the Council any duties in relation to the way in which you carry on your membership of the outside body. However, the normal rules on declaring interests apply, and you will need to add this membership to your Register of Interest under the section of any body exercising functions of a public nature, or any body directed to charitable purposes. You will need to consider whether your role gives you a prejudicial interest in relation to any Council business or could be considered as you having a bias in decision making as set out in paragraphs 9.7 and 9.8. The remainder of this guidance covers the case where you are appointed by the Council.

1.1.2 The Council has the following categories of outside bodies:

- Association Bodies
- Statutory bodies
- Community Associations
- Partnership Bodies
- Trusts

1.1.3 If you are appointed by the Council to the above category outside bodies, this may be either:

- a) As a member of the management committee, board of directors, or committee of trustees of the outside body. Here, you will not only be representing the interests of the Council, but you will also have duties to the outside body and a role in its governance. If you serve in a decision-making capacity or have a position of general control or management on the outside body, whether company, trust or other association, you owe duties and responsibilities to that body which are separate and distinct from your duties owed to the Council. On

occasion, it is likely that duties owed to the outside body and to the Council, will conflict e.g. if you are the treasurer of an outside body that has applied to the Council for grant funding. The rest of this guidance gives more detail on this.

- b)** As an 'observer', or an ordinary member, or undertaking a Monitoring role, facilitating exchanges of views or information as an extension of your Council duties, but taking no part in the outside body's management or governance, other than to attend and vote at annual or general meetings. Here, you will be mainly concerned with representing the Council and will not have responsibilities for governance of the body.
- c)** Please also consider if you are called a Trustee or a Management committee member as it could be likely you are also a company director and you will need to consider the guidance below on company directors.

1.1.4 Community Organisations are other groups, which are not charitable trusts or limited companies, are classified in legal terms as "unincorporated associations". An unincorporated organisation may be charitable and may register as a charity. It has no separate legal identity apart from its members. The rules governing the members' duties and liabilities will be set out in a Constitution, which is simply an agreement between the members as to how the organisation will operate. Usually, the Constitution will provide for a management committee to be responsible for the everyday running of the organisation.

1.1.5 Management Committee members must act within the Constitution and must take reasonable care in exercising their powers. Any individual member of the management committee who acts outside the authority given to him or her will be personally liable and will not be entitled to an indemnity unless the action is subsequently ratified by the management committee or all the members of the organisation.

1.1.6 Most Association bodies are Joint Committees of the Association of London Government or the Local Government Association set up by agreement between the Councils concerned. There are also statutory bodies on which Haringey must be represented like the North London Waste Authority which comprises representatives of 7 constituent Boroughs. These bodies will have their own legal status, Constitution, code of conduct and officer support. Members will be appointed in a full voting capacity with power to take decisions on behalf of the body. Members will owe a primary duty to the body, when acting on its business, rather than to Haringey Council. They should make up their own minds on the merits of any decision, taking into account any professional advice they receive, as distinct from feeling bound by the interests of Haringey.

- 1.1.7 Partnership Boards may be companies, unincorporated associations or more usually informal groupings without any Constitution or other legally enforceable rules.

Where they are informal groupings then decision making is usually indicative and dependent on ratification by constituent bodies. In these circumstances, Members or officers on these boards must take care not to pre-empt the Council's decision-making as this could lead to challenges on the basis that the Council's discretion has been fettered.

2. What sort of roles does this guidance apply to?

- 2.1 This guidance applies where you are: a director of a company in which the Council has an interest; a member of another authority; a trustee of a charity; or a member of the management board for an unincorporated body.
- 2.2 The various roles will give you responsibilities to the organisation, and to the Council in so far as you are fulfilling a role for the Council, and this creates potential conflicts.
- 2.3 Your responsibilities will depend on the type of body in which you become involved. The main types are as follows:
- a) **Companies:** Companies are separate legal entities. They are set up by their owners who may be either shareholders or guarantors. Liability of company owners is limited to the value of their shares or by guarantee. Directors of companies have a duty to the company to act properly and in good faith. If not, they can incur personal liability, particularly if the company becomes insolvent. The activities and operation of companies are regulated by their Memorandum and Articles of Association and also by company law.
 - b) **Unincorporated Associations:** Unincorporated associations are informal organisations. The members regulate their relationship by agreement, such as a membership agreement or the rules of the club or association. Because the association has no legal existence separate from its members, the liability of the members is not limited. Each member can incur personal responsibility for liabilities incurred on behalf of the association, and relies on the membership agreement to be able to recover his/her costs from the other members.
 - c) **Charities: A charity is an organisation which**
 - (a) is established for charitable purposes only, and
 - (b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Some companies and unincorporated associations are established for charitable purposes. A charity gains relief from corporation tax, VAT and business rates, but is subject to stricter regulation by the Charity

Commissioners, to ensure that it is properly managed and that it is spending its money properly on the charitable objects. As a trustee of a charity, you have a duty to act in the best interests of the charity and can be personally liable if you breach that duty. When appointed to a charity, it is sensible at the outset to establish the insurance and indemnity position. The organisation should have an induction session for new Councillors and if they do not take this forward please contact Democratic services to query this.

3. Some other key points to consider at the outset

- 3.1 Make sure you are given a clear statement of what is expected of you if you are going to be nominated. The Council should be able to obtain this from the organisation involved.
- 3.2 **The duty to act in the interests of the outside body** - Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor. For Council Members, it will have to be included as one of your interests in the Members' Register of Interests. You will have a personal interest in Council business referring to it, and sometimes a prejudicial interest where finances or regulatory matters are concerned. You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor, particularly in areas that interest you, or, where you need to represent the community who elected you. If you have any queries or concerns about this particular potential conflict of interest, please contact the Monitoring Officer to talk through the membership of the body and work as a Councillor.
- 3.3 On the other hand, you will also need to make sure that you are able to commit enough time and attention to the organisation. You will want to make a meaningful contribution to their work too. If you cannot attend meetings very often, or are often conflicted out of participating, you will not be able to give the support that the organisation needs, and this will reflect badly upon the Council and upon you. It is best not to be appointed if you cannot participate fully.
- 3.4 **Conflict with your role as a Councillor** - As a member of the organisation's management committee, as a director of a company, or as a trustee, you will not only be representing the interests of the Council, but you will also owe duties and responsibilities towards the organisation. You will have to exercise your own best judgement in the best interests of the outside body and you cannot just take instructions from the Council although you may take account of the Council's wishes. Where the Council's wishes may conflict with the best interests of the outside body you must nevertheless, if taking decisions for that outside body, act in its best interests. **Therefore, where the Council's interests and the outside body's interests conflict it is better not to involve yourself in the decision-making.**
- 3.5 **Indemnities:** Councillors who participate in external bodies may be indemnified in relation to liabilities they incur in that capacity, though this is subject to certain limitations, which are set out in more detail at paragraphs 8.1 to 8.4 below.

4. Duties and Responsibilities of Councillors on Outside Bodies

- 4.1 The following is a summary of the main duties and responsibilities of Councillors who are nominated by the Council to the most common types of outside body. The main principles of the obligations applying to company directors also apply to trustees and members of management committees. If you are in doubt about your duties and responsibilities, you may seek advice from the Monitoring Officer. In many cases, however, it will be more appropriate to seek advice from the advisers to the body involved, as they will have access to the rules and protocols of the body.

5. Companies

- 5.1 A company is a separate legal entity which can hold property in its own right, enter into contracts, employ staff and sue, and be sued, in its own name. The company is distinct from its members, who may be either shareholders or guarantors. The Council itself may be a member of the company, either a shareholder or guarantor.
- 5.2 If the body is a limited company, and you are asked to be involved, it is likely that you will be appointed as a company director. The duties of a company director are now set out in the Companies Act 2006, which codifies the existing common law and equitable principles. The management of a company is usually the responsibility of the Board of Directors. Directors' powers are usually set out in the company's Articles of Association. Another important document is the Memorandum of Association, which sets out the Company's objectives and powers.
- 5.3 The duties of a company director are not the same as your responsibilities as a Councillor. Basically, when involved in company business, the company **must** come first. Directors must act in the interests of the company, and not in the interests of other parties, including shareholders.
- 5.4 **Directors' Responsibilities** are:
- a) **To promote the success of the company**, A director's primary duty is to act in good faith, in the best interests of the organisation and its objects. All directors owe a fiduciary duty to their company, which means they owe loyalty to the company and a duty of care to act in the best interests of the company, having regard to the interests of the members or shareholders of the company, the company's employees, and creditors. This includes having regard to the likely long-term consequences of decisions, the interests of employees, fostering relationships with suppliers and customers and others, the impact of operations on the community and environment, maintaining a reputation for high standards of business conduct, and acting fairly between members of the company.
 - b) **To exercise care, diligence and skill**, using your own knowledge, skill and experience, together with the care, skill and diligence which may reasonably be expected of a person who is carrying out the functions of a director. So a director with significant experience must exercise the appropriate level of

diligence in exercising their duties in line with their higher level of expertise. Although directors are not bound to attend all meetings of directors, attendance should be as frequent as possible and directors should ensure that they are reasonably informed at all times.

- c) **Not to exceed powers.** A company director must act in accordance with the company's Constitution, and exercise powers for the purposes for which they were given.
 - d) **To comply with the Companies Acts** in relation to the keeping of accounts, ensure that the relevant returns are made to the Registrar of Companies. Failure to do so will incur fines and persistent default can lead to disqualification as a director.
 - e) **To avoid conflicts of interest.** A director must avoid a situation in which he or she has, or may have, a direct or indirect interest which conflicts, or could conflict, with the interests of the company. This duty applies particularly to transactions between a director and a third party in relation to the exploitation of any property, information or opportunity.
 - f) **To exercise independent judgement.** A director nominated by the Council cannot, for example, simply vote in accordance with the Council's instructions. To do so would be a breach of duty. The director must act in the company's interests.
 - g) **Not to accept benefits from third parties.** A company director must not accept any benefit from a third party (whether monetary or otherwise) which has been conferred because of the fact that he or she is a director. This is based on the established principle that a director must not make a secret profit as a result of being a director. This duty applies unless the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.
 - h) **To declare an interest in a proposed transaction or arrangement with the company.** A company director who has either a direct or an indirect interest in a proposed transaction or arrangement with the company must declare the 'nature and extent' of that interest to the other directors before the company enters into the transaction.
- 5.5 **Directors' Liabilities:** If a director fails to carry out his/her duties, action can be brought for breach of duty, either by the company itself, or by a liquidator if the company goes into liquidation, or with the consent of the court, by a shareholder. Such actions are unlikely where the company is properly controlled by the directors.
- 5.6 Some important considerations are:
- a) It is not always easy to reconcile the various factors which must be taken into account when reaching a major decision. The important thing as a director is to show that you are aware of and have taken account of the relevant factors, and have exercised due care and diligence in giving them all fair consideration.
 - b) It may be difficult to be certain whether benefits may be regarded as giving rise to a conflict of interest. If you are unsure take advice from the company's secretary.

- c) Make sure you are aware of the company's Constitution; its Memorandum and Articles of Association, so that you know what it can and cannot do. You must take this into account when making decisions, as well as any shareholder decisions that are relevant.
- d) Be diligent, and make sure you are well informed about the company's affairs. Make sure you are well briefed when taking up the role, and that you receive regular briefings throughout your term of office.
- e) Attend training and briefing sessions.
- f) Ensure insurance is in place.
- g) Some Board decisions may be reviewed on a future occasion. Make sure detailed minutes show that all necessary factors have been considered when major decisions are being taken. Obtain expert advice where necessary e.g. regarding impact of a decision on the environment. Take legal advice where there are doubts about a director's duty in relation to a particular matter.

5.7 **Local Authority Controlled and Influenced Companies:**

There are special rules that affect companies in which Councils have major interests. These are 'regulated' companies for the purposes of the Local Government and Housing Act 1989. They are in effect controlled by (more than 50% interest) or subject to a Council's influence (20% interest plus business relationship) because of its level of interest, either individually, or with a group of other authorities. They will generally be subject to the local government capital finance regime and special propriety controls. However, so far as Members who are involved are concerned, there are some additional requirements that need to be complied with as follows:

- a) Remuneration that Councillors receive from the company should not exceed that received from a local authority for a similar role, and it should be declared;
- b) To provide information to Councillors about their activities as required by the local authority (unless it is confidential); and
- c) To cease to be a director immediately if disqualified as a Councillor.

6. **Unincorporated Associations**

- 6.1 "Unincorporated associations" have no separate identity from their members. The rules governing the members' duties and liability will be set out in a Constitution, which is simply an agreement between the members as to how the organisation will operate. Usually, the Constitution will provide for a management committee to be responsible for the everyday running of the organisation. Management Committee members must act within the Constitution and must take reasonable care in exercising their powers. An unincorporated organisation may be charitable and may register as a charity.
- 6.2 If you are involved in a decision making capacity or have a position of general control or management on an unincorporated body, as the body has no separate corporate status, any liabilities will fall upon you personally. Councillors appointed to such bodies should familiarise themselves with the Constitution to understand the nature of their role, responsibilities and liabilities, and should assess the risk of personal liability, and the extent to which it has been covered by insurance.

7. Charities:

7.1 A charity is an organisation which operates for the public benefit and exclusively charitable purposes, either for:

- the relief of poverty and human suffering
- the advancement of education
- the advancement of religion
- another purpose for the benefit of the community

7.2 A number of useful publications are available on the Charity Commission's website at www.charitycommission.gov.uk.

Publication CC3 - 'The Essential Trustee -What you Need to Know' is a useful guide <https://www.gov.uk/government/publications/the-essential-trustee-whatyou-need-to-know-cc3>. Those who are responsible for the control and administration of a charity are referred to as its *trustees*, even where the organisation is a company limited by guarantee and even though they are not strictly trustees. A charity may also be unincorporated.

7.3 Trustees of a charity retain personal liability and can only delegate to the extent that the Constitution authorises them so to do.

7.4 **Charitable Trustees' Responsibilities** are:

- a) To act in accordance with the charity's trust deed or governing document.
- b) To protect the charity's assets.
- c) To comply with the Charities Acts, and the Trustee Act 2000.
- d) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission.
- e) To perform their duty with the standard of care which an ordinary, prudent businessperson would show. Higher standards are required of professionals, and in relation to investment matters.
- f) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.
- g) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

7.5 **Charitable Trustees' Liabilities:** Generally, a trustee may incur personal liability if he/she:-

- acts outside of the scope of the trust deed
- falls below the required standard of care
- acts otherwise than in the best interests of the charity, in a way which causes loss to the charity fund
- makes a personal profit from the trust assets

- 7.6 In such circumstances the trustee will be in breach of trust and will incur personal liability for losses incurred. If in doubt, always consult the Charity Commissioner. You may avoid personal liability for breach of trust if you act in accordance with their advice.
- 7.7 Trustees can incur personal liabilities for contracts they enter into in the name of the charity. They will normally be entitled to be reimbursed from charitable funds for liabilities and expenses properly incurred by them. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course of events, but will be personally liable if they commit a breach of trust, as stated above.

8. Indemnities

- 8.1 Councillors who participate in external bodies may be indemnified in relation to liabilities they incur in that capacity, though this is subject to certain limitations.
- 8.2 Indemnity by the outside body:
- a) Directors: Directors cannot be indemnified by the company against liability for negligence, default, breach of duty and trust. Companies can however purchase insurance to protect directors against claims of negligence, default, breach of duty and trust. Those appointed as directors should ensure that appropriate insurance is in place. Companies can, if their Articles of Association allow, provide for directors to be indemnified for the costs of defending such a claim if they are granted relief by the court or acquitted.
 - b) Trustees: Provided a charitable trustee acts properly, and within his/her powers, indemnity can be given from the trust fund. Trustees can take out insurance to protect themselves from personal liabilities, but not for criminal
 - c) acts such as fraud. If the premiums are to be paid out of the charitable funds, the consent of the Charity Commissioner will be needed.
 - d) Unincorporated Associations: Members may be entitled to an indemnity if they act in accordance with the Constitution of the association and are not at fault. However, regard must be had to the terms of the Constitution. The Constitution will determine whether insurance can be paid for by the organisation.
- 8.3 Indemnity by the Council: The Council may provide an indemnity where Councillors are acting on an outside body at the request of the Council, and provided:
- the appointment was made by the Council, or
 - the nomination was made by the Council, and
 - the appointment was specifically approved for the purpose of the indemnity.
- 8.4 The indemnity the Council can provide is subject to limitations. In general terms, if a Councillor is acting properly, within their powers and in good faith, the power to indemnify will usually apply. However, the Council cannot, for

example, provide an indemnity in relation to any action or failure by any Member which constitutes a criminal offence, or for any action or failure by any Member which is the result of fraud, or other deliberate wrongdoing or recklessness on the part of the Member. When you are serving on an outside body, the Council's indemnity will only apply after any indemnity or insurance from the body itself. There are further limitations and it is advisable to be clear about the scope of the Council indemnity that may be available to you. You can seek further advice on indemnity from the Monitoring Officer.

9. Code of Conduct – Councillors' Interests

- 9.1 **Code of Conduct:** All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. When Councillors act as representatives of the Council on another *authority*, they must comply with the other authority's Code of Conduct. However, when Councillors act as the Council's representative on any other sort of outside body, they must comply with the Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.
- 9.2 The Register of Personal Interests requires members to tell the Monitoring Officer in writing, within 28 days of taking office, or within 28 days of any change to your Register of Personal Interests, of any interests which fall within the categories set out in the Code of Conduct. These categories include your membership or position of control or management in any other bodies to which you are appointed or nominated by the Council.
- 9.3 This means that if you are present at a meeting when an item of business arises which relates to or affects an outside body to which you have been appointed, you must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you.
- 9.4 An exemption can apply where your interest arises solely from your membership of, or position of control or management on:
- any other body to which you were appointed or nominated by the authority
 - any other body exercising functions of a public nature (for example another local authority).

In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter. However, this type of situation is not common and it is important to keep in mind the public perception of your participation in the meeting and decision making. Often the public will assume that a position of control or participation on the body will mean that you have a bias to that organisation and it may be prudent to recuse yourself from the business item.

- 9.5 You will also have a *prejudicial interest* in Council business affecting the outside body if:
- the matter being considered affects the financial position of the outside body; or

- relates to an approval, consent, licence, permission or registration affecting the outside body e.g. an application for planning permission.
- 9.6 If you have a prejudicial interest in a matter under discussion you must declare it. You must then leave the meeting room, unless members of the public are allowed to make representations, answer questions or give evidence about the matter. If that is the case, you can make your representations etc., but must leave the room immediately after doing so. The Code of Conduct supports your role as a community advocate and enables you, even with a prejudicial interest, to represent your community and speak on issues that are important to them and to you.
- 9.7 **Bias:** Where you might be inclined to the view that you have no prejudicial interest, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision.
- 9.8 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances, advice should be sought from the Monitoring Officer.

Updated 19 June 2023

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Guidance for Councillors on contact with third parties and stakeholders.

This guidance responds to the independent review of the Council's arrangements for property negotiations, acquisitions, and disposals or intended transactions and the recommendation concerning: a review of guidance to councillors meeting with landowners, contractors etc when not in their capacity as ward councillors.

The guidance also provides a sense of what is deemed 'proper' and 'improper' contact to help councillors be able to advocate on behalf of their constituents without concern and also understand where there is a need to consider that some contact could be judged as 'improper'.

- Contact is deemed as: face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communications
- in electronic and social media communication, posts, statements, and comments.

When undertaking council decision making activity and community advocate or leadership roles, it is essential to keep in mind the seven principles in public life. All public office holders are servants of the public and stewards of the public resources and consider before each activity whether they are taking actions which convey; selflessness, honesty, Integrity, objectivity, accountability, openness, leadership. These rules underpin 'proper' contact. It is useful to consider these, [before, during or after an interaction outlined above] if a fair minded and informed observer, having considered the facts, concludes that the interaction was fair and appropriate.

An 'improper' contact from a third party may contain the following themes:

- The Nolan Principles are obviously compromised
- Trying to obtain an unfair financial or resource advantage
- Seeking unfair influence
- Biased to a particular outcome of a planned decision
- The purpose of the approach is unclear and not documented
- There is an unwillingness to let you seek guidance or share information on the approach with professionals and officers
- Could lead to a misuse of your public position
- Your response would indicate that you are taking advantage of opportunities provided to you as a councillor to further your own or others' private interests or to disadvantage anyone unfairly

The information below is some key advice to consider as a decision maker and advocate for your ward and community, maintaining the integrity and reputation of the council.

Decision maker

All Members of the council, regardless of their committee or cabinet role, will discourage any contractor, applicant or agent, or other interested party, such as a landowner in the borough from approaching them directly in any way in relation to their activities. If an approach is received, the Member will take care not to give any commitment, or the impression of a commitment that he or she holds any particular view on the matter.

If an approach is received by a Member from a contractor, an applicant or agent or other interested party in relation to a particular council decision, or use of a physical council asset then the Member will:

- (a) Inform that such an approach should be made to Officers of the Council;
- (b) Keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the decision or proposals is considered by the decision maker;
- (c) Disclose the fact and nature of such an approach to the Monitoring Officer.

In this context an approach should be noted where the discussion extends beyond simple information to the merits or demerits of the particular proposals.

Where a Member of the Council receives written representations directly in relation to a forthcoming decision, procurement activity, commissioning activity, regeneration decision or use of a council asset, or any decision where an unfair advantage is being sought the Member will pass the correspondence to the appropriate Director without a reply.

In the case of significant meeting required between members and an external partner or key local stakeholder on a forthcoming strategic matter, the director should be in attendance and there be an adequate written record of the meeting so as to enable the Member to disclose the fact of such a meeting.

In this context "significant" would include any meetings or discussions which consider the merits or demerits of the particular proposals extended beyond simple information.

When councillors are considering developing sites it either owns or intends to acquire or receive, they may receive exempt information as defined by paragraphs 1 to 6 of, part 1 Schedule 12A of the Local Government Act 1972 and this must not be

shared as would be a breach of the Members code of conduct. The type of information which is exempt is:

- Information relating to any individual.
- Information which is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Community Advocate

Meetings and discussions with constituents, businesses, community groups and local stakeholders are an important part of a Ward Member's functions, and this guidance is not intended to harm those contacts unnecessarily. The guidance does not prevent Members from listening to local concerns, giving factual information about access to planning service, property services or regeneration activities or commissioning services from directing residents to other sources of information or assistance. The key question to consider, in these community contacts, is the impact of what the party is seeking. Give consideration if what they are seeking gives them financial advantage and that you could be seen as having an unfair influence on the decision-making process. Consider your response in the context of the future public perception of this contact and outcome. For any property, grant, development, or financial discussions, whether planned or unpredicted in a community setting, it is prudent to compile a short note of the discussion and forward this to your party Chief Whip.

Gifts and Hospitality

Please note that you should record a gift or hospitality you are offered in your role as a member of the Council, from a person, with an estimated value of at least £25 and above, in your Register of Interest form. These should be recorded within 28 days of being offered. Democratic Services will send you a quarterly reminder to include any updates on your register and the section for recording gifts and hospitality is on page 7.

As set out in the Constitution, Part 5 Codes and Protocols, Section A - Member Code of Conduct, these declarations are deemed personal interests. Please note that a 'person' includes a natural person and also a legal person in the form of a company, a charitable, other incorporated body or an unincorporated association.

Councillors should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

Please also register any significant gift or hospitality that you have been offered but have refused to accept.

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the Monitoring Officer before deciding whether to accept it.

Part Five, Section D

Protocol for Decision-Making

This part set out provisions with respect to proceedings of the Executive (the Leader, Individual Cabinet members, the Cabinet and Cabinet Committees) and Non-Executive Committees and Sub-Committees.

This protocol is incorporated into the terms and conditions of employment of officers; and breach of this Protocol shall be a breach of the Members' Code of Conduct.

The Executive (the Leader, individual Cabinet members, the Cabinet, and Cabinet Committees), and a Non-Executive Committee or Sub-Committee should approach decision making in accordance with the principles set out in Article 12.02:

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

The Executive (the Leader, individual Cabinet members, the Cabinet, and Cabinet Committees), and a Non-Executive Committee or Sub-Committee shall not take any decision until the following requirements have been complied with:

- 1.1. All decisions shall be allocated by the Leader to the Cabinet or Cabinet Member or delegated to a Committee or Sub-Committee.
- 1.2. No decision shall be taken except upon a written report in accordance with this Protocol.
- 1.3. A Director shall prepare a written report which shall be the subject of consultation with

PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

- (a) the Chief Finance Officer and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
- (b) other professional Officers of the Council as appropriate
- (c) service Directors whose service may be affected by the proposal.

1.4. Unless the Democratic Services Manager agrees any exceptions, the written report shall set out:

- (a) the body proposing to take the decision
- (b) the issue to be decided
- (c) an executive summary of the issue, where the length of the report so requires for clarity
- (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,
- (e) the facts upon which any decision must be based
- (f) comments of the Assistant Director of Corporate Governance on any legal implications or legislative requirements, including any HRA issues
- (g) any policy of the Authority relating to the issue
- (h) any relevant national or regional guidance
- (i) the options available to the decision-making body
- (j) the reasons for the decision
- (k) the staffing implications of the issue
- (l) the Chief Finance Officer’s comments on the financial implications
- (m) any consultations undertaken, the views of any consultees and a summary of any other representations received
- (n) any implications for any other areas of the Authority’s activities
- (o) any equalities implications
- (p) the comments of any other professional officer or Service Director where appropriate
- (q) whether or how the proposals will contribute to the delivery of climate change mitigation (reducing carbon and energy impacts) and climate change adaptation (minimising the risks and impacts in a changing climate).
- (r) if an executive matter, the Cabinet Portfolio which the issue falls within
- (s) the electoral areas which are particularly affected by the issue under consideration
- (t) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
- (u) the place, date and time at which the body proposes to make its decision
- (v) a list of any background papers

PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

1.5. At least 5 clear days before the proposed date and time for taking the final decision, the Democratic Services Manager shall send a copy of the report, or arrange for a copy of the report to be sent to all Members of the decision-making body.

1.6. The requirements for consultation and public participation set out above are to be regarded as a minimum, and officers are responsible for determining when further consultation and public participation would be appropriate.

4.6.1.7. Urgent Decisions

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

- (a) In order for an executive decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set out in the Access to Information Procedure Rules must be followed.
- (b) the Director shall use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full decision-making process been followed; and
- (c) the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;
- (d) urgent executive decisions shall be taken in the manner prescribed at Part 4 Section F;
- (e) urgent non-executive decisions may also be taken in the manner prescribed at paragraph 5.01 (b) of Part 3 Section E Section 1;
- (f) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

1.8 Where there is a change in approach to a previous executive or non-executive decision which is not consistent with the previous decisions made, a report should be compiled in accordance with section 1.4 above. This would include decisions taken forward by the Leader of the Council in accordance with Article 7.01 and Part Three Section C of the Council's Constitution. Where this is a key decision or a decision made by a non-executive committee, advice should be immediately sought as

PART FIVE – CODES AND PROTOCOLS
Section D–Protocol for Decision-Making

appropriate from the Council's Statutory Officers. In addition, the Monitoring Officer will provide advice on the decision making process to be followed as set out above and in accordance Part 4 Section D of the Council's Constitution.

Part Five, Section D

Protocol for Decision-Making

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PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

- (a) the Chief Finance Officer and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
- (b) other professional Officers of the Council as appropriate
- (c) service Directors whose service may be affected by the proposal.

1.4. Unless the Democratic Services Manager agrees any exceptions, the written report shall set out:

- (a) the body proposing to take the decision
- (b) the issue to be decided
- (c) an executive summary of the issue, where the length of the report so requires for clarity
- (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,
- (e) the facts upon which any decision must be based
- (f) comments of the Assistant Director of Corporate Governance on any legal implications or legislative requirements, including any HRA issues
- (g) any policy of the Authority relating to the issue
- (h) any relevant national or regional guidance
- (i) the options available to the decision-making body
- (j) the reasons for the decision
- (k) the staffing implications of the issue
- (l) the Chief Finance Officer’s comments on the financial implications
- (m) any consultations undertaken, the views of any consultees and a summary of any other representations received
- (n) any implications for any other areas of the Authority’s activities
- (o) any equalities implications
- (p) the comments of any other professional officer or Service Director where appropriate
- (q) whether or how the proposals will contribute to the delivery of climate change mitigation (reducing carbon and energy impacts) and climate change adaptation (minimising the risks and impacts in a changing climate).
- (r) if an executive matter, the Cabinet Portfolio which the issue falls within
- (s) the electoral areas which are particularly affected by the issue under consideration
- (t) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
- (u) the place, date and time at which the body proposes to make its decision
- (v) a list of any background papers

PART FIVE – CODES AND PROTOCOLS

Section D–Protocol for Decision-Making

1.5. At least 5 clear days before the proposed date and time for taking the final decision, the Democratic Services Manager shall send a copy of the report, or arrange for a copy of the report to be sent to all Members of the decision-making body.

1.6. The requirements for consultation and public participation set out above are to be regarded as a minimum, and officers are responsible for determining when further consultation and public participation would be appropriate.

1.7. Urgent Decisions

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

- (a) In order for an executive decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set out in the Access to Information Procedure Rules must be followed.
- (b) the Director shall use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full decision-making process been followed; and
- (c) the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;
- (d) urgent executive decisions shall be taken in the manner prescribed at Part 4 Section F;
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- (f) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

1.8 Where there is a change in approach to a previous executive or non-executive decision which is not consistent with the previous decisions made, a report should be compiled in accordance with section 1.4 above. This would include decisions taken forward by the Leader of the Council in accordance with Article 7.01 and Part Three Section C of the Council’s Constitution. Where this is a key decision or a decision made by a non-executive Committee, advice should be immediately sought as appropriate

PART FIVE – CODES AND PROTOCOLS
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from the Council's Statutory Officers. In addition, the Monitoring Officer will provide advice on the decision making process to be followed as set out above and in accordance Part 4 Section D of the Council's Constitution.

Report for: Standards Committee 27th of June 2023

Title: Haringey Petitions Scheme Update

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

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

Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1 The Petitions Scheme was implemented in 2010 and updated in 2011 to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009 which imposed a duty on local authorities to respond to petitions. The requirements of the Act in relation to petitions has been repealed. For the majority of local authorities, processes for dealing with petitions were already in place and petitions submitted to a local authority by a body of its citizens were usually presented to the full Council. Some councils have removed or amended the provisions regarding petitions from their Constitutions following the repeal of the statutory requirements, while others have retained the schemes.
- 1.2 To note that prior to 2009, there was an existing provision for petitions under the local government Act 1972. This allows a petition to be handed in at a meeting of the Council or its Committees. The petition would be handed to the chair and noted as received with a response provided at the next meeting of the Council or Committee. This provision has always continued and is contained in the Council's Standing Orders.
- 1.3 There is also a separate legislation covering petitions on referendums and changes in local authority governance. This is under Local Authorities (Referendums) (Petitions) (England) Regulations 2011 - Regulations 4, 5, 7, 8, 11, 13, 14.
- 1.4 In Haringey the petitions scheme operates outside of the Constitution and information on the scheme is included on the Council's website.
- 1.5 Taking account the recent comments from residents about the configuration and understanding of the process around petitions set out on our web pages and the recent increase in the number of e- petitions, it was felt important to review the

petitions scheme and ensure it was clear to the public and responded to democratic expectations and requirements. The review also considered if any of the detail of the scheme should be included in the Constitution as it can need to be referred to at Council meetings.

- 1.6. There has been research into other boroughs which have similar schemes with consideration given to the practicalities and past use of the scheme. This report was considered and commented on by the Constitution Review Working Group. A summary of the proposed changes to the scheme outlined in track changes is as follows and was accepted and informed by the Constitution Working Group:
- 1.7 The option of calling officers to give evidence at a meeting has been deleted as over the last 13 years this option has not been requested or number of signatures required for this option not been met.
- 1.8 Making clear, at the start of the scheme, that both paper and electronic versions of petitions are accepted.
- 1.9 Including clearer information on who can sign a petition.
- 1.10 Outlining that there are 3 options for submitting a petition and how each option works. Currently, this information is combined, and Democratic Services get a lot of queries about application of a paper petition and e petition processes.
- 1.11 Adding in a clause that states that matters which are subject to legal proceedings cannot be taken forward in a petition.
- 1.12 Making clear when a petition cannot relate to exempt information.
- 1.13 Having an additional clause that if a petition is raising substantially similar issues and requesting the same action as a petition currently running on the e petition website / or paper petition handed in, the Council also reserve the right to reject this. This includes additional wording suggested by the CWG to make clear that this is added to ensure the Council can hear as many voices as possible.
- 1.14 Reducing the number of options available concerning a response to a petition from 11 to 4. This takes into account resources of the Council and considers the current use of the scheme. We can usually have between 30 to 50 responses to a local neighbourhood issue but then can get over 2000 signatures for LTN petitions, Tree preservation and climate action related issues.
- 1.15 Including the option for responses provided by officers [usually where the issues has between 30 to 100 signatures] to be referred to the Corporate Feedback team, if felt that the petition was not dealt with in accordance with the scheme.
- 1.16 Including a more comprehensive section on submitting an e- petition. This includes stating that the views expressed in the petitions do not necessarily reflect those of the Council.
- 1.17 Considering e – petitions collated on a national website such as change.org.uk.

- 1.18 Inclusion of a privacy notice on data. As suggested by the CWG, there will be additional web pages as well setting out the safeguarding of information of under 18's signing petitions and also attending meetings to present petitions.
- 1.19 The acknowledgement to the petition setting out what the Council plans to do was deleted as often it is not known how many signatures will be collated for an e -petition. If the petition is complete, then we will advise the options.
- 1.20 Adding a maximum hosting period of 3 months for e -petitions. This is felt to be an appropriate time to allow an issue to be responded to with signatures and a response from the Council. The current scheme is silent on extensions, and this allows clarity on the maximum period for a petition.

- 1.21 The CWG recommended that the provision of a Council debate on a petition which has over 2643 signatures [1% of the borough population] should be added to the Council Committee procedure rules as set out at Appendix 2.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To consider the changes to the Petitions Scheme set out at Appendices 1 to 3 and recommend adoption to Full Council on the 17th of July 2023.

4. Background information

- 4.1 As set out in paragraphs 1.1 to 1.21.

- 4.2 The Haringey Deal outlines that the Council need to work harder to hear the voices that are too often overlooked. Some residents face real barriers to join in council consultations and decision-making activities and to make their voices heard. To promote use of this scheme and participation in council meetings, Democratic services could further attend community network meetings and the Multi Faith Forum to promote the use of this scheme and enable communities to say where they want to see a change in policy. Leaflets in local languages could also be compiled and distributed providing a simplified version of the petitions scheme and how to access this.

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

- 5.1 There are no financial implications arising from this change in scheme.

Head of Legal and Governance & Monitoring Officer

These are set out within the report.

6. Use of Appendices

Appendix 1 – Haringey Petitions Scheme track changes

Appendix 2 – Haringey Petitions Scheme without track changes

Appendix 3 - Changes to Council Standing Orders.

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

- *Haringey Council's Constitution*

7.2 The background papers are located at George Meehan House, Wood Green, London N22 8JZ.

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

Appendix 1

Haringey Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. ~~This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. We accept both paper and e-petitions. The requirements of the Councils petition scheme apply to both paper and e-petitions. E-Petitions can either use the Councils system which can be found on the Council's website, or one of the many national websites available, however please check that these meet the requirements of the Councils petition scheme before using them.~~

To raise or sign a petition, you should be an interested party who lives, works or studies in Haringey, including those under the age of 18.

Any individual can sign a petition and may be any age and should provide an address which shows that they live, work or study in Haringey or lives on a Haringey -owned out borough estate or in temporary accommodation provided by the borough. You can only sign a petition once.

The council reserves the right to make any further checks it considers necessary to ensure the validity of the signatures. A random check will be carried out on very large petitions, such as referred to below, to ensure they are valid.

Submission of a petition

~~There are three options~~ available for submission of a ~~petition~~petition.
You can submit a petition to the council ~~for~~ by:

Option 1 – Sending a paper petition to:

Democratic Services
George Meehan House
294 High Road
Wood Green N22 8JZ

– Or E-mailing an electronic (scanned) copy of the petition to petitions@haringey.gov.uk

Option 2 Presenting your petition to a meeting of the council.*

Option 3 Starting an e petition on the Haringey council website:-

*Dates of Council meetings can be found via the meetings calendar on the Council website. If you would like to present your petition to the council please contact Ayshe Simsek (details below) at least 5 working days before the meeting (e.g. Friday for a meeting on the Monday 10 days later) and the process will be explained to you. Further details of how to present a petition to full Council are outlined later in this scheme.

[With regards to Option 1, p](#)Please submit the original copy of the petition. Please also note that the council reserves the right to validate petition signatures and addresses [for options 1,2, and 3.](#)

[What are the guidelines for submitting a petition which applies to Option 1, Option 2 and Option 3?](#)

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- The name, address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including the name, address , *email* and phone number of the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser and the other petitioners, other than their name, will not be placed on the website. However, the Council may be obliged to disclose the street where petitioners live, in the event of a Freedom of Information Act request or following a requirement under another statutory requirement. If the petition does not identify a petition organiser, we will attempt to contact one of the signatories to the petition to agree who should act as the petition organiser.

What will the council do when it receives my petition?

Where contact details have been supplied, an acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. *If this is an e-petition* it will also be published on our website.

If we are in a position to carry out the action in your petition then our acknowledgement may confirm the actions we have undertaken and the petition will be closed. If the petition has enough signatures to trigger a council debate, ~~or a senior officer giving evidence~~, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition. All sensitive personal details will be removed from any related correspondence.

Are there any circumstances in which my petition will not be accepted?

Petitions which are considered to be vexatious, abusive, defamatory, offensive frivolous or otherwise inappropriate will not be accepted and no action will be taken.

- In order to avoid contempt of court or prejudice to the Council's position, and duplicating procedures where established processes already exist.
- Petitions which are considered to be vexatious, abusive defamatory, offensive, frivolous or otherwise inappropriate will not be accepted and no action will be taken.
- Any matter that does not engage the council's responsibilities including, matters which relate to the proceedings of a political party, and matters that are the subject of electoral law.
- Petitions which relate to any matter that is, or is likely to be, the subject of legal proceedings. This includes petitions which the Monitoring Officer considers would put the Council at risk of constituting a contempt of court, or any petition which is asking the Council to do anything unlawful.
- Names or clearly identifies an employee of the authority or any matter relating to an individual
- Involves the disclosure of confidential or exempt information as defined under Schedule 12A to the Local Government Act 1972 (as amended by the Local Authorities (Access to information)
- Does not relate to an issue upon which the council has powers or duties or on
- which it has shared delivery responsibilities.

Additionally, raising similar issues as a petition submitted in the last 6 months. This is to allow as many voices in the community to be heard.

~~We also reserve the right to reject petitions where they are substantially the same as a petition which has been submitted to the Council in the past 6 months.~~ We will explain the reasons for this in our acknowledgement of the petition. The Monitoring Officer will make the final ruling on this.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, alternative procedures to this scheme will apply.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- ~~holding an inquiry into the matter~~
- ~~undertaking research into the matter~~
- ~~holding a public meeting~~
- ~~holding a consultation~~
- ~~holding a meeting with petitioners~~
- referring the petition for consideration by the council's overview and scrutiny committee*
- ~~calling a referendum~~
- ~~writing to the petition organiser setting out our views about the request in the petition~~
- *Responding in writing and setting out the actions to be taken*

*The Overview and Scrutiny Committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all specific actions it can potentially take on issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway station or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

[Presenting a Petition to a meeting of the ~~Petitions to full Council~~Council Option 2](#)

The ~~Deputy Head of Local Democracy & Member Services~~ Democratic Services and Scrutiny Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting e.g. Friday for a meeting on the Monday 10 days later. The petition will be handed to the Mayor [or Chair](#), and recorded as received by the ~~Deputy Head of Local Democracy & Member Services~~ Democratic Services and Scrutiny Manager without any further debate. [If this is presented at a full Council meeting or Cabinet meeting.](#) ~~t~~The relevant Cabinet member should report the Council's response to the petition at the next ordinary

meeting of the Council. [If a petition is presented at a Committee meeting, the Chair should report a response to the petition at the next ordinary meeting.](#) A copy of this response will be sent to the Petitioner.

If a petition contains more than ~~2,200~~ 2643 signatures it will trigger a debate by the full Council, unless it is ~~a petition asking for a senior council officer to give evidence at a public meeting.~~ This [applies to options 1, 2 and 3 for submitting a petition and](#) means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the ~~following~~ next [available](#) meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the ~~council executive are~~ Cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website, [in the minutes of the meeting.](#)

[Option 3 – Submitting an e – petition](#)

[Our e-petition system allows you to easily collect signatures via the internet, in addition to paper petitions and instead of paper petitions.](#)

[Democratic Services facilitate the e- petition system and will support addition of petition to the council website and adherence to the requirements for submission of petitions as set out above.](#)

[To submit an e-petition you will need to register on the Council’s petition page. Registration is simple requiring a few details in case we need to contact you.](#)

[On the e-petition page, select ‘submit a new petition’ and follow the prompts from there. Your online form will be submitted to the Democratic services and Scrutiny Team.](#)

[You must let us know when you would like your e-Petition to go live on the website.](#)

[All approved e-petitions will be hosted on the council’s website for a maximum of three months.](#)

[Please note that it is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition. The paper version will be checked against the e-petition version and any duplicate names will be removed.](#)

[The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.](#)

The Council will acknowledge receipt of a petition within ten working days. In all cases the relevant Cabinet member and senior officer (at Assistant Director level) will be informed, if the petition relates to a particular part of the Borough, then we will also notify the local ward councillors.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 1,100 signatures, the relevant senior officer will give evidence at a public meeting of the council's Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found on the Council's website. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition—for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Trevor Gripps (details below) up to 5 working days before the meeting.

Trevor Gripps
Democratic Services Manager (Scrutiny)
7th Floor, River Park House
225 High Road
Wood Green
N22 8HQ
scrutiny@haringey.gov.uk

Tel. 020 8489 6922

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request [a review of the steps that the Council has taken in response to your petition.](#)

If your petition was considered and a response given by Officers then please send your concerns to the Council via the Council's Corporate Feedback Team which can be accessed via the Council's website. If you remain dis-satisfied you can submit a complaint to the Local Government and Social Care Ombudsman.

If your petition was considered and debated at either an Overview & Scrutiny meeting, or Full Council, then please request a referral to the Chair of OSC who will consider how best to respond, depending on the nature of the concerns, please email makingyourvoiceheard@haringey.gov.uk

~~that the council's Overview and Scrutiny Committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.~~

~~The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.~~

~~Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.~~

~~There is no further internal right of appeal within the Council.~~

~~Officers who can be called to Scrutiny~~

~~Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.~~

~~If your petition contains at least 1,100 signatures, the relevant senior officer will give evidence at a public meeting of the council's Overview and Scrutiny Committee.~~

~~The posts that can be petitioned to give evidence are:~~

~~Kevin Crompton – Chief Executive~~

~~Stuart Young – Assistant Chief Executive (People and Organisational Development) and interim Assistant Chief Executive (Policy, Performance, Partnerships and Communication)~~

~~Julie Parker – Director of Corporate Resources~~

~~Peter Lewis – Director of Children and Young People's Service~~

~~Mun Thong Phung – Director of Adult, Culture and Community Services~~

~~Niall Bolger – Director of Urban Environment~~

~~If the petition relates to the well being of the borough but is not directly related to the work of a council officer we will, where possible, work with partners to respond.~~

~~Please send your petition to:~~

~~Ian Christie~~

~~Feedback and Information Manager~~

~~7th Floor, River Park House~~

~~225 High Road~~

~~Wood Green~~

~~N22 8HQ~~

[Or email a scanned copy of the petition to petitions@haringey.gov.uk.](mailto:petitions@haringey.gov.uk)

[The details you give us are needed to validate your support and your details will not be published on the website. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the Petition.](#)

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[For our privacy notice please click here or ask for an accessible copy](#)

[Personal details will automatically be removed 4 years after the closing date of the petition. However, should you wish your name to be removed before this time please contact the Democratic services and Scrutiny Team via makingyourvoice heard@haringey.gov.uk](#)

[You have rights in respect of your data including; the right to access; the right to object to our use of your data; the right to have inaccurate personal data erased, blocked or destroyed. For more details please see our privacy notice.](#)

Appendix 1

Haringey Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. We accept both paper and e-petitions. The requirements of the Councils petition scheme apply to both paper and e-petitions. E-Petitions can either use the Councils system which can be found on the Council's website, or one of the many national websites available, however please check that these meet the requirements of the Councils petition scheme before using them.

To raise or sign a petition, you should be an interested party who lives, works or studies in Haringey. including those under the age of 18.

Any individual can sign a petition and may be any age and should provide an address which shows that they live, work or study in Haringey or lives on a Haringey -owned out borough estate or in temporary accommodation provided by the borough. You can only sign a petition once.

The council reserves the right to make any further checks it considers necessary to ensure the validity of the signatures. A random check will be carried out on very large petitions, such as referred to below, to ensure they are valid.

Submission of a petition

There are three options available for submission of a petition.
You can submit a petition to the council by:

Option 1 - Sending a paper petition to:

Democratic Services
George Meehan House
294 High Road
Wood Green N22 8JZ

Or e-mailing an electronic (scanned) copy of the petition to petitions@haringey.gov.uk

Option 2 Presenting your petition to a meeting of the council.

Option 3 Starting an e petition on the Haringey council website.

*Dates of Council meetings can be found via the meetings calendar on the Council website. If you would like to present your petition to the council, please contact Ayshe Simsek (details below) at least 5 working days before the meeting (e.g., Friday for a meeting on the Monday 10 days later) and the process will be explained to you. Further details of how to present a petition to full Council are outlined later in this scheme.

With regards to Option 1, please submit the original copy of the petition. Please also note that the council reserves the right to validate petition signatures and addresses for options 1,2, and 3.

The guidelines for submitting a petition which applies to Option 1, Option 2 and Option 3

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- The name, address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including the name, address, email and phone number of the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser and the other petitioners, other than their name, will not be placed on the website. However, the Council may be obliged to disclose the street where petitioners live, in the event of a Freedom of Information Act request or following a requirement under another statutory requirement. If the petition does not identify a petition organiser, we will attempt to contact one of the signatories to the petition to agree who should act as the petition organiser.

What will the council do when it receives my petition?

Where contact details have been supplied, an acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. If this is an e -petition it will also be published on our website.

If we are in a position to carry out the action in your petition, then our acknowledgement may confirm the actions we have undertaken, and the petition will be closed. If the petition has enough signatures to trigger a council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition. All sensitive personal details will be removed from any related correspondence.

Are there any circumstances in which my petition will not be accepted?

Petitions which are considered to be vexatious, abusive, defamatory, offensive frivolous or otherwise inappropriate will not be accepted and no action will be taken.

- In order to avoid contempt of court or prejudice to the Council's position, and duplicating procedures where established processes already exist,
- Petitions which are considered to be vexatious, abusive defamatory, offensive, frivolous or otherwise inappropriate will not be accepted and no action will be taken.

- Any matter that does not engage the council's responsibilities including, matters which relate to the proceedings of a political party, and matters that are the subject of electoral law.
- Petitions which relate to any matter that is, or is likely to be, the subject of legal proceedings. This includes petitions which the Monitoring Officer considers would put the Council at risk of constituting a contempt of court, or any petition which is asking the Council to do anything unlawful.
- Names or clearly identifies an employee of the authority or any matter relating to an individual.
- Involves the disclosure of confidential or exempt information as defined under Schedule 12A to the Local Government Act 1972 (as amended by the Local Authorities (Access to information))
- Does not relate to an issue upon which the council has powers or duties or on
- which it has shared delivery responsibilities.

Additionally, raising similar issues as a petition submitted in the last 6 months. This is to allow as many voices in the community to be heard as possible.

We will explain the reasons for this in our acknowledgement of the petition. The Monitoring Officer will make the final ruling on this.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, alternative procedures to this scheme will apply.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition.
- considering the petition at a council meeting
- referring the petition for consideration by the council's overview and scrutiny committee*
- Responding in writing and setting out the actions to be taken

*The Overview and Scrutiny Committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all specific actions it can potentially take on issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway station or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council but could involve other steps. In any event we will always notify you of the action we have taken.

Presenting a Petition to a meeting of the Council Option 2

Democratic Services and Scrutiny Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting e.g., Friday for a meeting on the Monday 10 days later. The petition will be handed to the Mayor or Chair and recorded as received by the Democratic Services and Scrutiny Manager without any further debate. If this is presented at a full Council meeting or Cabinet meeting, the relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council. If a petition is presented at a committee meeting, the Chair should report a response to the petition at the next ordinary meeting. A copy of this response will be sent to the Petitioner.

If a petition contains more than 2643, it will trigger a debate by the full Council. This applies to options 1, 2 and 3 for submitting a petition and means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the next available meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website, in the minutes of the meeting.

Option 3 – Submitting an e – petition.

Our e-petition system allows you to easily collect signatures via the internet, in addition to paper petitions and instead of paper petitions.

Democratic Services facilitate the e- petition system and will support addition of petition to the council website and adherence to the requirements for submission of petitions as set out above.

To submit an e-petition you will need to register on the Council's petition page. Registration is simple requiring a few details in case we need to contact you.

On the e-petition page, select 'submit a new petition' and follow the prompts from there. Your online form will be submitted to the Democratic services and Scrutiny Team.

You must let us know when you would like your e-Petition to go live on the website,

All approved e-petitions will be hosted on the council's website for a maximum of three months.

Please note that it is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition. The paper version will be checked against the e-petition version and any duplicate names will be removed.

The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

The Council will acknowledge receipt of a petition within ten working days. In all cases the relevant Cabinet member and senior officer (at Assistant Director level) will be informed, if the petition relates to a particular part of the Borough, then we will also notify the local ward councillors.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the Council has taken in response to your petition.

If your petition was considered and a response given by Officers, then please send your concerns to the Council via the Council's Corporate Feedback Team which can be accessed via the Council's website. If you remain dis-satisfied you can submit a complaint to the Local Government and Social Care Ombudsman.

If your petition was considered and debated at either an Overview & Scrutiny meeting, or Full Council, then please request a referral to the Chair of OSC who will consider how best to respond, depending on the nature of the concerns, please email makingyourvoiceheard@haringey.gov.uk.

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For our privacy notice please [click here](#) or ask for an accessible copy

Personal details will automatically be removed 4 years after the closing date of the petition. However, should you wish your name to be removed before this time please contact the Democratic services and Scrutiny Team via makingyourvoiceheard@haringey.gov.uk.

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To raise or sign a petition, you should be an interested party who lives, works or studies in Haringey. Including those under the age of 18.

Any individual can sign a petition and may be of any age and should provide an address which shows that they live, work or study in Haringey or lives on a Haringey -owned out borough estate or in temporary accommodation provided by the borough. You can only sign a petition once.

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- Does not relate to an issue upon which the council has powers or duties or on
- which it has shared delivery responsibilities.

Additionally:

Raising similar issues as a petition submitted and response received in writing within the last 6 months.

A paper petition or e- petition considered at an Overview and Scrutiny Committee or Full Council raising similar issues heard at these meetings in the last 6 months. This is to allow as many voices in the community to be heard as possible.

Once a petition has been heard at a Full Council or Overview and Scrutiny Meeting, a petition on the same topic cannot be submitted until a further 6 months has elapsed from the meeting date.

We will explain the reasons for this in our acknowledgement of the petition. The Monitoring Officer will make the final ruling on this.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

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- considering the petition at a council meeting
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- Responding in writing and setting out the actions to be taken

*The Overview and Scrutiny Committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

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If your petition is about something over which the council has no direct control (for example the local railway station or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council but could involve other steps. In any event we will always notify you of the action we have taken.

Presenting a Petition to a meeting of the Council Option 2

Democratic Services and Scrutiny Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting e.g., Friday for a meeting on the Monday 10 days later. The petition will be handed to the Mayor or Chair and recorded as received by the Democratic Services and Scrutiny Manager without any further debate. If this is presented at a full Council meeting or Cabinet meeting, the relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council. If a petition is presented at a committee meeting, the Chair should report a response to the petition at the next ordinary meeting. A copy of this response will be sent to the Petitioner.

If a petition contains more than 2643, it will trigger a debate by the full Council. This applies to options 1, 2 and 3 for submitting a petition and means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the next available meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website, in the minutes of the meeting.

Option 3 – Submitting an e – petition.

Our e-petition system allows you to easily collect signatures via the internet, in addition to paper petitions and instead of paper petitions.

Democratic Services facilitate the e- petition system and will support addition of petition to the council website and adherence to the requirements for submission of petitions as set out above.

To submit an e-petition you will need to register on the Council's petition page. Registration is simple and requires a few details in case we need to contact you.

On the e-petition page, select 'submit a new petition' and follow the prompts from there. Your online form will be submitted to the Democratic services and Scrutiny Team.

You must let us know when you would like your e-Petition to go live on the website,

All approved e-petitions will be hosted on the council's website for a maximum of three months.

Please note that it is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition. The paper version will be checked against the e-petition version and any duplicate names will be removed.

The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

The Council will acknowledge receipt of a petition within ten working days. In all cases the relevant Cabinet member and senior officer (at Assistant Director level) will be informed, if the petition relates to a particular part of the Borough, then we will also notify the local ward councillors.

Once an e petition with over 2643 signatures has been debated and heard at a Full Council meeting a paper or e petition on the same topic cannot be submitted until a further 6 months has elapsed from the meeting date.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the Council has taken in response to your petition.

If your petition was considered and a response given by Officers, then please send your concerns to the Council via the Council's Corporate Feedback Team which can be accessed via the Council's website. If you remain dis-satisfied you can submit a complaint to the Local Government and Social Care Ombudsman.

If your petition was considered and debated at either an Overview & Scrutiny meeting, or Full Council, then please request a referral to the Chair of OSC who will consider how best to respond, depending on the nature of the concerns, please email makingyourvoiceheard@haringey.gov.uk.

The details you give us are needed to validate your support .The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the Petition.

London Borough of Haringey is the data controller for personal information collected in respect of both the Council's E-petition facility and for paper petitions.

For our privacy notice please click [here](#) or ask for an accessible copy

Personal details will automatically be removed 4 years after the closing date of the petition. However, should you wish your name to be removed before this time please contact the Democratic services and Scrutiny Team via makingyourvoiceheard@haringey.gov.uk.

You have rights in respect of your data including the right to access; the right to object to our use of your data; the right to have inaccurate personal data erased, blocked or destroyed. For more details, please see our privacy notice.

Part Four, Section A

Council Procedure Rules

12. PETITIONS

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

12.1.1 Where a petition submitted to the Council, under the Petitions Scheme, contains more than 2643 signatures it will trigger a debate by the full Council. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the next available meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website, in the minutes of the meeting.

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LATE BUSINESS SHEET

Report Title: Agenda Item 9 – Licensing Protocol

Committee: Standards Committee

Date: 27 June 2023

Reason for lateness and reason for consideration

The Standards Committee has been asked to consider a report on the new Licensing Protocol which has been published and is attached item 9. The Committee are now further asked to consider an addendum which contains the minutes of the Licensing Committee held on the 22nd of June which considered this Protocol as the parent committee and put forward some minor changes which are attached at appendix 1 of the addendum. This addendum seeks onward recommendations for adoption of the Protocol by the Full Council on 17 July 2023, with the changes outlined in appendix 1 and 1.1.

The Protocol will be added to the Constitution and needs the agreement of the Standards Committee in line with their terms of reference requirement of considering amendments to the Constitution and recommending proposals to the full Council for approval.

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances are so that the proposal, including the comments of the Licensing Committee which met on the 22nd of June, can be considered by the Standards Committee in a timely manner at the meeting on the 27th of June 2023 and if approved can progress to the next Full Council on the 17th of July 2023. This will allow the protocol to be added to the Constitution and allow clarity and understanding on the process for holding online Licensing subcommittee hearings. This was agreed as a late paper due to these circumstances by the Chair on the 19th of June 2023

Addendum

FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES

Apologies had been received from Councillor Peacock, Councillor Blake, Councillor Bartlett and Councillor da Costa.

3. URGENT BUSINESS

It being a special meeting, under Part 4, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

4. DECLARATIONS OF INTEREST

None were declared.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

It being a special meeting, under Part 4, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

6. CHANGES TO THE PROTOCOL FOR LICENSING SUB-COMMITTEES

Ms Michelle Williams, Principal Litigation Lawyer and Ms Daliah Barrett, Licensing Team Leader, presented the item.

The Committee discussed the protocol rules and heard that:

- Rule 29 partly referred to a facility to submit information confidentially to the to the Council. It would be expected that the party communicating the confidential information to also send the Council a copy of the document that was unredacted so that the confidential information could be inspected in addition to the redacted copy. It would be for the Council to decide whether or not the information was actually confidential. The rule was mainly there to deal with the main confidential information that the Council were provided with; the names and addresses of interested parties possibly opposing an application. The information could only be kept truly confidential if there was a threat to those individuals if their details were disclosed. If there was no threat, it may be that the information would have to be shared with the other parties, although the other parties would be asked to keep their information confidential. It was the legislation which set out the ground

rules in terms of whether, particularly in terms of names and addresses, if they could be kept confidential. The legislation stated that if there was a threat, a reason would need to be substantiated to determine if there was a threat to the individual.

- An individual wanting to complain about a licenced premises was able to do so and there was a mechanism within the Council for it to even be an anonymous complaint. In terms of the Licencing legislation itself, the Licensing Authority could not accept a representation on an application where the representor had not provided their name and address.
- If allegations were being made, the applicant or licence holder had the right to know the case against them. In terms of licencing regulations, those making representations no longer were subject to a proximity test whereby they had to live within a certain radius of the locality. An applicant had a right to know if someone complaining about a premises how far the objector lived away from the premises (unless there was a substantiated threat).
- Rule 29 would be changed to read that any party submitting their information could make a request for certain details to be kept confidential so it was somewhat clear that the determination on whether or not certain information was kept confidential would ultimately be made by the Licensing Authority (or the Council).
- Pages 32 and 33 of the agenda papers relating to Licensing hearings and Gambling hearings appeared to have different procedures for applicants. The protocol in relation to Licensing hearings appeared to suggest that in most cases, a further opportunity would be provided for the applicant or licence holder to attend another hearing if they were absent from the meeting, but the protocol in relation to hearings relating to the Gambling Act appeared to suggest that the hearing would proceed in the absence of the applicant or licence holder. This would be changed so that both protocols were consistent.
- In relation to Rule 49, other local authorities operated some sort of a five-minute time limit to present freely at a Licensing Sub-Committee. If the speaking party presented justified reasons why they needed more than five minutes, the Chair had the discretion to extend the time. Participants speaking at length could result in a meeting that could not be concluded, partly due to the 10:00pm meeting guillotine operated by the Council. The parties also had time to make concluding remarks which were not timed. There previously had been no time limits on speaking whatsoever. In the event of an application which had many representations, those meetings could be lengthy and may not be conclude by 10:00pm.
- It was important to note that the applicant would have submitted their application and the representations would have been put in writing, so participants would generally be summarising their position and the applicant would be addressing the representations that had been made. The hearings often had an ongoing dialogue between all parties throughout the meeting and the legislation required that parties to be allowed an equitable amount of time to present their case. Therefore, in a hearing, for example, where there were 10 objectors to one applicant,

the Chair could engage discretion to ensure that both sides were offered an opportunity to speak for an equitable period of time.

- Many applicants had legal representation and parties could ask in advance for additional time before the hearing via the Licensing Officer.
- The summary procedure rules had been amended to reflect that, in normal circumstances, the parties would be given five minutes to speak, so all of the parties would be aware of this in advance. If they required more time, than they would know that the Chair had the discretion to extend it, and this was a request that could be made.
- Under the legislation, any application that had not received objections could be dealt with by the Licencing Authority and must be granted. Where objections had been received and the applications could not be ameliorated, those applications would be put forward to be heard before the Licencing Sub-Committee.
- Rule 14 stated that a councillor could not take part in the decision relating to an application in their ward, not that they could not make representations against a particular application in their ward. This rule had been put in place in case of an allegation of an appearance of bias.
- Ward councillors could make a representation against a particular application in their ward or speak on behalf of residents who had submitted a representation who then may nominate a ward councillor to speak on their behalf, possibly as a substitute speaker.
- Rule 62 and 63 appeared to have a loophole whereby a hearing could theoretically conclude between the hours of 9:30pm and 10:00pm allowing a new hearing to also start between 9:30pm and 10:00pm. Therefore, Rule 62 would be extended to read that no new hearings would commence after 9:30pm.
- Appropriate wording would be added to Rule 67 to ensure that the sentencing was complete.

Rule 56 would be changed to read “The Chair shall be responsible for the orderly conduct of the hearing. If any Member or a party loses their connection during a remote hearing, the meeting will be adjourned until they are able to rejoin and any evidence or representation they have missed will be rerun”.

At this point in the proceedings, at 7:47pm, Councillor Diakides left the meeting room.

Subject to the changes outlined above, the Committee.

RESOLVED:

1. To agree the updated Licensing Protocol attached at Appendix 1 of the report.
2. To agree the updated Licensing Hearings Procedure Summary attached at Appendix 2 of the report.

3. To agree updated Licensing Hearings Review Procedure Summary attached at Appendix 3 of the report.
4. To agree the updated Gambling Act 2005 Hearings Procedure Summary attached at Appendix 4 of the report.
5. **To recommend the approval of the protocol to the Standards Committee on 27 June 2023 for their onward recommendation for adoption by the Full Council on 17 July 2023.**

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HARINGEY COUNCIL – LOCAL LICENSING PROCEDURE RULES FOR HEARINGS UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005

A. Interpretation

- I. “Acts” means the Licensing Act 2003 and the Gambling Act 2005.

“Applicant” means a natural person or other legal entity making any application or initiating any procedure or giving any notice for any form of licence, certificate, consent or determination in accordance with the Acts.

“Application” means any type of application, procedure or notice for any form of licence, certificate, consent or determination for which provision is made under the Acts.

“Chair” means the Chair of the Licensing Committee or Licensing Sub-Committee determining the relevant application.

“Committee clerk” means the officer(s) instructed by the Head of Legal and Governance and Democratic Services to attend Licensing Sub-Committee meetings to take the minutes and assist with the proper running of the meetings.

“Council” means the Council of the London Borough of Haringey.

“Gambling hearing” means a hearing by a Sub-Committee to determine an application under the Gambling Act 2005.

“Hearing” means a Gambling hearing or a Licensing Hearing as appropriate to the application.

“Hearings Regulations” means The Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005 no. 44) in relation to licensing hearings and The Gambling Act (Proceedings of Licensing Committees and Sub-Committees) (England and Wales) Regulations 2007 in relation to gambling hearings.

“Interested party” has the meaning prescribed in the Acts.

“Legal representative” means the officer(s) instructed by the Head of Legal and Governance to attend Licensing Sub-Committee meetings to advise on matters of law and procedure.

“Licensing hearing” means a hearing by a Sub-Committee to determine an application under the Licensing Act 2003 which can be held in person or remotely.

“Licensing Committee” means the Council’s statutory Licensing Committee under the Acts.

“Licensing representative” means the officer(s) instructed by the Assistant Director, Environment and Resident Experience to administer application procedures and to attend Licensing Sub-Committee meetings to advise on licensing matters and gambling matters.

“Licensing Service” means the Council department responsible for administering the Council’s functions under the Acts.

“Member” means Haringey Councillor appointed to serve as a Member of the Licensing Committee or a Licensing Sub-Committee as the context requires.

“Notice” means any notice made in accordance with the Acts, or Regulations made thereunder, in relation to an application.

“Objector” means each interested party, other person, responsible authority, other natural person or legal entity who/which has made a relevant representation or an objection or given any notice in relation to any application.

“Other person” has the meaning prescribed under the Licensing Act 2003 as amended.

“Party/Parties” means the applicant(s) and/or the objector(s) in relation to any particular application.

“Premises” means any premises, land, vessel, vehicle or moveable structure in respect of which an application is made.

“Relevant Representation” means any relevant representation made in accordance with the Acts, or Regulations made thereunder, in relation to an application.

“Responsible authority” has the meaning prescribed in the Acts.

“Sub-Committee” means a Licensing Sub-Committee to which the Licensing Committee of the Council has delegated powers to determine applications.

“Ward Councillor” means a Haringey Councillor representing a Ward within which are located any premises that are the subject of an application.

B. Scope and Application

2. These Rules apply to all applications and hearings made in accordance with the Acts, or Regulations made thereunder. These Rules should be read and interpreted in conjunction the Hearings Regulations and the Acts.
3. The Committee Procedure Rules contained in Part Four, Section B of the Constitution do not apply when the Licensing Sub-Committee is conducting a hearing except in so far as they relate to the appointment of Substitute Members (Rule 6).
4. All hearings will be held in person except for Licensing hearings which will be held remotely, unless the Chair of the Licensing Sub-Committee considers it in the interests of justice to hold the meeting in person e.g. if any of the parties do not have access to technology or would be disadvantaged if the hearing was held remotely.

C. Pre-Hearing Procedure

5. The Licensing Service will notify the relevant Ward Councillors of each application, notice or relevant representation relating to premises within their Ward within 2 working days of receiving such application, notice or relevant representation. This requirement is in addition to any requirement arising under the Hearings Regulations.
- 6.. The Licensing Service may seek to mediate between the parties to an application with a view to securing: -
 - (a) the withdrawal of any relevant representation or notice, or
 - (b) the agreement of the parties that a hearing is unnecessary.
7. If, in any case, the parties agree that a hearing is unnecessary, the Licensing representative, , shall decide whether the Council consider that a hearing is unnecessary to determine the application and shall give notice of that decision to the parties forthwith.
8. In any case where it has been decided that a hearing is necessary, the Sub-Committee shall consider the application_at a hearing in accordance with these Rules.
9. Subject to Rule 4, Licensing hearings will take place remotely via Microsoft Teams.
10. Prior to the remote hearing a link will be sent by the Committee Clerk to all parties to enable those parties to attend the virtual meeting.
11. The link will be posted on the Council's website to enable members of the public to observe the meeting, however they will not be allowed to speak at the meeting.

12. Parties may submit a written version of their oral representations by email at least 48 hours before the licensing hearing is due to start. Although voluntary, these written submissions will assist the Sub-Committee in the conduct of the hearing and decision making process.

13. Parties will be required to log in 10 minutes before the start of the meeting. The Committee Clerk can be contacted in case of technical difficulties and contact details will be provided to the parties.

D. Membership and Quorum for Hearings

14. Where an application relates to premises within a Ward, then a Ward Councillor shall not take part in the decision upon that application as a Member.

15. So far as practicable, hearings will be arranged so that the Sub-Committee determining the application does not include Members representing any Ward in which premises affected by the application are located.

16. A Councillor who has participated in a decision by the Council to make any application, or to support or assist an application made by another person, shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee.

17. The quorum for any hearing of a Sub-Committee shall be three Members.

18.

18. If any Member needs to leave during the hearing the Chair will adjourn the meeting until they return.

E. Attendance at Hearings

18A. Only applicants and Parties that have made a valid representation or their named representative/substitute or witness will be allowed by the Chair to speak at the hearing.

F. Non-Attendance at Hearings

19. Where a party has not notified the Council that he/she does not intend to attend or to be represented at a hearing, and that party fails to attend the hearing then the Sub-Committee may either: -

- (a) adjourn the hearing to a specified date where it considers this to be necessary in the public interest, or
- (b) hold the hearing in the party's absence.

20. Normally, a party who fails to attend a hearing in the circumstances described in Rule 19 above, will be allowed one further opportunity to attend the hearing adjourned to a specified date.
21. Where an adjournment is granted, the Licensing representative shall make every reasonable endeavour to contact the party who failed to attend by telephone or in person in order to warn them of the new date for the adjourned hearing and the likelihood that the application will be determined in that party's absence in the event of further failure to attend.

G. Calling Witnesses

22. Where a party wishes to call a witness to give evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing stating: -
 - (a) the name of the witness, and
 - (b) a brief description of the point or points upon which the witness' evidence may assist the Sub-Committee in making its decision on the application.
23. Where a party has given notice under Rule 22, the Licensing Service shall forthwith communicate this notice to the other party/parties, if possible by electronic means or by the most rapid practicable alternative means.
24. Where a party has given notice under Rule 22, the Sub-Committee shall consider at the commencement of the hearing whether it will permit the party to call the witness for the purpose(s) notified. Such permission shall not be unreasonably withheld at a hearing where there has not been full compliance with Rule 22.

H. Documentary Evidence

25. Where a party wishes to rely upon documentary evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. This notice shall be accompanied by six copies for the Council and sufficient additional copies of all the relevant documentary evidence for each other party made known to the notifying party. Compliance with this Rule is especially important in relation to documents that are not easy to photocopy because, for example, they are coloured or not A4 size.
26. Where a party has given notice under Rule 25, the Licensing Service shall forthwith communicate all the relevant documentary evidence to the other party/parties if possible by electronic means or by the most rapid practicable alternative means.
27. Where a party has complied fully with Rule 25, that party shall have the right to have the relevant documentary evidence admitted and, subject to the provisions of the Hearings Regulations, the Sub-Committee shall take such evidence into account in making its decision.
28. In any case where a party wishes to rely upon documentary evidence but has not fully complied with Rule 25, then at the commencement of the hearing the Sub-Committee shall follow this procedure: -
 - (a) the Chair shall establish whether the other party/parties consent to the documentary evidence being admitted, and
 - (b) if all the other parties so consent, then the documentary evidence shall be treated as if Rule 27 applied to it, or
 - (c) if any party does not so consent, and the documentary evidence has only been made available to all the parties at the hearing, then the Sub-Committee shall generally refuse to admit it, or
 - (d) if any party does not so consent, and the documentary evidence has been made available to all the parties before the hearing but there has not been full compliance with Rule 25, then the Sub-Committee shall decide whether to admit the documentary evidence nonetheless, and
 - (e) in making its decision under Rule 28(d), the Sub-Committee shall have regard to any reasons given for the late production of the documentary evidence, or other non-compliance with Rule 25.
 - (f) in making its decision under Rule 28(d), the Sub-Committee shall consider how far any other party may be prejudiced by the late production of the documentary evidence, or other non-compliance with Rule 25, and also the extent of the prejudice to the party seeking to rely upon the evidence if its admission is refused.
 - (g) in making its decision under Rule 28(c) and/or 28(d), the Sub-Committee shall consider whether it would be desirable in the public interest to adjourn the hearing for any period of time, or to another date, in order to allow any other party a reasonable opportunity to consider the documentary evidence.

- (h) in making its decisions under Rules 28(d) and 28(g) above, the Sub-Committee shall consider any representations by the parties and the advice of its legal representative.
29. Where a party wishes to rely upon documentary evidence at a hearing but considers that any details of that evidence should be treated as confidential e.g. the name or address of the signatory of a letter, then the party may request that such details are redacted and the Licensing Authority will decide whether the information can be kept confidential or whether an application should be made under rule 30. Any notice given or relevant representation made to the Licensing Authority must state the originator's name and address in order for it to be valid.
 30. In any case where there is a request for confidential details to be excluded under Rule 29, the Licensing Service must be informed whether a request will be made by the party under Rule 37. If permission is refused under Rule 38, the whole or part of the relevant documentary evidence may be excluded from consideration. If permission is granted to exclude any confidential details, this may affect the weight to be given to the rest of the related evidence under Rule 55.
 31. Where a party wishes to rely upon a model, or any form of evidence that cannot be photocopied, at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. The party seeking to rely upon such evidence shall indicate in the notice, so far as practicable, the nature of that evidence and the purpose(s) of producing it.
 32. Where a party has given notice under Rule 31 the Licensing Service shall forthwith communicate all relevant information about the evidence to the other party/parties if possible by electronic means or the most rapid practicable alternative means.
 33. Rules 25 to 28 shall be applied to evidence of the type described in Rule 31 with a presumption that such evidence will be admitted if it materially helps the Sub-Committee to understand relevant issues between the parties at the hearing.

I. Petitions

34. Petitions shall on each page state their purpose and contain a warning to potential signatories that they are liable to be made public and that a copy will be supplied to other parties to the application. Each person signing should print their name and address legibly. At the end a petition must state the name(s) and address(es) of the persons circulating the petition and the dates on which this took place.
35. A petition must comply with Rule 34 unless the Sub-Committee decide to waive compliance with any requirement(s) for a good reason. A petition shall also be treated as documentary evidence and Rules 25 to 28 shall apply.

J Private Hearings and Confidential Evidence

36. In accordance with the Hearings Regulations, hearings shall take place in public unless a decision to the contrary is made under Rule 38 in any case.
37. Where a party or a witness consider that any giving of evidence, or part of any evidence, or part of a hearing, should be held in private, then the party or their witness shall make such request to the Chair at the commencement of the hearing.
38. The Sub-Committee may decide to exclude members of the public from any part of a hearing and/or treat any evidence as confidential where the Sub-Committee consider that the public interest in preserving the confidentiality of any evidence outweighs the public interest in that part of the hearing taking place in public.
39. For the purposes of Rule 38, a party, a witness and any person assisting or representing a party, may be excluded from any part of a hearing or from hearing or seeing any particular evidence. Where the Sub-Committee decide to hold part of a hearing in private, a party and/or his/her representative shall only be excluded in exceptional circumstances.
40. Where the Sub-Committee decide to hold part of a hearing in private, the officers of the Licensing Service shall only be excluded in exceptional circumstances. The Committee Clerk and legal representative shall not be excluded.
41. Before making any decision under Rules 38 or 40, the Sub-Committee shall consider the advice of its legal representative.
42. Where any part of a hearing takes place in private, the hearing will be adjourned immediately thereafter for a period of time sufficient to enable the Committee clerk to prepare a fair summary of the evidence and proceedings heard in private. This summary will exclude all details that the Sub-Committee, acting with the advice of its legal representative, consider should remain confidential. Upon the resumption of the hearing, the summary will be read out publicly in the presence of all the parties.
43. Rules 36 to 42 shall apply as nearly as may be practicable to documentary evidence where, with the consent of the Sub-Committee, confidential details may be disclosed to the Sub-Committee but excluded from disclosure to the public or persons mentioned in Rule 39.
44. Rules 36 to 42 shall apply, as nearly as may be practicable, where a witness wishes to disclose his/her name and/or address or other details only to the Sub-Committee and Council officers but not to the public or persons mentioned in Rule 39.

45. Whenever any evidence or information has been treated as confidential under Rules 36 to 44, the Sub-Committee shall consider whether to alter the weight given to that evidence in accordance with Rule 55.

K. Commencement of the Hearing

46. At the commencement of each hearing the Sub-Committee shall follow this procedure but may omit or abridge any step or Rule as appropriate -
- (a) The Chair will introduce him/herself and invite the Members and officers to introduce themselves
 - (b) The Chair will invite the parties to introduce themselves and their representatives (if any)
 - (c) The Chair will invite Members to disclose any contacts they may have had before the hearing with the parties or lobbyists for them which do not constitute a personal, prejudicial or disclosable pecuniary interest in accordance (see the guidance contained in section Q).
 - (d) If any party fails to attend the hearing, the Sub-Committee shall decide whether to proceed with the hearing in the absence of that party or whether to adjourn the hearing to another date. The Sub-Committee shall have regard to Rules 19 and 20 and Regulations 12 and 20 of the Hearings Regulations in making such decisions.
 - (e) The Chair will explain the procedure to be followed by reference to these Rules and the Summary procedure for that hearing.
 - (f) The Chair will suggest the order of the topic headings for discussion at the hearing and will then invite the comments of the parties. In the light of such comments the Sub-Committee will confirm the order of the topic headings or amend them.
 - (g) The Chair will ascertain whether there are any requests by any of the parties to call a witness and the Sub-Committee will then determine any such request under Rule 24.
 - (h) The Chair will ascertain whether there is likely to be a request from any of the parties to cross-examine a witness called by another party and, if so, the reasons given for seeking a cross-examination. The Sub-Committee will then determine whether to allow such cross-examination in the interests of establishing relevant facts.
 - (i) The Chair will ascertain whether there are any requests by any of the parties to produce documentary evidence, including models etc., and whether there has been full compliance with Rules 25 to 32. In the event of any non-compliance these Rules, the Sub-Committee shall decide whether to admit the evidence and/or adjourn the hearing under Rules 28 to 33.
 - (j) The Chair will ascertain whether there are any requests by any of the parties to treat any evidence as confidential or to hear any of the evidence, or hold any part of the hearing, in private. If so, the Sub-Committee shall decide the request under Rules 38 to 44.
 - (k) In any case where the Licensing Service has informed a party that there are particular points on which the Sub-Committee will need clarification, the Chair will then invite the party to provide such clarification.

L. Procedure and Evidence at Hearing

47. For remote hearings all Members and parties must have their cameras on for the duration of the hearing.
48. All Members and parties should mute their microphones until invited to speak by the Chair and only one person should speak at any one time. If anyone wishes to speak during the hearing they should press the raise my hand button on the menu bar and wait to be called by the Chair.
49. In accordance with Hearings Regulations, the hearing shall take the form of a discussion led by the Chair. With permission of the Chair the other Members of the Sub-Committee may ask questions of the parties, their representatives and witnesses and may lead the discussion on specific topics or points. When making their initial representation, each representative/party will be given 5 minutes to address the Sub-Committee with the Chair having the discretion to extend this time limit if appropriate, e.g. if the application is complex.
50. The hearing shall follow the order of the topic headings determined under Rule 46 (f) unless there is a good reason to depart from this agreed by the Sub-Committee.
51. The Chair, or Member leading the discussion, shall endeavour to ensure that each party has a reasonable opportunity to explain their case under each topic heading. The parties, their representatives and witnesses have a duty to make their evidence and comments succinct and relevant to the issues under discussion.
52. A party shall not be permitted to cross-examine another party or their witness unless this has been allowed under Rule 46 (h). If a party has concerns relating to the evidence or comments of another party or their witness, this should be explained to the Sub-Committee so that the Chair can question the other party/witness about these concerns before completing that topic heading.
53. Where permission has been given to a party to call a witness, that witness may give evidence in one or more stages when the discussion covers the appropriate topic heading(s). Normally, a witness will be invited by the Chair to make a statement. The witness will then be subject to cross-examination by the other party/parties if this has been allowed under Rule 46 (h). Then the Sub-Committee may question the witness. A party shall not re-examine his/her own witness except with the consent of the Chair to clarify a significant point in earlier evidence.
54. At the end of each topic heading the Chair shall invite the Licensing Service or legal representative to make any comments that they may consider necessary. With the consent of the Chair, these officers may question parties or witnesses directly or put their questions through the Chair.

55. Strict legal rules of evidence shall not apply. However, in considering what weight to place on the evidence or comments of any party or witness, the Sub-Committee shall have regard to the extent to which information was: -
- (a) within a witness' direct knowledge, and
 - (b) clearly and specifically related to the points at issue in the hearing, and
 - (c) tested by questioning.
56. The Chair shall be responsible for the orderly conduct of the hearing. If any Member or a party loses their connection during a remote hearing, the meeting will be adjourned until they are able to rejoin and any evidence or representation they have missed will be rerun.
57. The Chair may require any person to be silent and if necessary may mute their microphone during a remote meeting. The Chair may regulate the order in which persons speak at the hearing. The Chair will endeavour to prevent remarks which are repetitious or irrelevant or which amount to unsubstantiated offensive allegations against any person, present or not.
58. After a warning the Chair may require any person at the hearing who is considered to be behaving in a disruptive manner to leave the meeting and may prohibit his/her return except on compliance with specified conditions. For a remote hearing the Chair may exclude a person from the hearing by muting their microphone or by removing them from the meeting. This can be for a period or for the remainder of the hearing. A person excluded from a hearing under this Rule may put in writing any information or submission they intended for the hearing. For a remote hearing this may be done by way of an e-mail to the Committee Clerk. The Sub-Committee must take any such information into account in reaching its decision.
- 59.. The Chair on his/her own motion may indicate the decision of the Sub-Committee on any procedural matter within the scope of these Rules notwithstanding that the decision is stated in these Rules to be that of the Sub-Committee. This is subject to the right of any Member, who makes an immediate request, to have the matter put to the vote of the Sub-Committee as a whole. Rules 69 will apply to such a vote.
60. In accordance with the Hearings Regulations, each party has the right to make a closing address to the Sub-Committee in order to summarise his/her case at the end of the hearing. Unless the applicant consents to a different order, the applicant shall have the right to make the final address.
61. Each party must be allowed an equal maximum period of time to make a closing address. Normally, the Chair will invite each party to state how much time that party will require. However, the Sub-Committee may fix a greater or lesser maximum time for each closing address provided that this is reasonable in relation to the weight and complexity of the issues at the hearing.

M. Time Limit for Hearings

62. At 9.30 p.m. the Chair must ask the Sub-Committee to agree –
 - (a) to continue the hearing in hand and, if necessary, to suspend these Rules so as to allow it to continue for a reasonably short time beyond 10.00 p.m. when this is necessary to complete the hearing and advisable in the interests of fairness, or
 - (b) to adjourn the hearing until a date to be fixed.
63. Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 p.m. *unless the chair determines that it is urgent.*
64. To facilitate hearings concluding before 10.00 p.m. for all hearings the Chair may impose time limits for representations or closing addresses.

N. Decision Making

65. At the end of a hearing the Sub-Committee may confer publicly or in private and announce its decision on the application(s) immediately.
66. The decision(s) will be summarised in writing and the Sub-Committee will return to the public meeting so that the Committee clerk can read out the decision(s) in the presence of all the parties and their representatives.
67. The Sub Committee may give its decision at the end of the hearing. This is most likely where it relates to a TENS application, summary review or a hearing following a closure order.
68. Alternatively, the Sub-Committee may provide the decision in writing within 5 working days commencing with the day of the hearing.
69. In any case, and whether or not Rule 65 applies, the Sub-Committee may retire with the Committee clerk and legal representative to deliberate in private.
70. The Sub-Committee, if making a decision at that time, must reach their decision by a majority vote.
71. If the Sub-Committee require any clarification of matters of fact before reaching their decision(s), and the decision is being made immediately, the Sub-Committee shall return to the public meeting and put questions to the parties, their witnesses or the Licensing representative in the presence of all the parties and their representatives.
72. If the legal representative gives legal advice on any point(s) material to the Sub-Committee's decision(s), this advice will be summarised and read out by the

legal representative in public before the Committee Clerk reads out the decision(s).

O. Waivers and Irregularities

73. The Chair may agree to waive any of these Rules, including any time limit, in the case of any individual application where he/she considers that there is good reason to do so. Excepted from this power to waive are Rules 14 to 17 (inclusive). Any permanent variation of these Rules must be decided by the Licensing Committee.
74. Any irregularity arising from any failure to comply with any provision of these Rules before the Sub-Committee has made a determination shall not of itself render the proceedings void.
75. In any case of such an irregularity the Sub-Committee shall, if Members consider that any person may have been prejudiced as a result of the irregularity, take such steps as Members think fit to cure the irregularity before reaching a determination of the application(s). In any such case the Sub-Committee shall consult the legal representative before deciding upon any steps to cure the irregularity.
76. In any case where it appears after the Sub-Committee's determination that the decision has been vitiated by incorrect information or any procedural or legal error, the Legal Representative shall advise the Chair of this and of the steps necessary to remedy the problem. With the consent of the Chair, the Sub-Committee may reconvene to take the steps advised and/or to amend its decision. With the consent of the Chair in an appropriate case, the Members of the Sub-Committee may signify their consent to any steps advised and/or any amended decision without reconvening in person. When the legal representative so advises, the parties affected shall be invited to a reconvened hearing or, where appropriate, to signify their consent to any steps proposed without attending in person.

P. Councillors who are not Members of the Licensing Sub-Committee

77. A Councillor, who is not a Member of the Sub-Committee determining the application in question, may participate in the hearing but only if the Councillor is an objector who has made relevant representations in accordance with the Hearings Regulations and the Acts, or if the Councillor has been asked to attend by a party in order to act as a witness or a representative for that party.

Q. Cases Remitted by the Magistrates on Appeal

78. On an appeal to the Magistrates Court, the Court may remit the case to the Council for it to determine in accordance with the Direction of the Court. The Chair of the Licensing Committee on legal advice may wish the Council to contest that Direction by further legal proceedings. If not, the Chair will receive advice from the Head of Legal Services on how to comply with the Direction of the Court and will be requested to agree the appropriate

procedure. So far as possible, these Rules will apply to any further hearing with such modifications as are advised to secure compliance with the Direction of the Court.

R. Guidance: Councillors' Participation in Hearings and Members' Interests

1. It is the responsibility of individual Councillors to disclose any interest they may have when sitting as a Member of or participating in a Licensing Sub-Committee hearing.

The Council's Code of conduct for Members defines three categories of Members' interests:

- Disclosable pecuniary interests (DPI's)
- Prejudicial interests
- Personal interests

These are explained in detail at sections 4 to 6 and Appendix A of the Members' Code.

2. Whenever a Councillor, sits as a Member of the Sub-Committee, or intends to participate in a hearing in accordance with Rule 65, the Councillor must consider whether s/he has a personal interest or a prejudicial interest or a DPI and make any declaration and/or withdraw from the hearing as required.
3. If the Member has a DPI or a prejudicial interest in the application s/he must declare the existence and nature of that interest and withdraw from the meeting without discussing or voting on the application. Failure to disclose a DPI is a criminal offence (see Appendix B to the Members Code)
4. Where a Councillor has a personal interest in the decision on the application being determined by the Licensing Sub-Committee, although s/he is not obliged under the Member's Code to make a disclosure of that personal interest to the meeting, s/he should disclose the nature of the interest because of the quasi judicial functions of the sub-committee. If a Member has a personal interest (which does not constitute a DPI or prejudicial interest) s/he can participate in debate and vote on determination of the application. However, due to the quasi judicial functions of the sub-committee, a Councillor should avoid doing so where there is a real possibility of actual or perceived bias. The test is what a fair minded and informed observer would conclude and not the views of the Councillor concerned.
5. Any Councillor who has a prejudicial interest in an application (which does not constitute a DPI) may attend the hearing but only for the purpose of making representations, answering questions or giving evidence relating to the application and provided that the public have not been excluded from the hearing or that part of it. The Member must withdraw from the meeting immediately after the matters permitted above are completed and must not seek improperly to influence any decision about the application. A Member who has a prejudicial interest in an application may prefer to be represented at the hearing by an agent or a fellow Ward Councillor who is not a Member of

the Sub-Committee and who would not be required to leave the meeting before the decision.

6. A Councillor, who is a Member of the Sub-Committee determining the application in question, will have a prejudicial interest (as well as a personal interest) in that application if the he/she makes a relevant representation by way of objection to it and may well have a prejudicial interest if he/she has otherwise been involved in supporting or opposing the application. Any Member of a Sub-Committee who has a prejudicial interest for these or other reasons under the Members' Code must not participate in the decision upon the application and must not be present at the hearing except as provided in the preceding paragraph.
7. Sections 9 and 10 of the Members' Code explain in more detail how an interest affects your participation at meetings.

S. Guidance: Prior Contacts, Lobbying of Members and Expressions of Opinion by Members

1. If a Member of a Sub-Committee is approached by a party, a party's representative or a lobbyist for or against an application to be determined by that Sub-Committee, then the Member must: -
 - (i) explain that s/he cannot discuss the matter, and
 - (j) refer the person(s) to another Councillor who is not a Member of the Sub-Committee or to the Licensing Service who can give further information on the process of dealing with the application, and
 - (k) keep an adequate written record of the approach, and
 - (l) disclose the fact of the approach before the hearing in accordance with Rule 39(c).
2. If a Member of a Sub-Committee receives any written representation either supporting or opposing an application to be determined by that Sub-Committee, then the Member shall pass the representation to the Licensing Service for appropriate action.
3. Where a Member of a Sub-Committee has had any form of personal or business involvement with a party to an application, which is to be determined by the Sub-Committee, or with any person closely connected to a party, then the Member must consider whether such involvement could give rise to an interest which should be declared at the hearing and/or requires them to withdraw in accordance with the guidance contained in section Q. If there is any doubt on this matter, the Member must seek the advice of the Monitoring Officer or the legal representative.
4. A Member of a Sub-Committee must avoid expressing any personal opinion about the merits of an application to be determined by that Sub-Committee and must not take any action that would bring into question the Member's capacity to consider the application objectively.
5. A Member of a Sub-Committee must not accept any gift, favour or free hospitality that could be seen as connected to any application to be determined by that Sub-Committee.
6. Members of Sub-Committees are not to be influenced by party political factors or pressures when determining any application.

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