**NOTICE OF MEETING**

# AGENDA FOR THE STANDARDS COMMITTEE

**Tuesday, 17th November, 2026, 7.00 pm - George Meehan House, 294 High Road, N22 8JZ.**

**Watch the meeting live, or view all of our meetings on Youtube**

Members of the public are welcome to attend this meeting. If you wish to speak at the meeting please register by emailing the Democratic Services Officer. Contact details can be found at the end of the agenda front sheet.

**Elected Members:** Scott Bentham-Emery, Mike Hodges, Andrea Hodgson (Chair), Edward Thacker and Elin Weston

**Quorum:** 3

## 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. 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', 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. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

## 3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under 10 below).

**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. MINUTES (PAGES 1 - 4)**

To confirm and sign the minutes of the Standards Committee meeting held on 14 September 2026.

**6. PROPOSED AMENDMENTS TO THE CONSTITUTION - PART 5 SECTION B - MEMBER OFFICER RELATIONS (PAGES 5 - 34)**

Report of the Monitoring Officer.

**7. PROPOSED AMENDMENTS TO THE CONSTITUTION - ALIGNMENT WITH PENSIONS REGULATIONS (PAGES 35 - 140)**

Report of the Corporate Director of Finance and Resources.

**8. NON-KEY DECISION MAKING FOR HIGHWAYS AND TRAFFIC SCHEMES (PAGES 141 - 150)**

Report of the Corporate Director of Environment and Resident Experience.

**9. DISPENSATION IN RELATION TO MEMBERSHIP OF THE NORTH LONDON WASTE AUTHORITY (NLWA) (PAGES 151 - 154)**

Report of the Monitoring Officer.

**10. COMMITTEE WORK PROGRAMME (PAGES 155 - 156)**

This paper seeks to identify topics that will come to the attention of the Standards Committee and seeks members' input.

## 11. NEW ITEMS OF URGENT BUSINESS

As per item 3.

## 12. DATES OF FUTURE MEETINGS

To note the dates of future meetings:

21 January 2027
9 March 2027

Democratic Services Contact: Richard Plummer, Committees Manager
Telephone: 020 8489 4319
Email: richard.plummer@haringey.gov.uk

Fiona Alderman
Director of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Monday, 09 November 2026

**Public Questions**
Any resident, council tax payer or national non domestic rate payer of the Borough may ask the Chair of any Committee or its sub bodies any question on anything for which the Committee is responsible at any ordinary meeting. Notice of questions must be given in writing to the Democratic Services Manager by 10 a.m. on such day as shall leave three clear days before the meeting (e.g. Tuesday for a meeting on the following Monday). The notice must give the name and address of the sender. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

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

**Accessibility Requirements**
If you would like to attend and you have any special requirements, please email Richard Plummer, Committees Manager at richard.plummer@haringey.gov.uk. Please note that public seating is limited and will be allocated on a first come first served basis.

**Advice To Members On Declaring Interests**

Information on declaring an interest is set out in the Council's Constitution in Part 5 Section A. However, you may need to obtain specific advice on whether you have an interest in a particular matter.

If you need advice, you can contact:

- Monitoring Officer
- the Legal Adviser to the Committee; or
- Democratic Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Agenda Item 5

# MINUTES OF THE Standards Committee HELD ON Monday, 14th September, 2026, 7.00 - 7.26 pm

## PRESENT:

## Councillors: Scott Bentham-Emery, Mike Hodges, Andrea Hodgson (Chair), Edward Thacker and Elin Weston

**13. FILMING AT MEETINGS**

**RESOLVED:**

The filming at meetings notice was noted.

**14. APOLOGIES FOR ABSENCE**

There were none received.

**15. URGENT BUSINESS**

There was none.

**16. DECLARATIONS OF INTEREST**

There were none.

**17. MINUTES**

The minutes of the meeting, 29 June 2026, were discussed.

**RESOLVED:**

That the minutes of the meeting held on the 29 June 2026, were agreed as a correct record

**18. CHANGES TO THE CONSTITUTION - REFORM OF PLANNING COMMITTEES**

The Director of Built Environment and Highways and Head of Development Management and Planning Enforcement introduced the report. The rationale for the report and proposed changes to the Constitution were outlined.

It was noted that the proposed changes to the constitution were in line with changes in the national scheme of delegation from the Ministry of Housing, Communities and Local Government.

*Councillor Emery joined the meeting at 7.06pm.*

*Councillor Weston joined the meeting at 7.12pm*

Following questions from Councillors, the following information was shared:

- It was explained that there would be guidance available for what could be considered significance to the local area. It was additionally noted that if there were major objections from major bodies which were not overcome, these could also be considered significant. However, it was noted that this would likely require testing nationally within courts.

- It was explained that it was likely that the current method of reviewing Council applications and major applications within the Planning Committee, would be similar to how the Committee functioned currently.

- It was noted that any minor applications for trees would be generally considered schedule one and be determined by officers, whereas any major changes to trees would be considered a significant change and be submitted to Committee for consideration. It was additionally stressed that policies in the Local Plan and other Council policies would cover general policy towards advertisement and minor tree changes. It was additionally stressed that, while an application may not go to Committee, that Members would still be able to provide feedback. It was noted that the proposed new Local Plan would have a dedicated tree policy which would be comprehensive and ensure that these would be considered sufficiently.

- It was explained that there was flexibility to work within schedule two, which would allow additional nuance and local accountability for which applications would go to Committee.

- It was explained that there would be a record of discussion which would be circulated publicly which would document any consultation with Planning Members regarding enquiries. It was suggested that feedback to Members could be done similarly to the Member Enquiries system. It was noted that there were concerns with reporting publication of meetings with the Planning Chair, which may disadvantage anyone wishing to judicial review. It was noted that this could be an issue and would consider publishing information weekly, while it would additionally be published by the Planning Sub-Committee monthly.

- It was explained that feedback from residents on quality and timeliness of planning decisions could be brought back to the Strategic Planning Committee for consideration.

**RESOLVED:**

That the Standards Committee:

1. Agreed the changes to the constitution to implement the national delegations in the regulations and to recommend adoption of these changes to the next meeting of Full Council.

**19. NEW ITEMS OF URGENT BUSINESS**

There was none.

CHAIR: Councillor Andrea Hodgson

Signed by Chair ……..

Date ……

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# Agenda Item 6

Report for: Standards Committee - 17 November 2026

Title: Updates to the Constitution - Part 5 Section B - Member Officer Relations

Report Authorised by: Fiona Alderman, Director of Legal and Governance

Lead Officer: Ayshe Simsek Democratic Services and Scrutiny Manager

**Ward(s) affected:** N/A

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

## 1. Describe the issue under consideration

To consider required updates to the Constitution to ensure it the council's governance arrangements remain robust, transparent and fit for purpose and continue to maintain the integrity and core values of good governance

1.1. There is a need to consider the updates to the Member Officer Protocol which was last updated in 2018. A session with managers was held in February 2026 and CWG considered an earlier report in March 2026 and provided comments on:

- Making clearer, the role of councillors a data controller, a matter that is not currently addressed within the Constitution and adding in wording on the guidance and support the council will provide to assist councillors in fulfilling their data protection responsibilities.
- A note on officers undertaking political activities
- Setting out differences between junior and senior officer roles and adding in wording about junior officers responding to members.

At the 28th of October CWG meeting, the updated protocol was considered and there were comments about the new section on No Overall Control and the need to specifically refer to this terminology as the practice and guidance in the existing constitution already provided officers and members good working practices for working in a political environment. Further to review this section has been updated to reflect this with additional good working practices added to capture working with a higher number of opposition councillors.

The section on social media guidance that was added has been deleted in response to CWG comments and will be added to the existing member guidance policy on this.

There were comments made about added wording on the request for political briefings and this has been taken out and wording left unchanged.

The updates also respond to the questions on the different ways a complaint or issue can be escalated and this is set out in section 6.

The legislation relating to political activity of officers has been added to the section as requested by CWG.

## 2. Cabinet Member Introduction

Not applicable

## 3. Recommendations

3.1 To consider the proposed amendments to the Member/Officer Protocol set out at Appendix 1.

3.2 To endorse these changes and to recommend to full Council on the 23rd of November 2026 for adoption.

## 4. Reasons for decision

The proposed amendments are intended to ensure that the Council's Constitution and Member/Officer Protocol remain up to date, reflect guidance and best practice and provide clear expectations regarding the respective roles and responsibilities of Members and Officers, supporting effective governance, transparency and accountability.

## 5. Alternative options considered

Retain the existing Member/Officer Protocol without amendments. This option has been considered and is not recommended. The protocol was last revised in 2018 and needs to be updated in order to reflect good governance arrangements and provide greater clarity identified as necessary.

## 6. Background information

As set out above

## 7. Contribution to strategic outcomes

The Council's Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

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

Finance

7.1 There are no resources implications from these changes.

Legal

7.2 Legal comments are contained within the report

Equality

7.3 There are no equalities matters for consideration with this report as the proposals relate to governance procedural changes.

## 9. Use of Appendices

Appendix 1 - Part 5 Section B - Member Officer Relations – track changes

Appendix 2 - updated version without track changes - Part 5 Section B - Member Officer Relations.

## 10. Local Government (Access to Information) Act 1985

Council Constitution

1972 Local Government Act

Local Government Act 2000

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# Part Five, Section B

# Protocol on Member/Officer Relations

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6. When things go wrong

# 1. Introduction

1.1 The relationship between elected members and officers is fundamental to the successful working of the Council. This relationship is based on honesty, mutual respect and trust, and this protocol is intended to support that relationship by giving guidance on roles and relationships to build a common understanding and set of expectations. The protocol also sets out what should happen on the rare occasions when things go wrong. All Members and officers should abide by this protocol. Political group leaders in respect of members, and the Chief Executive and Monitoring Officer in respect of officers, are responsible for ensuring the protocol is upheld.

1.2 This protocol should be read and understood alongside relevant legislation and the respective Codes of Conduct.[1] If any questions arise from this protocol, advice should be sought from the Chief Executive or Monitoring Officer.

1.3 The Council operates a zero tolerance policy to bullying and harassment.

# 2. Role of Members and Officers

2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct from one another. Members are democratically elected, operate politically, are accountable directly to the public and serve as long as their term of office lasts. Officers are politically impartial and are responsible to the Council as their employer. Their role is to give advice to members and the authority and carry out the work of the authority under the direction and control of the full Council, Cabinet and their committees. Officers are accountable to the Chief Executive as Head of Paid Service.

**Members**

2.2 Members have four main areas of responsibility:

a) Determining the Council's policies and giving political leadership
b) Monitoring and reviewing the performance of the authority in implementing policy and delivering services
c) Representing the authority externally
d) Acting as advocates on behalf of their constituents.

2.3 It is not the responsibility of members to involve themselves in the day-to-day management of the Council or its services. They should not seek to give instructions outside their areas of responsibility or terms of reference of their respective Committee.

[1] This would include the Members' Code of Conduct, the Employee Code of Conduct, Social media policy etc.

2.44 All members, including members of the Opposition or of Scrutiny Committees or Panels, have the same rights and obligations as individual members in their relationships with officers and should be treated equally. Officers support the administration in developing policy proposals whilst maintaining impartiality and ensuring that opposition members receive appropriate information and support to fulfil their scrutiny and representative roles.

**Members of the Cabinet, Chairs and Vice Chairs**

2.5 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers. They still must respect the impartiality of officers, and must not ask them to undertake work of a party political nature or that could prejudice their impartiality.

**Officers**

2.6 The role of officers is to give advice and information to members and to implement the policies determined by the Council, the Cabinet and their committees.

2.7 At senior level that role will include:

(a) Ensuring that the ~~a specific duty to ensure that the~~ Council acts lawfully and in accordance with it's Constitution and Statutory obligations;

(b) Developing and drafting policy proposals which accord with the overall framework set by Members,

(c) Providing~~giving~~ professional and impartial advice in the course of policy development,

(d) managing the organisation,

(e) being accountable to Members for the achievement and strategic goals they set.

(f) Attending Cabinet, Committee and Scrutiny Panel meetings

Below Head of Service level the role will include:

(g) working to establish systems and protocols designed to deliver services fairly and equitably,

(h) working under the direction of ~~to the instructions of~~ their managers, and not to individual Members of the Council – whatever office a Member might hold,

(i) responding to Members' questions on service practice

(j) being accountable to their manager and ultimately their Corporate Director~~.~~

(k) Attending Committee, with the approval and support of a senior manager, and where there is senior office presence at the meeting to provide ~~Providing technica~~technical, operational or professional ~~i~~within their area ~~advice and~~ of expertise ~~at committee and panel meetings with the permission of their senior manager~~.

2.~~9~~7 Certain officers will also have responsibilities in law over and above their obligations to the authority and members. These are known as statutory officers and include the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Finance Officer (s151 officer). Members must respect these responsibilities and not obstruct or victimise officers in the discharge of them.

**Communications**

2.~~10~~8 The Council's Communications team are able to support the Cabinet and Chairs of Committees – including Scrutiny Panels – when they act as spokespeople for the Council. There are specific statutory restrictions on the use of public resources for the Council's communications, which are followed by officers and must be respected by members.

**Children's Services**

2.~~11~~9 It is recognised that the Director of Children's Services has a close working relationship with the statutory Lead Member for Children's Services (the Cabinet Member for Children and Families) and will regularly report to them in relation to the DCS role. The Director of Children's Services and the Cabinet Member for Children and Families must work together to provide a clear and unambiguous line of local accountability.

**Arms-Length Organisations**

2.1~~2~~0 When the Council establishes arms-length organisations to exercise its function~~s, for example Homes for Haringey,~~ the employees of the organisation should be considered as officers for the purposes of this protocol.

## 3. Expectations

3.1 Members and officers can expect the following from each other:

(a) A working partnership;

(b) An understanding of and support for respective roles, workloads and pressures;
(c) Respect, dignity and courtesy;
(d) Integrity, mutual support and appropriate confidentiality;
~~(d)~~(e) Respecting the appropriate *boundaries between operational, policy making and performance roles.*

3.2 Members can expect from officers:
(a) A commitment to the authority as a whole, and not to any political group;
(b) Timely response to enquiries and complaints in accordance with agreed procedures;
(c) Professional, accurate, honest and impartial advice, not influenced by political views or preference;
(d) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
(e) Awareness of and sensitivity to the political environment;
(f) Training and development [from officers] in order to carry out their roles effectively;
(g) Not to have personal issues raised with them by officers outside of the Council's agreed policies and procedures;
(h) That officers will at all times comply with the relevant Code of Conduct;
(i) Support for the role of members as the local representatives of the authority.

3.3 Officers can expect from members:
(a) Political leadership and strategic direction;
(b) Not to be subject to bullying, intimidation, discrimination or harassment. Members should have regard to the seniority and experience of officers in determining what are reasonable requests, having regard to the powerful relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels(below Head of Service Level);
(c) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
(d) That members will not publicly name officers or make detrimental remarks about officers during public meetings. Where members are chairing or otherwise in a position of authority on committees they will do their best to ensure that meetings are conducted in such a way that officers are not subjected to bullying or harassment by members of the public attending meetings;
(e) That members will not involve~~draw~~ officers into political or group discussions;
(f) That members will at all times comply with the Members~~relevant~~ Code of Conduct and this Protocol.

**Limitations upon behaviour**

3.4 The distinct roles of members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

(a) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or officer may secure advantageous treatment. They should therefore be avoided;
(b) The need to maintain the separation of roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
(c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that member or group above others.

## 3.5 Officer involvement in political activities

In accordance with the The Local Government Officers (Political Restrictions) Regulations 1990 Officers operating in politically restricted roles in the Council cannot "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". For example, they may not hold certain party political offices, act as an agent, or canvass at any election, nor speak or write publicly on matters of party-political debate. If there are any queries officers should contact the Monitoring Officer for advice.

# 4. Provision of information

4.1 Members should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans, updates etc. Members are encouraged to make use of existing sources of information wherever possible.

**Members of the Cabinet, Chairs and Vice Chairs**

4.2 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers.

4.3 In order for them to discharge their responsibilities as Cabinet members, administration portfolio holders will be briefed by Directors[2] on service issues, proposals and policy development. Directors may from time to time nominate other officers to attend these meetings. Directors may also brief committee Chairs on matters relevant to the terms of reference of the committee. These informal meetings may be on a one off or regular basis, in accordance with the requirements of the member concerned.

[2] The term 'Director' has the meaning as set out at Part 3 Section E Section 1 of this Constitution and shall include the following officers: the Chief Executive, Corporate Directors ~~members of the Corporate Board~~, and all Directors and Assistant Directors and the Chief Executive of Alexandra Palace & Park (as appropriate)

**Ward Councillors**

4.4 Officers should keep members appraised of developments that are relevant to their role as a ward councillor. Ward councillors should be kept up to date with all major policy developments, public consultations and proposed changes to service delivery affecting their ward.

~~**Major Incidents and Emergencies**~~

~~4.5 A separate guidance document on *The Role of Elected Members in Major Incidents Affecting the London Borough of Haringey* is available to members and sets out arrangements and communications during a major incident.~~

**Members' Enquiries**

4.6 Any member may ask the relevant Director to provide him or her with such factual information, explanation and advice about the Department's functions as he or she may reasonably need in order to assist him/her in discharging his or her role as a member of the Council or acting for and on behalf of the Council as an appointed representative to another body. These requests will be met where the member has a legal right to the information. If that right arises under the Freedom of Information Act, the Member shall not be required to make a formal FOI request.

4.7 All such information should be provided in accordance with the Member Enquiry Process. Where there are established alternative procedures, the enquiry will be put through those procedures and not dealt with as a Member Enquiry.

4.8 Where a member requests a service on behalf of a constituent that will be dealt with as a 'service request' by the appropriate service team.

4.9 Any requests for information made by political group assistants on behalf of members of their group should be treated in exactly the same way as if those members had made the request themselves. The political group assistants, when making such requests should clearly indicate on which member's behalf they are acting. This request should still be assessed under the Freedom of Information Act 2000 criteria or demonstrate a "Need to Know" if exempt information is being requested.

**Briefings to political groups**

4.10 t~~T~~he Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to prepare a briefing or written report on any matter relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, officers should be mindful of the need to support members by providing factual information. However if an officer deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, were necessary in consultation with the Leader(s) of the political group(s).

4.11 Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

4.12 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups.

**Officer attendance at political group meetings**

4.13 The Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to attend a meeting of the group to advise on any matter relating to the authority.

4.14 Attendance at a meeting of a political group should be on the basis of equality of access, and members and officers should avoid officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

4.15 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups. No officer of the Council shall attend any political group meeting which includes non-Council members.

4.16 Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

4.17 Officers will respect ~~request~~ the confidentiality of any matter which they are privy to in the course of attending a political group meeting.

**Members' Access to Reports and background papers**

4.18 Access to Cabinet, Committee or Sub-Committee papers and other documents or information is governed by:-

(i) Local Government Acts 1972-2000 (particularly Schedule 12A)
(ii) Relevant case law
(iii) Access to Information Procedure Rules (Part 4 Section D of the Constitution)
(iv) Freedom of Information legislation

4.19 The rights of members can be summarised as follows:

(i) Councillors generally enjoy the same access rights as members of the public in respect of public papers;

(ii) Members of the appropriate Cabinet, Committee or Sub-Committees will have a good reason for access to all exempt information on the Cabinet, Committee, Sub-Committee agenda under the common law "Need to Know" principles;
(iii) Members of the Overview and Scrutiny Committee will have a prima facie "Need to Know" where they require access to exempt Cabinet agenda items as part of their scrutiny function provided the subject matter relates to an action or decision that the member is reviewing or scrutinising as part of the agreed scrutiny work programme;
(iv) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a "Need to Know".

4.20 It is important to note that these rights only apply where members are clearly carrying out their role as elected representatives. Where any member has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/Committee/Sub-Committee Agenda. In these circumstances, the member must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

4.21 More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

**Confidential/Exempt Information**

4.22 Whilst members of the Council have the same rights as the public in seeking and obtaining public documents or information under Freedom of Information legislation, this is not the case in relation to exempt and confidential information.

4.23 Confidential information is information which is classified as this in the cover page of the report :
(i) furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or
(ii) which may not be disclosed by or under any enactment or by a Court Order.

4.24 Exempt information is information to which the public may be excluded subject to certain qualifications. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and are reproduced in section 10 of the Access to Information Procedure Rules at Part 4 Section D of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council's position. If there is doubt in relation to individual items then they should be kept confidential until the Cabinet/Committee/Sub-Committee has taken a view as to whether they should be treated as exempt or not.

More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

**Use of Council Information – Confidentiality**

4.25 Procedure Rules and specific local procedures (e.g. on contracts) require members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.

4.26 Equally, any Council information provided to a member on the basis of a 'Need to Know' must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as an elected representative of the Council. Confidential or exempt information provided to members may be discussed in the private session of Committee meetings or in private meetings of appropriate members and officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to members**.**

4.27 Members abusing this trust may find themselves the subject of a complaint to the Standards Committee that they have contravened paragraph 3.3 of the Members' Code of Conduct which states that except in certain specified circumstances a member must not disclose information given to him/her in confidence by anyone, or information acquired by the member which he/she believes, or ought reasonably to be aware, is of a confidential nature.

4.28 Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by members or officers to any person not already privy to that information.

4.29 Use of Council Data

When a Member accesses information as part of their role for the Council, e.g. Cabinet or Committee member, the Data Controller is the Council.

- Noting that when a Member holds personal information (usually about constituents) in their role as ward Member, the Member themselves is the Data Controller and the Council should support them in carrying out this role with annual training and guidance.

- Noting that the Member is responsible for compliance with the data protection principles and should be supported by officers in meeting this responsibility officers with annual training and guidance.

## 5. Good Practices for Working in a Political Environment

*5.1* Keeping in mind that *Members and Officers share a collective responsibility to ensure that political differences do not compromise the Council's ability to make lawful, transparent and effective decisions in the interests of residents. Officers will remain politically impartial and Members will respect and protect that impartiality at all times.*

- Officers shall provide professional support to all Members in accordance with their constitutional roles.
- No Member shall receive preferential treatment because they belong to a particular political group.
- Members holding leadership, cabinet, committee chair or spokesperson roles may necessarily have greater engagement with officers due to their responsibilities; however, this shall not prejudice officers' duties to other Members.
- Opposition Members shall receive reasonable support and information necessary to fulfil their scrutiny, representational and governance responsibilities.

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5.2

Officers shall:

- Support agreed constitutional decision-making arrangements.
- Provide objective professional advice to facilitate informed decisions.
- Avoid becoming involved in any political negotiations between groups.
- Ensure that their actions cannot reasonably be interpreted as advancing the interests of one political group over another.

Members shall:

- Respect the professional independence of officers.
- Not seek to involve officers in coalition negotiations or political strategy discussions.

- Not represent officer views as supporting any particular political position unless explicitly authorised to do so.

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**Sensitive Information**

- Officers shall ensure that information is shared in accordance with legal requirements, the Constitution, data protection legislation and the principles of good governance.

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**Committee and Scrutiny Arrangements**

5.4 Where committee chairs, vice-chairs or scrutiny leads are drawn from different political groups:

- Officers shall provide consistent, objective and timely advice to all committee chairs and vice-chairs.
- Officers shall support the effective operation of overview and scrutiny irrespective of political control or influence.
- Members shall respect the role of officers in providing professional advice.

## 6~~5~~. When Things Go Wrong

6~~5~~.1 Rarely, the relationship between members and officers will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage. According to the circumstances this could be: ~~and informally~~ through ~~through conciliation through~~informal discussions between the parties concerned, r~~e~~ferral to the relevant Corporate Director or referral to the Monitoring Officer or referral to the Chief Executive where the matter concerns senior governance or officer impartiality.~~a senior manager~~ This could also be a matter for referral to the ~~or~~ political group leadership or whips. This may not always be possible, in which case the following procedures should be followed.

**Procedure for officers**

6~~5~~.2 If conciliation via a senior manager is not possible, officers can have recourse to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter under the arrangements for complaints under the Members' Code of Conduct, set out at Part 5 Section A of the Constitution.

**Procedure for Members**

6~~5~~.3 In the event that a member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Director. Where the officer concerned is a Director the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive

the matter should be raised with the Monitoring Officer. If a Member is unsure how to ~~proceed, or~~proceed or would wish to discuss the conduct of another Member toward officers, they should discuss this with their group whip.

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# Part Five, Section B

# Protocol on Member/Officer Relations

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6. When things go wrong…… 12

# 1. Introduction

1.1 The relationship between elected members and officers is fundamental to the successful working of the Council. This relationship is based on honesty, mutual respect and trust, and this protocol is intended to support that relationship by giving guidance on roles and relationships to build a common understanding and set of expectations. The protocol also sets out what should happen on the rare occasions when things go wrong. All Members and officers should abide by this protocol. Political group leaders in respect of members, and the Chief Executive and Monitoring Officer in respect of officers, are responsible for ensuring the protocol is upheld.

1.2 This protocol should be read and understood alongside relevant legislation and the respective Codes of Conduct.[1] If any questions arise from this protocol, advice should be sought from the Chief Executive or Monitoring Officer.

1.3 The Council operates a zero-tolerance policy to bullying and harassment.

# 2. Role of Members and Officers

2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct from one another. Members are democratically elected, operate politically, are accountable directly to the public and serve as long as their term of office lasts. Officers are politically impartial and are responsible to the Council as their employer. Their role is to give advice to members and the authority and carry out the work of the authority under the direction and control of the full Council, Cabinet and their committees. Officers are accountable to the Chief Executive as Head of Paid Service.

**Members**

2.2 Members have four main areas of responsibility:

a) Determining the Council's policies and giving political leadership
b) Monitoring and reviewing the performance of the authority in implementing policy and delivering services
c) Representing the authority externally
d) Acting as advocates on behalf of their constituents.

2.3 It is not the responsibility of members to involve themselves in the day-to-day management of the Council or its services. They should not seek to give instructions outside their areas of responsibility or terms of reference of their respective Committee.

[1] This would include the Members' Code of Conduct, the Employee Code of Conduct, Social media policy etc.

2.4 All members, including members of the Opposition or of Scrutiny Committees or Panels, have the same rights and obligations as individual members in their relationships with officers and should be treated equally. Officers support the administration in developing policy proposals whilst maintaining impartiality and ensuring that opposition members receive appropriate information and support to fulfil their scrutiny and representative roles.

**Members of the Cabinet, Chairs and Vice Chairs**

2.5 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers. They still must respect the impartiality of officers, and must not ask them to undertake work of a party-political nature or that could prejudice their impartiality.

**Officers**

2.6 The role of officers is to give advice and information to members and to implement the policies determined by the Council, the Cabinet and their committees.

2.7 At senior level that role will include:

(a) Ensuring that the Council acts lawfully and in accordance with it's Constitution and Statutory obligations

(b) Developing and drafting policy proposals which accord with the overall framework set by Members,

(c) Providing professional and impartial advice in the course of policy development,

(d) managing the organisation,

(e) being accountable to Members for the achievement and strategic goals they set.

(f) Attending Cabinet, Committee and Scrutiny Panel meetings

Below Head of Service level, the role will include:

(g) working to establish systems and protocols designed to deliver services fairly and equitably,

(h) working under the direction of their managers, and not to individual Members of the Council – whatever office a Member might hold,

(i) responding to Members' questions on service practice

(j) being accountable to their manager and ultimately their Corporate Director

(k) Attending Committee, with the approval and support of a senior manager, and where there is senior office presence at the meeting to provide technical, operational or professional within their area of expertise.

2.8 Certain officers will also have responsibilities in law over and above their obligations to the authority and members. These are known as statutory officers and include the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Finance Officer (s151 officer). Members must respect these responsibilities and not obstruct or victimise officers in the discharge of them.

**Communications**

2.9 The Council's Communications team are able to support the Cabinet and Chairs of Committees – including Scrutiny Panels – when they act as spokespeople for the Council. There are specific statutory restrictions on the use of public resources for the Council's communications, which are followed by officers and must be respected by members.

**Children's Services**

2.10 It is recognised that the Director of Children's Services has a close working relationship with the statutory Lead Member for Children's Services (the Cabinet Member for Children and Families) and will regularly report to them in relation to the DCS role. The Director of Children's Services and the Cabinet Member for Children and Families must work together to provide a clear and unambiguous line of local accountability.

**Arms-Length Organisations**

2.12 When the Council establishes arms-length organisations to exercise its function the employees of the organisation should be considered as officers for the purposes of this protocol.

# 3. Expectations

3.1 Members and officers can expect the following from each other:

(a) A working partnership;
(b) An understanding of and support for respective roles, workloads and pressures;
(c) Respect, dignity and courtesy;
(d) Integrity, mutual support and appropriate confidentiality;

(e) Respecting the appropriate boundaries between operational, policy making and performance roles.

3.2 Members can expect from officers:

(a) A commitment to the authority as a whole, and not to any political group;
(b) Timely response to enquiries and complaints in accordance with agreed procedures;
(c) Professional, accurate, honest and impartial advice, not influenced by political views or preference;
(d) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
(e) Awareness of and sensitivity to the political environment;
(f) Training and development [from officers] in order to carry out their roles effectively;
(g) Not to have personal issues raised with them by officers outside of the Council's agreed policies and procedures;
(h) That officers will at all times comply with the relevant Code of Conduct;
(i) Support for the role of members as the local representatives of the authority.

3.3 Officers can expect from members:

(a) Political leadership and strategic direction;
(b) Not to be subject to bullying, intimidation, discrimination or harassment. Members should have regard to the seniority and experience of officers in determining what are reasonable requests, having regard to the powerful relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels(below Head of Service Level);
(c) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
(d) That members will not publicly name officers or make detrimental remarks about officers during public meetings. Where members are chairing or otherwise in a position of authority on committees they will do their best to ensure that meetings are conducted in such a way that officers are not subjected to bullying or harassment by members of the public attending meetings;
(e) That members will not involve officers into political or group discussions;
(f) That members will at all times comply with the Members Code of Conduct and this Protocol.

**Limitations upon behaviour**

3.4 The distinct roles of members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

(a) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or officer may secure advantageous treatment. They should therefore be avoided;

(b) The need to maintain the separation of roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
(c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that member or group above others.

## 3.5 Officer involvement in political activities

In accordance with the The Local Government Officers (Political Restrictions) Regulations 1990 Officers operating in politically restricted roles in the Council cannot "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". For example, they may not hold certain party-political offices, act as an agent, or canvass at any election, nor speak or write publicly on matters of party-political debate. If there are any queries officers should contact the Monitoring Officer for advice.

# 4. Provision of information

4.1 Members should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans, updates etc. Members are encouraged to make use of existing sources of information wherever possible.

**Members of the Cabinet, Chairs and Vice Chairs**

4.2 Members of the Cabinet, Chairs and Vice Chairs have additional responsibilities, entailing different relationships and more regular contact with officers.

4.3 In order for them to discharge their responsibilities as Cabinet members, administration portfolio holders will be briefed by Directors[2] on service issues, proposals and policy development. Directors may from time to time nominate other officers to attend these meetings. Directors may also brief committee Chairs on matters relevant to the terms of reference of the committee. These informal meetings may be on a one off or regular basis, in accordance with the requirements of the member concerned.

**Ward Councillors**

4.4 Officers should keep members appraised of developments that are relevant to their role as a ward councillor. Ward councillors should be kept up to date with

[2] The term 'Director' has the meaning as set out at Part 3 Section E Section 1 of this Constitution and shall include the following officers: the Chief Executive, Corporate Directors , and all Directors and Assistant Directors and the Chief Executive of Alexandra Palace & Park (as appropriate)

all major policy developments, public consultations and proposed changes to service delivery affecting their ward.

**Members' Enquiries**

4.5 Any member may ask the relevant Director to provide him or her with such factual information, explanation and advice about the Department's functions as he or she may reasonably need in order to assist him/her in discharging his or her role as a member of the Council or acting for and on behalf of the Council as an appointed representative to another body. These requests will be met where the member has a legal right to the information. If that right arises under the Freedom of Information Act, the Member shall not be required to make a formal FOI request.

4.6 All such information should be provided in accordance with the Member Enquiry Process. Where there are established alternative procedures, the enquiry will be put through those procedures and not dealt with as a Member Enquiry.

4.7 Where a member requests a service on behalf of a constituent that will be dealt with as a 'service request' by the appropriate service team.

4.8 Any requests for information made by political group assistants on behalf of members of their group should be treated in exactly the same way as if those members had made the request themselves. The political group assistants, when making such requests should clearly indicate on which member's behalf they are acting. This request should still be assessed under the Freedom of Information Act 2000 criteria or demonstrate a "Need to Know" if exempt information is being requested.

**Briefings to political groups**

4.9 the Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to prepare a briefing or written report on any matter relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, officers should be mindful of the need to support members by providing factual information. However if an officer deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, were necessary in consultation with the Leader(s) of the political group(s).

4.10 Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

4.11 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups.

**Officer attendance at political group meetings**

4.12 The Leader of the Council or the Leader of any other political group may request the Chief Executive or relevant Director to attend a meeting of the group to advise on any matter relating to the authority.

4.13 Attendance at a meeting of a political group should be on the basis of equality of access, and members and officers should avoid officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

4.14 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups. No officer of the Council shall attend any political group meeting which includes non-Council members.

4.15 Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

4.16 Officers will respect the confidentiality of any matter which they are privy to in the course of attending a political group meeting.

**Members' Access to Reports and background papers**

4.17 Access to Cabinet, Committee or Sub-Committee papers and other documents or information is governed by:-

(i) Local Government Acts 1972-2000 (particularly Schedule 12A)
(ii) Relevant case law
(iii) Access to Information Procedure Rules (Part 4 Section D of the Constitution)
(iv) Freedom of Information legislation

4.18 The rights of members can be summarised as follows:

(i) Councillors generally enjoy the same access rights as members of the public in respect of public papers;
(ii) Members of the appropriate Cabinet, Committee or Sub-Committees will have a good reason for access to all exempt information on the Cabinet, Committee, Sub-Committee agenda under the common law "Need to Know" principles;
(iii) Members of the Overview and Scrutiny Committee will have a prima facie "Need to Know" where they require access to exempt Cabinet agenda items

as part of their scrutiny function provided the subject matter relates to an action or decision that the member is reviewing or scrutinising as part of the agreed scrutiny work programme;

(iv) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a "Need to Know".

4.19 It is important to note that these rights only apply where members are clearly carrying out their role as elected representatives. Where any member has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/Committee/Sub-Committee Agenda. In these circumstances, the member must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

4.20 More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

**Confidential/Exempt Information**

4.21 Whilst members of the Council have the same rights as the public in seeking and obtaining public documents or information under Freedom of Information legislation, this is not the case in relation to exempt and confidential information.

4.22 Confidential information is information which is classified as this in the cover page of the report :

(i) furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or

(ii) which may not be disclosed by or under any enactment or by a Court Order.

4.23 Exempt information is information to which the public may be excluded subject to certain qualifications. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and are reproduced in section 10 of the Access to Information Procedure Rules at Part 4 Section D of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council's position. If there is doubt in relation to individual items then they should be kept confidential until the Cabinet/Committee/Sub-Committee has taken a view as to whether they should be treated as exempt or not.

More information can be found in the Access to Information Procedure Rules at Part 4 Section D of this Constitution.

**Use of Council Information – Confidentiality**

4.24 Procedure Rules and specific local procedures (e.g. on contracts) require members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.

4.25 Equally, any Council information provided to a member on the basis of a 'Need to Know' must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as an elected representative of the Council. Confidential or exempt information provided to members may be discussed in the private session of Committee meetings or in private meetings of appropriate members and officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to members**.**

4.26 Members abusing this trust may find themselves the subject of a complaint to the Standards Committee that they have contravened paragraph 3.3 of the Members' Code of Conduct which states that except in certain specified circumstances a member must not disclose information given to him/her in confidence by anyone, or information acquired by the member which he/she believes, or ought reasonably to be aware, is of a confidential nature.

4.27 Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by members or officers to any person not already privy to that information.

**Use of Council Data**

4.28 When a Member accesses information as part of their role for the Council, e.g. Cabinet or Committee member, the Data Controller is the Council.

- Noting that when a Member holds personal information (usually about constituents) in their role as ward Member, the Member themselves is the Data Controller, and the Council should support them in carrying out this role with annual training and guidance.
- Noting that the Member is responsible for compliance with the data protection principles and should be supported by officers in meeting this responsibility officers with annual training and guidance.

## 5. Good Practices for Working in a Political Environment

*5.1* Keeping in mind that Members and Officers share a collective responsibility to ensure that political differences do not compromise the Council's ability to make lawful, transparent and effective decisions in the interests of residents. Officers will remain politically impartial and Members will respect and protect that impartiality at all times.

- Officers shall provide professional support to all Members in accordance with their constitutional roles.
- No Member shall receive preferential treatment because they belong to a particular political group.
- Members holding leadership, cabinet, committee chair or spokesperson roles may necessarily have greater engagement with officers due to their responsibilities; however, this shall not prejudice officers' duties to other Members.
- Opposition Members shall receive reasonable support and information necessary to fulfil their scrutiny, representational and governance responsibilities.

5.2 Officers shall:

- Support agreed constitutional decision-making arrangements.
- Provide objective professional advice to facilitate informed decisions.
- Avoid becoming involved in any political negotiations between groups.
- Ensure that their actions cannot reasonably be interpreted as advancing the interests of one political group over another.

5.3 Members shall:

- Respect the professional independence of officers.
- Not seek to involve officers in coalition negotiations or political strategy discussions.
- Not represent officer views as supporting any particular political position unless explicitly authorised to do so.

**Sensitive Information**

5.4 Officers shall ensure that information is shared in accordance with legal requirements, the Constitution, data protection legislation and the principles of good governance.

**Committee and Scrutiny Arrangements**

5.5 Where committee chairs, vice-chairs or scrutiny leads are drawn from different political groups:

- Officers shall provide consistent, objective and timely advice to all committee chairs and vice-chairs.
- Officers shall support the effective operation of overview and scrutiny irrespective of political control or influence.
- Members shall respect the role of officers in providing professional advice.

# 6. When Things Go Wrong

6.1 Rarely, the relationship between members and officers will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage. According to the circumstances this could be: through informal discussions between the parties concerned, referral to the relevant Corporate Director or referral to the Monitoring Officer or referral to the Chief Executive where the matter concerns senior governance or officer impartiality. This could also be a matter for referral to the political group leadership or whips. This may not always be possible, in which case the following procedures should be followed.

**Procedure for officers**

6.2 If conciliation via a senior manager is not possible, officers can have recourse to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter under the arrangements for complaints under the Members' Code of Conduct, set out at Part 5 Section A of the Constitution.

**Procedure for Members**

6.3 In the event that a member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Director. Where the officer concerned is a Director the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive the matter should be raised with the Monitoring Officer. If a Member is unsure how to proceed or would wish to discuss the conduct of another Member toward officers, they should discuss this with their group whip.

**Report for:** Standards Committee – 17 November 2026

**Title:** Proposed Amendments to the Constitution – Alignment with Pensions Regulations

**Report authorised by:** Taryn Eves, Corporate Director of Finance and Resources

**Lead Officer:** Jaime Abott, Head of Pensions and Treasury Manageme

**Ward(s) affected:** Not Applicable

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

## 1. Describe the issue under consideration

1.1. The Council constitution governs the organisation of Council decision making. It is kept under review and, when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to Full Council, in accordance with Article 14.03 (Changes to the Constitution**)**

1.2. This report seeks approval to amend wording in the constitution to bring it in line with new Pensions Regulations following the Fit for the Future amendments. The proposed changes relate to:

- Part Two, 11.01 (b) and (c.) p.31- update table of Statutory Officers and description of the functions and responsibilities of Senior LGPS officer
- Part Three, 2.01, p.100- include Senior LGPS officer into the definition of Statutory Officer
- Part Three, Section E, Section 3, p.117- update table of Delegations to Chief Executive and Statutory Officers to refer to Senior LGPS officer and Regulation 53A of the Local Government Pension Scheme Regulations 2013
- Part Three, Section 3, p.128, Functions of Senior LGPS officer will be added
- Part Four, Rules of Procedure, para 5.10-5.20 onwards, a new description of Senior LGPS officer will be added

## 2. Cabinet Member Introduction

2.1. Not applicable

## 3. Recommendations

That the Standards Committee:

3.1. Consider and comment on the report prior to consideration by the Standards Committee in November and ratification by Full Council on the 23rd of November 2026.

## 4. Reason for Decision

4.1. To ensure that the Council constitution is accurate and includes all of the necessary information.

## 5. Alternative options considered

5.1. To not agree the changes to the Council constitution and/ or defer consideration. This option is not recommended as it would delay the implementation of an accurate and complete constitution.

## 6. Background information

6.1. Following publication of the Government's Fit for the Future statutory governance guidance, a new statutory role of LGPS Senior Officer has been established through the introduction of Regulation 53A of the Local Government Pension Scheme Regulations 2013.

6.2. Regulation 53A requires every administering authority to designate an LGPS Senior Officer. The role carries responsibility for ensuring that the pension fund is appropriately managed and resourced across all aspects of the Scheme, including administration, investment and governance.

6.3. The guidance also places significant emphasis on the LGPS Senior Officer having overarching responsibility for pension functions within the administering authority. Where pension functions are delegated to officers, the guidance states that these should be delegated to the LGPS Senior Officer.

6.4. As this is a new statutory role, amendments to the Council's Constitution will be required to formally establish the position and reflect the associated responsibilities and delegations.

## 7. Contribution to Strategic Outcomes

7.1 The Council's constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

## 8. Carbon and Climate Change

8.1. Not applicable

## 9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

9.1. There are no financial implications arising from this report.

Legal and Governance

9.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

9.3 There are no equalities issues arising from this report



Haringey LONDON

## 10. Use of Appendices

10.1. Appendix 1: Part Two Articles – with proposed amendments

10.2. Appendix 2: Part Three, Section B Responsibility for functions: Full Council & Non-Executive Bodies – with proposed amendments

10.3. Appendix 3: Part Three, Section E Officer Scheme of Delegation – with proposed amendments

10.4. Appendix 4: Part Three – Responsibility for functions Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers – with proposed amendments

## 11. Local Government (Access to Information) Act 1985

11.1. The Council Constitution which can be found at**:** **London Borough of Haringey Constitution**

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# Part Two
# Articles

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**Article 1 - The Constitution**

**1.01 Powers of the Council**

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

**1.02 The Constitution**

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

**1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

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

**1.04 Interpretation and Review of the Constitution**

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



Unrestricted Document

## Article 2 - Members of the Council

### 2.01 Composition and eligibility

(a) **Composition.** The Council will comprise 57 members, otherwise called councillors. Three members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or by the Electoral Commission.

(b) **Eligibility.** People can hold office as councillors if they are on the electoral register or if they have lived, worked or occupied property in the Borough for 12 months.

### 2.02 Election and terms of councillors

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

### 2.03 Roles and functions of all councillors

(a) **Key roles.** All councillors will:

(i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

(iii) Effectively represent the interests of their ward and of individual constituents;

(iv) Respond to constituents' enquiries and representations, fairly and impartially;

(v) Participate in the governance of the Council;

(vi) Maintain the highest standards of conduct and ethics; and

(vii) Be available to represent the Council on other bodies.



Unrestricted Document

(b) **Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. However, a Committee may disclose information previously treated as "exempt" where such information is within the Committee's terms of reference and such disclosure is reasonable, in the public interest, in good faith and does not breach any other reasonable requirements of the Council. The advice of the Monitoring Officer should be sought prior to any disclosure of such information.

(iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution which define councillors' rights to information in more detail.

**2.04 Conduct**

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

**2.05 Allowances**

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

**2.06 Political Groups**

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



Unrestricted Document

## Article 3 – Citizens of The Council

### 3.01 Citizens rights

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

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a change in the Council's governance arrangements.

(b) **Information.** Citizens have the right to:

(i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) Attend meetings of the Cabinet when key decisions are being made except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(iii) Find out from the forward plan what key decisions will be taken by the Cabinet, Cabinet Committees or individual Cabinet members and which meetings will be held in private;

(iv) See reports and background papers, and any records of decisions made by the Council and its committees and the Cabinet, its committees, individual Cabinet members and Officers; and

(v) Inspect the Council's accounts and make their views known to the external auditor.

(vi) Be informed in writing whether the Council holds any information as requested under the Freedom of Information Act 2000. If the information is held by the Council, citizens have the right to have that information communicated to them except where such information is the subject of an exemption under the Freedom of Information Act 2000.

(c) **Participation.**

The Council is committed to helping people contribute to how decisions are made about local services, and will therefore

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

(i) The right to participate in any public sessions arranged for members of the Cabinet to answer questions from Haringey residents.

(ii) The right to be asked to contribute to the work of the Overview and Scrutiny Committee and its scrutiny panels and reviews.

(iii) The right to attend as part of a deputation to the Cabinet and to Council in accordance with the relevant rules.

(d) **Representations and Complaints**. Citizens wishing to complain may:

(i) Make representations to their ward councillors or to members of the Cabinet;

(ii) Make a formal complaint about any Council service to the Council itself under its complaints scheme;

(iii) Complain to the Ombudsman after using the Council's own complaints scheme;

(iv) Make a formal complaint about a breach of the Member's Code of Conduct.

(e) **Petitions**

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

**3.02 Citizens responsibilities**

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

(i) Assisting the Council with the compilation of the electoral register (by meeting their obligations to provide information about



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

(ii) Exercising their right to vote in local, regional, and national elections;

(iii) Respecting and valuing the diversity of communities and their views within a densely populated urban area such as Haringey;

(iv) Behaving in socially and morally responsible ways, towards those in authority and towards each other;

(v) Meeting their obligations in relation to the Council, such as paying their council tax, ensuring their child attends school, etc.

(vi) Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.



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## Article 4 - The Full Council

### 4.01 Meanings

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

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

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

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance.

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

[1] "Although the 2000 Regulations still specify that the Council's Annual Library plan needs to be part of the Policy Framework, the Council is not currently required by statute to produce an Annual Library Plan under s1(2) of the Public Library and Museums Act 1964."The Annual Library Plan has been removed from the Policy Framework on 5 February 2025. This is a similar approach taken by other local authorities. A Library Strategy is currently being developed, and it is open to the Council to include this in the Policy Framework when it is ready for approval.

**4.02 Functions of the full Council**

Only the Council will exercise the following functions:

(a) Adopting and changing the Constitution;
(b) Approving or adopting the policy framework as set out in the appropriate schedule above**;**
(c) Approving the budget and levying council tax;
(d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;

(e) Making or revising a Council Tax Reduction Scheme;
(f) Approval of the Community Infrastructure Levy Charging Schedule;
(g) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
(h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
(i) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
(j) Electing the Leader;
(k) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
(l) Agreeing recommendations arising from Scrutiny Reviews of nonexecutive functions;
(m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
(n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;



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(o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
(p) Adopting and amending the Members' Allowances Scheme;
(q) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
(r) Confirming the appointment or dismissal of the Head of Paid Service;
(s) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
(t) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
(u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either
i) "executive" functions when the decision is for the Cabinet; or ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;
(v) Adopting the Members' Code of Conduct;
(w) Approving Pilot Schemes for Local Elections;
(x) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the "Act"), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing
Policy in relation to the Licensing Act 2003;
(y) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
(i) approving and revising any Statement of Licensing Policy;
(ii) resolving not to issue any casino premises licences in the next three years;
(z) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
(za) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
(zb) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and



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

**4.03 Council meetings**

There are four types of Council meetings:

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

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

**4.04 Responsibility for functions**

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



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## Article 5 - Chairing the Council

### 5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not members of the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairs to account;

4. To promote public involvement in the Council's activities;

5. To be the conscience of the Council; and

6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

### 5.02 First Citizen.

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

## Article 6 - Overview and Scrutiny

### 6.01 Terms of reference

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

### 6.02. General role

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

(a) Exercise an overview of the forward plan;
(b) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
(c) Make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;

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

**6.03 Specific functions**

**(a) Scrutiny Review Panels.**

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

**(b) Policy development and review.**

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

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

**(c) Scrutiny.**



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

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

**(d) Finance**

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

**(e) Annual report.**

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

**6.04 Proceedings of Overview and Scrutiny Committee**

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

**6.05 Votes of No Confidence**

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



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

## Article 7 - The Leader and the Cabinet

### 7.01 The Leader

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

**7.02** The Leader will hold office until:

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

**7.03 The Cabinet**

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

**7.04 Form and Composition**

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

**7.05 Other Cabinet members**

(i) The Leader will determine the number of Cabinet members to be appointed which will be between 2 and 9 (in addition to the Leader).

(ii) Each Cabinet member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.

(iii) One Cabinet member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.

(iv) Individual Cabinet members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.

(v) Cabinet members shall hold office until one of the events (a) to (e) below:

(a) They resign from office; or



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(b) They are disqualified from being councillors by order of a court;
(c) They are no longer councillors; or
(d) They are removed from office, either individually or collectively, by the Leader; or
(e) The Annual Meeting following the Council Elections after their appointment.

**7.06 Votes of No Confidence**

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

**7.07 Default Provisions**

(i) In the event that Leader is unable to act or the office of Leader is vacant and, at the same time, the Deputy Leader is unable to act or the office of Deputy Leader is vacant, then the other Cabinet members shall act collectively in place of the Leader until such time as a new Leader is elected by the full Council.

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

**7.08 Proceedings of the Cabinet**

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

**7.09 Responsibility for Functions**

(i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of those functions by:

(a) The Cabinet;
(b) A Cabinet member;
(c) A Committee of the Cabinet; or



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(d) An officer

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

## Article 8 - Non-Executive Committees

**8.01** A number of functions such as planning control, licensing, health and safety regulation, electoral matters, local act powers, employee terms and conditions and pensions matters are not Executive functions for which the Cabinet is responsible. These matters are excluded from the Executive functions by law, regulations or the provisions of this Constitution.

**8.02** The Council shall appoint the Committees set out in Part 3 Section B of this Constitution to discharge the functions described. These include a Committee to be called the Strategic Planning Committee to be responsible for planning control and a main Licensing Committee to be responsible for licensing matters. The following are also Committees of the council: (i) Audit Committee to be responsible for Audit , Risk and Treasury Management (ii) an Appointments Panel to appoint statutory officers and Directors and a Disciplinary, Grievance and Dismissal Panel and (iii) a General Purposes Committee for other non-executive functions as specified under legislation that are not reserved to full Council or delegated to any other Committee, Sub-Committee, Panel or other body described in Part 3 of this Constitution or an appendix to it. The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.

**8.03** The Council's non-executive functions are currently set out in Statutory Instrument 2000 No. 2853, and subsequent amending Regulations.

**8.04** The Committees described above will be established at the Annual Meeting of the Council.

**8.05** The Committees described above will establish appropriate subcommittees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.

**8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

## Article 9 - The Standards Committee

### 9.01 Standards Committee

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

### 9.02 Composition

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

**Quorum.** The quorum of the Standards Committee is three.

### 9.03 Role and Function

The Standards Committee will have the following roles and functions:

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

### 9.04 Assessment Sub-Committee

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



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**9.05 Composition**

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

**9.06 Role and Function**

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

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

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

**9.07 Hearing Sub-Committee**

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

**9.08 Composition**

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

**9.09 Role and Function**

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

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

**Article 10 Joint Arrangements**

**10.01 Arrangements to promote well being**

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



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

**10.02 Joint arrangements**

(a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions that are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board within these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called "boards" in this Constitution.

(b) The Council may establish joint arrangements with one or more local authorities and their Executives to exercise functions that are partly Executive and partly Non-Executive ("mixed functions"). Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies. Where the Council appoints only one member to such a joint committee, that member may be, but need not be, a Cabinet member. Where the Council appoints more than one member to such a joint committee, at least one of them shall be a Cabinet member.

(c) The Leader, or the Cabinet with the Leader's agreement, may establish joint arrangements with the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader, or the Cabinet with the Leader's agreement, may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.

(d) Except as set out below or otherwise provided in legislation, the Leader or the Cabinet may only appoint Cabinet members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.

(e) The Leader, or the Cabinet with the Leader's agreement, may appoint members to a joint committee or board from outside the Cabinet in the circumstances where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is



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wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

(f) Details of any existing joint arrangements including any delegations to joint committees will be found at the end of this Article, and their terms of reference included in Part 3 Responsibility for Functions, Section DA.

**10.03 Access to information**

(a) The Access to Information Rules in Part 4 of this Constitution apply.

(b) If all the members of a joint committee or board are members of the Cabinet in each of the participating authorities then the access to information rules relating to the Executive in the Local Government Act 2000 will apply.

(c) If the joint committee or board contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

**10.04 Delegation to and from other local authorities**

(a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

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

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

**10.05 Delegation to and from other organisations**

(a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.

(b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to other organisations or boards where legislation allows.

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



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

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**10.06 Contracting out**

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

**10.07 London Councils Arrangements for Co-ordinating Response to Emergencies**

(a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a major incident or a lesser emergency. This "L.A. Gold" will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team.

(b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Coordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to coordinate any local authority response, as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.

(c) The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:

(i) after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or

(i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of

a London Partnership Meeting, normally led by the London Resilience Team, provided that the agreement of London Councils (under delegated powers) is also secured.

(d) Subject to paragraph (e) below, L.A. Gold will only have power to incur expenditure once:

(i) the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or

(ii) The Council or Councils in whose area the incident occurs confirm that it/they will reimburse expenditure incurred for the purposes in (i) above.

(e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area the incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above, or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provide it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.

(f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above.

**10.08 Outside Bodies**

(a) Introduction

(i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.

(ii) These organisations can be categorised as follows:

(A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,
(B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park &



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Palace Advisory Committee,

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

(b) Nominations Procedure

(i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of Association and “Partnership” bodies, which mainly exercise "executive" functions at present, nominations of Cabinet members will be made by the Leader, or the Cabinet with the Leader’s agreement, and merely recorded in the complete list approved at the AGM.

(ii) The capacity in which members are nominated, the duration of the appointment and any other relevant terms and conditions will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".

(iii) A full list of existing and newly nominated or appointed councillors will be presented to the next meeting of full Council after the AGM setting out the name of the organisation, terms of appointment and status or capacity of the councillor within the organisation.

(iv) Future nominations to voluntary or community bodies will generally be in a non-voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated members will not participate in management or decision-making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the Council.

(v) Nominations to other organisations will generally be in a full, voting capacity i.e. the member should participate fully in management and decision making within the organisation, as appropriate, and should vote at its management committee. Exceptions would be made where the organisation so requested

or its own constitution or ground rules so required. Nominations to trusts, for example, would have to be in a full, voting (not an "observer") capacity since the purpose of the nomination would be for the member to have a decision making role.

(c) Members' Conduct

(i) The Members' Code of Conduct, as set out in the Council's Constitution, applies to members' activities as representatives in any capacity on any outside body.

(ii) In addition, nominated members will be required to observe the Constitution or rules of the organisation itself, except in so far as there might, unusually, be a conflict with the Council's Members' Code of Conduct. Members should seek advice from the Monitoring Officer if they think that any such conflict could arise.

(iii) Members may also be under legal duties imposed in respect of their roles in specific types of organisation e.g. as Directors of Limited Companies or as Charity Trustees. Further Guidance will be available to members outside the text of this Constitution.

**10.09 Current Joint arrangements**

The Council currently has formal joint arrangements as follows;

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

**Article 11 – Officers**

**11.01 Management Structure**

(a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. For the avoidance of doubt, the words 'staff' 'employees' or 'officers' includes agency workers, consultants and secondees to the authority over whom the authority has managerial control.

(b) **Senior Management.** The Council will engage the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council's Leadership Team *:

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

| | |
|---|---|
| Director of Adults, Health and Communities | Adults, Public Health, Commissioning |
| Director of Finance | Corporate Finance, Departmental Finance, Procurement Audit |
| Director of Placemaking and Housing | Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing Emergency Planning and Civil Contingencies |
| | |
| Director of Children's Services | Children, Families, Schools, Early Help |
| Director of Environment and Resident Experience | Direct services and community safety, environment |
| Director of Culture, Strategy and Engagement | IT, Strategy, Culture, resident experience and communications, policy |
| Head of Pensions and Treasury Management | Pension Fund including administration, funding, investment and governance. |

(c) **Statutory officers**

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

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

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

*A chart of the Council's Leadership Team is appended to this Constitution

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

(a) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing



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the management structure and deployment of officers. This is set out in Appendix C to this Constitution**.**

(b) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(c) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

**11.03 Functions of the Monitoring Officer**

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council

(d) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Standards Committee.

(f) **Conducting investigations.** The Monitoring Officer, or investigators appointed by him/her, will conduct investigations into matters referred by the Standards Committee or one of its sub-committees and make reports on recommendations in respect of them to the Standards Committee.

(g) **Proper officer for access to information.** The Democratic Services Manager shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. The Monitoring Officer will advise and assist to ensure the proper performance of these functions.



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(h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. The Monitoring Officer will report on new and amended legislation to Council so that members can consider the effects on services and the possible need to amend the scheme of delegations.

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

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

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer (Director of Finance)will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer(Director of Finance) will contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer(Director of Finance) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Finance Officer(Director of Finance) will provide financial information to the media, members of the public and the community.



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**11.05 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer (Director of Finance)with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**11.06 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

**11.07 Employment**

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

## 2 Decision Making

### 12.01 Responsibility for decision making

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

### 12.02 Principles of decision making

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

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

(b) due consultation and the taking of professional advice from officers;

(c) respect for human rights in particular, giving consideration to such issues at an early stage in the process; (d) a presumption in favour of openness; and

(e) clarity of aims and desired outcomes.

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

### 12.03 Types of decision

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

(b) Decisions reserved to the Executive. Decisions relating to the functions listed in Part 3 Section C will be made by the Executive and not delegated.

(c) Key decisions.

A key decision is an Executive decision which is likely:

(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or



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**Article 1 -**

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

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

**12.04 Decision making by the full Council**

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

**12.05. Decision making by the Executive**

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

**12.06 Decision making by the Overview and Scrutiny Committee**

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

**12.07 Decision making by the other Committees and Sub-Committees established by the Council**

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

**12.08 Decision making by Officers**

Subject to Article 11, officers shall follow the scheme of delegation, as set out in Part 3 of this Constitution and any Appendix to it, when considering any matter.

**12.09 Decision making by Council bodies acting as tribunals**

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



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## 3 Finance, Contracts and Legal Matters

### 13.01 Financial management

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

### 13.02 Contracts

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

### 13.03 Legal proceedings

On the advice of the Monitoring Officer as appropriate, Officers are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

### 13.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

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

### 13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer.

The Common Seal may be affixed either by physical or by electronic means approved by the Monitoring Officer.

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution.

Such authority shall apply equally to the affixing of the Common Seal by electronic means.



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

Where the Common Seal is affixed by electronic means , attestation may be given by electronic means by any of the officers listed above.



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

**14.01 Duty to monitor and review the Constitution**

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

**14.02 Protocol for monitoring and review of Constitution by Monitoring Officer**

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

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

**14.03 Changes to the Constitution**

(a) **Approval.** Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by the Standards Committee and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change. In addition, where in the reasonable opinion of the Monitoring Officer a proposed change is:

a) a minor variation; or

b) required in order to remove any inconsistency or ambiguity; or

c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,

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

(b) **Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area



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**Article 1 -**

when drawing up proposals. If the proposals were to change the Executive Arrangements to an alternative form of governance arrangements, then a local referendum would be required.

## 5 Suspension, Interpretation and Publication of the Constitution

### 15.01 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** A motion to suspend any Rule will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

### 15.02 Interpretation

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

### 15.03 Publication

(a) The Constitution is available on the Council's website. The Chief Executive will give on request a printed copy of this Constitution to a member of the authority.

(b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.



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# Part Three, Section B Responsibility for functions: Full Council & Non-Executive Bodies

**SECTION 1 - THE COUNCIL**

**THE COUNCIL**

1. Only the Council will exercise the following functions:

(a) Adopting and changing the Constitution;

(b) Approving or adopting the policy framework as set out in Article 4, above;

(c) Approving the budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);

(d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;

(e) Making or revising a Council Tax Reduction Scheme;

(f) Approval of the Community Infrastructure Levy Charging Schedule;

(g) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;

(h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;

(i) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(j) Electing the Leader;

(k) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and



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delegating functions to them from time to time as may be appropriate;

(l) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;

(m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;

(n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;

(o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

(p) Adopting and amending the Members' Allowances Scheme;

(q) Changing the name of the area, conferring the title of honorary alderman or freedom of the Borough and establishing any new Civic Link;

(r) Confirming the appointment or dismissal of the Head of Paid Service, and the dismissal of the Chief Finance Officer and Monitoring Officer;

(s) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;

(t) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any of its Committees, Sub-Committees or an officer;

(u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either:
i)"executive" functions when the decision is for the Executive, or
ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;

(v) Adopting the Members' Code of Conduct;

(w) Approving Pilot Schemes for Local Elections;

(x) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the "Act"), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;



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(y) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
  (i) approving and revising any Statement of Licensing Policy;
  (ii) resolving not to issue any casino premises licences in the next three years;

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

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

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

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

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

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

(a) Those required to be approved by Council by law:
  (i) Crime and Disorder Reduction (community safety) Strategy
  (ii) Development Plan documents
  (iii) Youth Justice Plan
  (iv) Statement of Licensing Policy
  (v) Statement of Gambling Policy
  (vi) Treasury Management Strategy
  (vii) Any other policies that the law requires must be approved by full Council.



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section B – Full Council & Non-Executive Bodies

(b) Any other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:
(i) Housing Strategy

[1] "Although the 2000 Regulations still specify that the Council's Annual Library plan needs to be part of the Policy Framework, the Council is not currently required by statute to produce an Annual Library Plan under s1(2) of the Public Library and Museums Act 1964.The Annual Library Plan has been removed from the Policy Framework on 5 February 2025. This is a similar approach taken by other local authorities. A Library Strategy is currently being developed, and it is open to the Council to include this in the Policy Framework when it is ready for approval.



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**SECTION 2 – COMMITTEES**

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

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

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

**1. General Purposes Committee**

General Purposes Committee has: -

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



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(b) the following Schedule 1 functions:

(i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.

(ii) Paragraph D – Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.

(iii) Paragraph I – Miscellaneous; all functions except those retained by full Council in Article 4 or reserved for the Appointments Panel and Disciplinary, Grievance and Dismissal Panel. The Committee's functions include:

(iv) All functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee.

v) Authorising the making of payments or the provision of other benefits in cases of maladministration.

c) The following "Local Choice" functions set out in Schedule 2 of the above Regulations: -

(i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;

(ii) the determination of an appeal against any decision made by or on behalf of the authority.

(iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).

d) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.

<u>Staffing Functions</u>

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



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f) Paragraph H – Pensions; Determining the Council's policy statement of discretions as "Employing Authority" under the Local Government Pension Scheme Regulations 2013 and the Teachers' Pension Regulations 2010

g) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents.

h) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Directors.

i) To approve procedures for appointment and dismissal of staff.

j) To approve all human resources policies including pay and grading structures, and changes to employees' terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.

(k) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution, nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.

**2. Audit Committee**

Statement of purpose

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

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

Governance, risk and control



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Section B – Full Council & Non-Executive Bodies

(a) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
(b) To monitor the effective development and operation of risk management in the council.
(c) To monitor progress in addressing risk-related issues reported to the committee.
(d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
(e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
(f) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
(g) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
(h) To monitor the counter fraud strategy, actions and resources.
(i) To review the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

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

Financial reporting

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

Arrangements for audit and assurance

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

External audit

p) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the



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authority's auditor panel as appropriate.

q) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
r) To consider specific reports as agreed with the external auditor.
s) To comment on the scope and depth of external audit work and to ensure it gives value for money.
t) To consider additional commissions of work from external audit.
u) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
v) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

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



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audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

A10) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

A11) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.

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

Treasury Management

A13) Formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Overview and Scrutiny Committee and in consultation with the Cabinet Member responsible for Finance. Reviewing and monitoring treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017).

Accountability arrangements

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

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

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

Advisers to the Committee

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

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

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

Other legislative powers include:

A20) Making arrangements for proper administration of financial affairs under



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section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;

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

**3. Combined Pensions Committee and Board**

The Committee Procedure Rules and Access to Information Rules apply to this Committee and Board except where this would be inconsistent with either these Terms of Reference or the legislation relating to the Committee and Board.

1. Responsibilities

The Pensions Committee and Board has the following functions and responsibilities:

(a) all the functions which are stated not to be the responsibility of The Executive in Regulation 2 and Schedule 1 paragraph H of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations relating to those matters concerning the Local Government Pension Scheme.

(b) Exercising all the Council's functions as "Administering Authority" and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements. This includes:

(i) Approving, maintaining and monitoring the Fund's the Investment Strategy, Funding Strategy Statement, Governance Strategy, Training Strategy and all other statutory policies and statements required under LGPS legislation

(ii) ~~Determining the allocation of investments between each asset class;~~Determining the Fund's investment objectives, strategic asset allocation and investment strategy while recognising the implementation responsibilities of the LGPS asset pool.

~~(ii)~~(iii) Oversight of the Fund's participation in its LGPS asset pool and monitoring the performance of the pool in delivering the Fund's agreed investment strategy.

~~(iii)~~(iv) ~~Reviewing specialist external advisers performance;~~ Appointing, terminating and reviewing the performance of the Fund Actuary, Independent Person and any other professional advisors to the Fund.



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~~(iv)~~(v) Publicising statements and policy documents as required by legislation, government directives and best practice.

(c) ~~Monitoring and as appropriate to decide upon Pensions Administration issues.~~Monitor the performance, effectiveness and regulatory compliance of the pension administration services including service standards, key performance indicators, data quality and member outcomes.

(d) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and to receive the Pension Fund Budget annually.

~~(e) Agreeing the admission of bodies into the Council's Pension scheme.~~

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(f) Receiving actuarial valuations.

(g) Ensuring ~~that members of the Committee and Board receive appropriate training to undertake their responsibilities.~~compliance with the Fund's Training Strategy and statutory knowledge and understanding requirements applicable to Committee and Board members.

(h) Approving the Annual Accounts of the Local Government Pension Scheme and consider recommendations from the Auditor.

(i) To ~~secure, and to assist in securing compliance with:~~monitor compliance with the LGPS legislations, statutory guidance, the Pensions Regulator's requirements, relevant Codes of Practice and Scheme Advisory Board guidance.

~~i) the Regulations,~~
~~ii) and any other legislation relating to the governance and administration of the Scheme and any connected scheme,~~
~~iii) any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme, and~~

~~(j) (j) To ensure, and to assist in securing the effective and efficient governance and administration of the Scheme and any connected scheme.~~To oversee the Pension Fund's risk management framework including review of the Fund's risk register and mitigation actions.

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(k) To receive assurance from the LGPS Senior Officer on compliance with statutory requirements, governance arrangements, administration performance and risk management.

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(l) To consider reports and recommendations from the Independent Person regarding governance effectiveness, conflict of interest, knowledge and skills, and compliance with statutory guidance.

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(m) To commission, receive and consider Independent Governance Reviews and monitor implementation of any resulting action plans.

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When undertaking Local Pension Board functions, the Committee and Board shall assist the administering authority in securing compliance with LGPS legislation, regulations and guidance and in ensuring the effective and efficient governance and administration of the Scheme.

For the avoidance of doubt, none of the functions set out above entail the committee in regulating or controlling the finances of the Council or its area.

2. Membership

2.1 The Committee and Board shall consist of 10 members and be constituted as follows:

Councillors

(a) Six Councillors appointed by the administering authority

Employer Representatives (co-optees)

(b) Two representatives who have the capacity to represent scheduled and admitted employers,

Employee Representatives (co-optees)

(c) Two scheme membership representatives, one being appointed by local trade unions and the other selected from scheme member nominations.

2.2 The Chair and vice chair of the Committee and Board will be Council representatives. The Chair *and* vice chair will be appointed by full Council.

2.3 The Chair will ensure that meetings are properly conducted, decision making is clear and professional advice is followed. The Chair will monitor the performance and attendance of Committee and Board members and if appropriate make recommendation to terminate appointments in accordance with Section 3 below.

2.4 All members of the Committee and Board will have equal voting rights. The Chair will have a casting vote.

2.5 The Committee and Board may nominate advisers to support them. These nominees are not Committee and Board members and do not have voting rights.

2.6 The Committee and Board is to be supported by the LGPS Senior Officer and the Independent Person in fulfilling its statutory obligations.

3. Appointment and removal of Committee and Board Members



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section B – Full Council & Non-Executive Bodies

a) Council Members:

3.1 The administering authority will appoint and replace as it sees fit, the six councillor members of the Committee.

b) Employer representatives:

3.2 The employer representatives will be nominated by employers other than the Council. If there are more than two nominations a panel consisting of the Chair of the Committee and Board and Chief Financial Officer to the Council will select the representatives to be appointed.

3.3 Employer representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment.

3.4 Employer representatives will remain as members of the Committee and Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non-attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body. If an appointment is terminated a new process will commence for the remainder of the term.

c) Employee representatives:

3.5 The employee representatives will be appointed as follows:

i) one active scheme member representative will be appointed jointly by trade unions who represent working scheme members.
ii) one pensioner and deferred member representative will be selected through an open invitation to apply.

3.6. If there is more than one nomination for these positions a panel consisting of the Chair of the Committee and Board and the ~~Chief Financial Officer~~LGPS Senior Officer ~~to the Council~~ will select the representatives to be appointed.

3.7 Employee representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment.

3.8 Employee representatives will remain as members of the Committee and Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non-attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body.



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If an appointment is terminated a new appointment process will commence for the remainder of the term.

All appointed members:

3.9 Prospective members of the Committee and Board will be required to demonstrate to the panel consisting of the Chair of the Committee and Board and the ~~Chief Financial Officer~~LGPS Senior Officer that they have the capacity to represent other employers and employees (as appropriate) and that they do not have a conflict of interest. The decision of the panel will be final.

3.10 Each Committee and Board member should endeavour to attend all meetings during the year.

3.11 Other than by ceasing to be eligible as set out above, a Committee and Board member may only be removed from office during a term of appointment by full Council on a recommendation from the panel.

4. Quorum, voting and substitutes

4.1 The Committee and Board shall have a formal quorum of five comprising at least three Council and two employer or employee representatives. Advisers and other nominees do not count towards the quorum. All decisions will be taken by majority of votes, with the Chair having a casting vote when the votes are initially tied unless stated otherwise in these terms, although it is expected that the Committee and Board will, as far as possible, reach a consensus.

4.2 No substitutes shall be permitted for employer and employee representatives.

5. Meetings

5.1 The Committee and Board shall meet sufficiently regularly to discharge its duties and responsibilities. There will be at least four meetings a year, with additional meetings if the Committee and Board so agrees.

5.2 Notice of all meetings will be provided to Committee and Board members at least 30 days in advance, unless agreed otherwise by Committee and Board members.

5.3 The agenda for each meeting will be agreed by the Chair and all papers will be circulated to members in accordance with the Access to Information Procedure Rules.

5.4 A formal record of Committee and Board proceedings will be maintained. Following the approval of the minutes by the Chair, they shall be circulated to all members and published in accordance with the Access to



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Information Procedure Rules.

5.5 The Committee and Board has the power to set up working groups on whatever terms that it determines and will prepare terms of reference for these entities.

6. Standards of Conduct and Conflicts of Interest

6.1 All members of the Committee and Board, councillors and others, are expected to act at all times within these terms of reference and will be required to comply with both the Members' Code of Conduct and the provisions of the Localism Act relating to Standards. In accordance with section 108 of the Regulations, Committee and Board members must not have a financial or other interest that could prejudice them in carrying out their duties. This does not include a financial or other interest arising merely by virtue of membership of the LGPS.

6.2 Each Committee and Board member must provide the Council with such information as is reasonably required for the purpose of complying with the Members' Code of Conduct and demonstrating that there is no conflict of interest.

7. Budget and Business Plan

7.1 The LGPS Senior Officer ~~Committee and Board~~ will be responsible for ~~prepare~~ preparing an ~~a~~ Annual Business Plan and Budget to be presented to the Committee and Board for approval in advance of each financial year.~~.~~

8. Committee and Board Review Process

8.1 The Committee and Board will undertake each year a formal review process to assess how well it and the members are performing with a view to seeking continuous improvement in performance.

9. Advisers to the Committee and Board

9.1 The Committee and Board may be supported in its role and responsibilities through the appointment of advisers, and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers on such terms as it shall see fit to help better perform its duties. Advisers may include:

i) ~~i)~~ Officers from the Council's Finance, Human Resources, Legal and other teams as needed;
ii) The Fund's LGPS Asset Pool (London CIV)
~~ii) An independent~~ Person~~Advisor;~~
iii) The Fund's Actuary;
~~iii)~~iv) An Independent Person;
~~iv) The Fund's Investment Managers and Custodian;~~

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~~v) The Fund's Investment Consultant; and~~
~~vi)~~v) Any other professional advisers appointed ~~advisers~~by the Fund.

9.2 Any remuneration to advisors appointed by the Committee and Board must be in accordance with the Budget.

9.3 The Committee and Board shall regularly review the performance of the LGPS Asset Pool and any advisers, contractors and service providers appointed in relation to the management, investment, governance and administration of the Fund.

~~The Committee and Board shall ensure that the performances of the advisors are reviewed on a regular basis.~~

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10. Knowledge and Skills

10.1 Every member of the Committee and Board must be conversant with –
i) The rules of the LGPS.
ii) Any document recording policy ~~about the administration of the LGPS which is for the time being~~relating to the funding, investment, governance, communications or administration of the LGPS which is adopted by the ~~LB Haringey Pension~~ Fund.

10.2 ~~It is for individual~~ Committee and Board members must maintain the ~~to be satisfied that they have the appropriate degree of~~ knowledge and understanding required under LGPS legislation and statutory guidance to enable them to properly exercise their delegated responsibilities. ~~functions.~~

10.3 Committee and Board members are required to be able to demonstrate their knowledge and understanding and to keep these up to date and to maintain a written record of relevant training and development.

10.4 The ~~Council Senior~~ LGPS Senior Officer will provide a training ~~programme~~Strategy and plan, which all Committee and Board members must attend. Training undertaken will be reported at each meeting.

11. Expense Reimbursement

11.1 Remuneration for Employee and Employer Representatives who are not councillors will be limited to a refund of actual expenses incurred in attending meetings and training. Remuneration for councillors will be via the Members Allowances Scheme.

11.2 The expenses of the Committee and Board are a part of the costs of administering the Pension Fund.

12. Publication of Committee and Board Information

12.1 The Council will publish up to date information on the Council's website



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including:

- The names and information of the Committee and Board members.
- The Committee and Board's terms of reference.
- Papers, agendas and minutes of meetings.



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**4. Overview and Scrutiny Committee**

The Overview and Scrutiny Committee may:

(a) exercise an overview of the forward plan;

(b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;

(c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;

(d) make reports or recommendations on matters affecting the area or its inhabitants;

(e) exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Cabinet;

(f) receive the reports and recommendations of its Scrutiny Review Panels;

(g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;

(h) enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;

(i) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;

(j) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;

(k) make arrangements which enable any councillor who is not a Committee member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and

(l) make arrangements which enable any councillor who is not a Committee member to refer to the Committee any local government matter which is



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relevant to the functions of the Committee under the Councillor Call for Action procedure.

(m) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

(o) to appoint two representatives to the standing Joint Health Overview and Scrutiny Committee for North Central London. (Since this appointment is for only two members to the Joint Committee, the "political proportionality" rules in the Local Government and Housing Act 1989 do not apply.)

**5. Standards Committee**

The Standards Committee will have the following roles and functions:

(a) Promoting and maintaining high standards of conduct by councillors, co-opted members and representatives of religious organisations and parent governor representatives;

(b) Assisting the Leader, councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;

(c) Advising the Council on the adoption or revision of the Members' Code of Conduct;

(d) Monitoring the operation of the Members' Code of Conduct;

(e) Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;

(f) Granting dispensations to the Mayor, councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

(g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;

(h) Assessing, hearing and determining allegations of failure to comply with



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the Members' Code of Conduct by councillors and co-opted members.

(i) Responding to national reviews and consultations on standards related issues;

(j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;

(k) Advising the Council on the appointment of independent persons and taking steps to select them;

(l) Considering amendments to the Constitution and recommending proposals to full Council for approval.

**6. Alexandra Palace and Park Board**

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

(a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.

(b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.

(c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

**7. The Licensing Committee**

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

Membership

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



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Protocol

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

(1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:

(a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;

(b) To establish the Licensing Sub-Committee and to agree the delegation of functions to the Sub-Committee and to officers;

(c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committee and to officers. To call for a report on any individual case;

(d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;

(e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;

(f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

(2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:

(a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;



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(b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;

(c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;

(d) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(e) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, or regulatory issues.

**8. The Strategic Planning Committee**

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

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution. The Strategic Planning Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations. This includes Planning related Regulatory matters.

The Strategic Planning Committee will establish the Planning Sub-Committee and agree the delegation of functions to that Sub-Committee.

The Committee shall also:

(i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, and any other planning policy matter;



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(ii) Review all Council plans and policies on any planning matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to , planning, conservation or regulatory issues.

## 9. The Health and Wellbeing Board

### 9.1 Health and Wellbeing Board functions

The Health and Wellbeing Board will have the following functions:

(a) To carry out the Board's statutory duties as set out in the Health and Social Care Act 2012, in particular:

(i) for the purpose of advancing the health and wellbeing of the people in its area, to encourage persons who arrange for the provision of any health or social care services in its area to work in an integrated manner;

(ii) to provide advice, assistance or other support as it thinks appropriate for the purpose of encouraging arrangements under section 75 of the NHS Act 2006. These are arrangements under which, for example, NHS Bodies and local authorities agree to exercise specified functions of each other or pool funds;

(iii) to encourage persons who arrange for the provision of any health-related services in its area to work to closely with the Health and Wellbeing Board;

(iv) to encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together;

(v) to discharge the functions of CCGs and local authorities in preparing joint strategic needs assessments (JSNA) and joint Health Wellbeing Strategy (HWB strategy);

(vi) to inform the local authority of its views on whether the authority is discharging its duty to have regard to the JSNA and joint HWS in discharging its functions;



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(vii) to discharge any other function as the Council may from time to time choose to delegate to the Board;

(viii) to collaborate across borough boundaries and with other London HWBs in respect of its responsibilities and to secure better health outcomes, quality of services, use of resources and value for money for the local population;

(ix) to arrange for any of its functions to be exercised by the joint sub-committee of the Haringey and Islington HWBs;

(x) to enter into joint arrangements including formal joint sub-committees with other London HWBs and delegate any of its functions to those joint sub committees.

**9.2 Health and Wellbeing Board operating principles**

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

(a) To provide collective leadership and enable shared decision-making, ownership and accountability;

(b) To achieve democratic legitimacy and accountability, and empower local people to take part in decision-making in an open and transparent way;

(c) To ensure the delivery of the Health and Wellbeing Strategy;

(d) To reduce health inequalities;

(e) To promote prevention and early help.

**9.3 Health and Wellbeing Board roles and responsibilities**

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

(a) The Board will set a strategic framework for the authority's statutory duties and have a key role in promoting and coordinating joint commissioning and integrated provision between the NHS, social care and related children's and public health services in Haringey;

(b) The Board has a duty to develop, update and publish the JSNA and related needs assessments, and the HWB Strategy;

(c) The Board has a duty to develop, update and publish the local pharmaceutical needs assessment as set out in section 128A of the NHS Act 2006;

(d) The Board will advise on effective evidence based strategic



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commissioning and decommissioning intentions for children and adults based on the JSNA's robust analysis of their needs. It will ensure that commissioning plans are in place to address local need and priorities, in line with the HWB Strategy, and will deliver an integrated approach to the planning and delivery of services;

(e) The Board expects, and seeks assurance from, partners that the views of children, adults and their carers about the services they receive are taken into account in the commissioning, decommissioning and delivery of those services;

(f) The Board expects, and seeks assurance from, partners that the views of patients and the public have a voice through Healthwatch in the commissioning, decommissioning and delivery of those services;

(g) The Board will collaborate with and involve local stakeholders to secure better health outcomes, quality of services, a more focussed use of resources and value for money for the local population;

(h) The Board will promote the strengthening of working relationships between professionals and organisations which support people in Haringey, ensuring effective sharing and use of information and best practice; including collaborating with the CCG in the development of its plan;

(i) The Board will lead commissioning for particular services with pooled budgets and joint commissioning arrangements where commissioning plans are delegated to them;

(j) The Board will oversee the delivery of the authority's strategic outcomes for local health and wellbeing targets, holding those responsible to account;

(k) The Board will work with the local health scrutiny process and the local Healthwatch to improve outcomes for communities and people who use services.

**9.4 Membership of the Board**

Meetings of the Board will be chaired by a member of the local authority:

- Local authority councillor(s), who will be (as nominated by the Leader of the Council):
  (i) The Leader of the Council
  (ii) The Cabinet Member for Children, Schools ~~and~~ & Families
  (iii) The Cabinet Member for ~~Adults and~~ Health, Social Care, and Wellbeing

- Chair, Clinical Commissioning Group (Vice Chair of HWB)



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- Chair of Healthwatch
- Director of Adults ~~and~~, Health & Communities
- Director of Children's Services
- Director of Public Health
- Chief Officer, Clinical Commissioning Group
- Lay Board Member, Clinical Commissioning Group
- GP Board Member, Clinical Commissioning Group
- Bridge Renewal Trust representative
- Representative for the NHSCB (as required)
- Chair - Haringey Local Safeguarding Children Board (when appropriate)
- Chair - Haringey Safeguarding Adult Board (when appropriate)

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

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

**9.5 Public Meetings**

(a) A minimum of four formal public decision-making business meetings a year will be held. The Board will have the ability to call special meetings as and when required.

(b) A meeting of the Board will be considered quorate when at least three voting members are in attendance, including one local authority elected representative and one of either the Chair, Clinical Commissioning Group or the Chair, Healthwatch (or their substitutes).

(c) The Chair of the meeting will have a casting vote.

(d) All voting members of the Board, (to include any substitutes), will be required to comply both with the Members' Code of Conduct and the provisions of the Localism Act 2011 relating to Standards. In particular, voting members will be required to complete a register of interests which must be kept up to date. Voting members must also declare any disclosable pecuniary interest or prejudicial interest in any matter being considered and must not take part in any discussion or decision with respect to these items.

(e) Board members will agree protocols for the conduct of members and meetings.

(f) The Board will determine its sub groups/committees.



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(g) Only the following members of the Board will have voting rights:

- Local authority councillor(s), who will be (as nominated by the Leader of the Council):
  (i) The Leader of the Council
  (ii) The Cabinet Member for Children, Schools ~~and~~ & Families
  (iii) The Cabinet Member for ~~Adults and~~ Health, Social Care, and Wellbeing
- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair, Healthwatch
- Lay Member Haringey Clinical Commissioning Group

(h) Any additional persons appointed to the Board either by the local authority or the Board will be appointed on a non-voting basis.

(i) The full Council may at any time make a direction to alter the voting right of Board members, following consultation with the Board.

**9.6 Committee procedures**

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

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

**9.7 Facilitating the work of the Health and Wellbeing Board**

(a) Workshop meetings will be held to cement links with partners including the Community Safety Partnership, the Children's Trust, and regeneration partners, to facilitate co-ordination and focus on priority issues relevant to all parties.

(b) In addition to formal board meetings, the Board will hold informal, non-decision making seminars as and when required with attendees specifically invited by the Board. These seminars will be held in private in order to ensure the ongoing organisational development of the Board and to provide a forum in which complex and sensitive issues can be fully aired and discussed to manage potential blockages to effective delivery of the strategy.

**9.8 Representatives and substitutes**



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(a) Representatives will provide a link with their own organisation, reporting back and instigating partner action, being responsible for disseminating decisions and actions within their own organisation, ensuring compliance with any actions required and reporting back progress.

(b) Partner bodies are responsible for ensuring that they are represented at an appropriate level (either equivalent to the core member they are representing and no more than one tier below).

(c) If a representative is absent for three consecutive meetings the organisation/sector will be asked to re-appoint/confirm its commitment to the Board.

(d) Substitutes for voting members will not be permitted with the exception the Chair of the CCG and the Chair of Healthwatch. In their absence, the Deputy Chair of the CCG and the Deputy Chair of Healthwatch may attend in their place. All substitutes must be declared in name at the beginning of each municipal year.

**10. Appointments Panel**

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

a) To exercise functions in respect of the appointment of the Chief Executive, Section 151 Officer and Monitoring Officer and Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

b) To make recommendations to Council on the appointment of the Head of the Paid Service; and the appointment of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

c) To consider and approve remuneration of Directors of £100,000 or more, at Appointment Panel meeting in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001 and Section K.

d) That only members of this Panel participating in the Shortlisting, Interview and Appointment of Directors will have access to decision making reports and Appointments meeting.

e) The substantive membership would be Leader of the Council (Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this



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Panel and Cabinet Members will be able to substitute and vote on appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.

f) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

**11.Disciplinary, Grievance and Dismissal Panel**

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

a) Disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.

b) Hearing and deciding substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.

c) To exercise functions in respect of the Dismissal (including terms of release) of Directors in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 including conducting case hearings and making decisions in relation to Directors where dismissal of the officer is a possible outcome, noting that as set out in the Employment procedure rules in section K, the need to consider the views of an independent Panel when considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

d) To make recommendations to Council on the dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

e) To consider and approve any severance payments to Officers of £100,000 or more, in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.

f) To approve the early/flexible retirement of the Head of Paid Service, Section 151 Officer and Monitoring Officer and Directors (save where the Officer is simply resigning) and to agree the award of any discretionary payments in connection with such retirement or redundancy.



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section B – Full Council & Non-Executive Bodies

To exercise functions in respect of the following:

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

To note:

i) That only members of this Panel participating in the hearings and subsequent Panel meeting will have access to decision making reports and have a right to attend the hearing/meeting.

j) Cabinet Members with a conflict will not participate in any of the decisions above.

k) To note that Independent persons would be involved in involved in the investigation of a case against a statutory officer and dismissal hearing.

l) The substantive membership would be Leader of the Council (Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute unless there is a conflict. The quorum of the Committee shall be a minimum of three members.

m) The minutes of the Panel would be received by the General Purposes Committee, in keeping with their responsibility and oversight for staffing functions of the Council.

**SECTION 3 - SUB-COMMITTEES AND PANELS**

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

**1. Under the General Purposes Committee**

**1.1 Dismissal Appeals Sub Committee**

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

**2. Under the Overview and Scrutiny Committee**

**2.1 Scrutiny Review Panels**

(a) To carry out scrutiny processes relevant to particular services as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.

(b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.

(c) To refer the findings/recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

**3. Under the Standards Committee**

**3.1 Assessment Sub-Committee**

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

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

(b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

**3.2 Hearing Sub-Committees**

(a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.

(b) To determine whether or not the member of co-opted member did / did not



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fail to comply with the Members' Code of Conduct.

(c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.

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

The quorum of the Hearing Sub-Committee is three.

**4. Under The Licensing Committee**

**4.1 Licensing Sub-Committee**

Introduction

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

Membership

The membership of the Sub-Committee shall be drawn from the Licensing Committee. When operating in its capacity as "statutory Licensing Sub-Committee" there must be a membership and quorum of 3 present at all times.

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

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

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

(b) To determine applications for premises licences where relevant representations have been made;

(c) To determine applications for provisional statements where relevant



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representations have been made;

(d) To determine valid applications for review of premises licences where relevant representations have been made;

(e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

(f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;

(g) To determine applications to vary designated premises supervisors following police objections;

(h) To determine applications for transfer of premises licences following police objections;

(i) To consider police objections made to interim authority notices;

(j) To determine applications for club premises certificates where relevant representations have been made;

(k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;

(l) To determine valid applications for review of club premises certificates where relevant representations have been made;

(m) To decide whether to give counter notices following police objections to temporary event notices;

(n) To determine applications for grants of personal licences following police objections;

(o) To determine applications for renewals of personal licences following police objections;

(p) To decide on revocation of personal licences where convictions come to light after grant;

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

Functions under the Gambling Act 2005 alone



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(q) To determine applications for variations of premises licences where relevant representations have been made;

(r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;

(s) To determine applications for the re-instatement of premises licences where relevant representations have been made;

(t) To decide whether to give counter notices following objections to temporary use notices;

(u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;

(v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;

(w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

(x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;

(2) General Provisions Relating to the Non-Statutory Licensing Sub-Committee

a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.

(b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.

(c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).

(d) Excluded from the Sub-Committee's' terms of reference are decisions on



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all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

**4.2 Planning Sub-Committee**

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

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):
(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;
(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:
(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or
(ii) where a legal agreement relating to that development is required; or
(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;



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(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning Sub-Committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the Sub-Committee.

**SECTION 4 - UNDER ALEXANDRA PALACE AND PARK**

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

**1. Alexandra Palace and Park Panel**

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

**2. Alexandra Palace and Park Consultative Committee**

Alexandra Palace and Park Consultative Committee 7 members and up to 30



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community representatives.

(a) To give representatives of appropriate local and national organisations the opportunity of full discussion with members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.

(b) To give members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.

(c) To promote better understanding between members of the Alexandra Palace and Park Board, the Palace Management and local organisations.

(d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.

(e) To promote the best interests of the Alexandra Palace and Park as a conservation area.

**3. Alexandra Palace and Park Consultative Forum**

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

(a) To be a forum for consultation and negotiation between the Alexandra Palace and Park Board and its employees, on issues in relation to Conditions of Employment.

(b) To consider issues referred directly by Management or by the Trade Unions in consultation with the Employer's Side Secretary.

(c) To provide a means whereby the Alexandra Palace and Park Board can consult Union representatives on policies and strategies and provide an arena for discussion of matters of mutual interest.

(d) To provide a means of effective communication, in order to prevent or eliminate friction and misunderstanding.

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

**Note:**

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



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

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

**SECTION 5 – UNDER THE HEALTH AND WELLBEING BOARD**

Arising from the Council's Health and Wellbeing Board the following additional bodies shall be established. Membership of the additional bodies is to be determined by the Health and Wellbeing Board(s). The Terms of Reference of the additional bodies shall be as follows:

**Haringey and Islington Health and Wellbeing Board - Joint sub-committee**

The Joint sub-committee will:

a) encourage and promote partnership working in health and social care within and across the two boroughs;

b) encourage joint consideration and co-ordination of health and care issues that are of common interest or concern to the population of the two boroughs;

c) encourage and promote integrated working between health and care commissioners and providers within and across the two boroughs;

d) prepare and produce the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy for the two boroughs;

e) provide strategic oversight for the Wellbeing Partnership and any future partnership models for joined up and integrated approach in health and care across the two boroughs;



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f) provide a mechanism to enable joint decision-making in relation to future joint initiatives, service transformation and co-commissioning arrangements in health and care in the two boroughs;

g) give effect to the boroughs stated intentions to foster collaboration in health and social care between commissioners and providers within and across the two boroughs;

h) consider and where necessary contribute to the development of the North Central London (NCL) Sustainability and Transformation Plan; and

i) where appropriate, and in so far as it relates to integrated working, represent the collective interests of the two boroughs to national and local government and other bodies.

**SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR**

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

**SECTION 7 – DEFAULT PROVISIONS**

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

**SECTION 8 - GROUP MEETINGS**

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

(a) suitable accommodation for meetings;

(b) assistance with the production and distribution of agenda and minutes;

(c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate Cabinet member to ensure that official information, advice and reports are available to the Group Meetings;



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(d) where a Minority Group makes similar arrangements for the consideration of Council business, arrangements shall be made through the Leader of the Minority Group, or the appropriate spokesperson, to make available information from published sources and advice on Council procedures but not official advice as to the policies which that Minority Group should pursue. The Majority Group Leader or the appropriate Cabinet member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.



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# Part Three, Section E
# Officer Scheme of Delegation

## Section 1 INTRODUCTION AND GROUND RULES

### 1. What is the Officer Scheme of Delegation?

1.01 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.

1.02 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees (and as listed in Part Three Sections B – D above) are delegated to officers.

1.03 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.

1.04 This scheme operates from the date approved by the full Council.

## 2. General Principles of the Officer Scheme of Delegation

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

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

For the purposes of officer delegated powers, the term "Council Leadership Team—" means[1]:

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

For the purposes of officer delegated powers, the term "Statutory Officers[2]" means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance)*
- The Monitoring Officer
- The Director of Adult~~'~~s, Health & Communities ~~Services~~ • The Director of Children~~'~~s Services
- The Director of Public Health
- Senior LGPS Officer

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

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

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

- All other parts of the Constitution in particular the Financial Regulations and the Contract Procedure Rules at Part 4 of the Constitution
- The Budget and Policy Framework

- The approved Budget
- Any instructions given by the Chief Executive
- Any advice given by the Council's Chief Finance Officer (S151 officer) or the Monitoring Officer
- All legal requirements and any statutory codes of conduct or statutory guidance
- All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees
- Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees

2.03 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Assistant Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.

2.04 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.

2.05 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.

2.06 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.

2.07 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.

2.08 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to coordinate the actions of some or all London local authorities.

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

3.01 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her area of responsibility which records any decisions made under delegated powers. Written statements of officers' exercise of delegated powers must be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.

3.02 Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the General Purposes Committee, in the case of non-executive functions, summarising all decisions taken under urgency provisions as provided for at paragraph 5 below. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.

3.03 Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.

3.04 In paragraph 3.03 a decision of "particular significance", to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:

(a) It is a spending or saving of £100,000 or more, or

(b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.

3.05 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.

**4. General Limitations:**

4.01 This scheme does not delegate to officers:

(a) Any matter reserved that is reserved to Members - either the Executive or the Full Council or one of their Committees or Sub Committees and as listed in Part Three Sections B – D above. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges;

(b) Any matter which by law may not be delegated to an officer

4.02 Officers shall not be authorised by virtue of these provisions to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with the Financial Regulations at Part 4 Section I.

**5. Urgent decisions and Officer Powers:**

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

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

(b) in the case of non-executive functions, a report will be prepared so that the Director having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

## 6. Responsibility for maintaining and updating the Scheme of Delegation

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

6.02 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting their service area and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.

6.03 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Standards Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.

6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

## 7. Protocol for Officers Taking Decisions under Delegated Powers

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

(a) the post title of the officer taking the decision,

(b) the substantive facts, including what is being decided,

(c) the reasons for the decision, (d) the expenditure authorised (if any),

(e) the date the decision was taken.

(f) details of any alternatives considered and rejected by the officer taking the decision,

(g) details of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision, and

(h) in respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

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

(a) any financial implications (beyond stating the expenditure)

(b) any legal implications

(c) any environmental implications

(d) any equalities implications

(e) any relevant Council policies

(f) any relevant national or regional guidance

(g) any consultations undertaken and the views of consultees

(h) any other implications for service delivery in the relevant service area

(i) any implications for other Council services outside the service area

(j) and any comments from other affected service areas

(k) any staffing implications

(l) any background documents relied upon

(m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000

(n) any alternative options to the recommended decision

(o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

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

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

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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

**Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS**

**Introduction**

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each Statutory Officer then follows.

| **Legislation** | **Statutory Power the Council must designate to an officer** | **Officer Designated as the Statutory Officer** |
|---|---|---|
| S4 Local Government and Housing Act 1989 | Designate one of their officers as the Head of Paid Service | Chief Executive |
| S151 Local Government Act 1972 | Appoint an officer responsible for the administration of the authority's financial affairs | Director of Finance |
| S5 Local Government and Housing Act 1989 | Designate one of their officers as the Monitoring Officer | Monitoring Officer |
| S36 Freedom of Information Act 2000 | Qualified person in relation to s36 of the Act. | Monitoring Officer |
| S6 Local Authority Social Services Act 1970 | To appoint an officer known as the Director of Social Services | Director of Adults and Health |
| S18 Children Act 2004 | To appoint an officer to carry out the functions listed under s18(2) of the Act (education functions; functions conferred on the authority under ss 10-12 and 17 of the 2004 Act, social services functions relating to children, functions under s75 of the Children Act 1989 and the National Health Service Act 2006 and those conferred on the authority under Part 1 of the Childcare Act 2006 | Director of Children's Services |
| S73 National Health Service Act 2006 | To appoint a Director of Public Health | Director of Public Health |



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

| | | |
|---|---|---|
| S72 Weights and Measures Act 1985 | To appoint a chief Inspector of Weights and Measures | Senior Trading Standards Officer (or other suitably qualified |
| | | Trading Standards Officer in the absence of a STSO in post) |
| S9FB Local Government Act 2000 | To designate an officer as the Scrutiny Officer | Director for Customers Transformation and Resources |
| Regulation 53~~a~~A of the 2013 Local Government Pension Scheme Regulations | To designate an officer to ensure that the fund is appropriately managed and resourced in respect of all matters relating to the LGPS. This includes administration, investment and governance. | LGPS Senior Officer |

**Functions delegated to the Head of Paid Service (Chief Executive)**

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally

2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:

   (a) the manner in which the discharge by the authority of their different functions is co-ordinated;

   (b) the number and grades of staff required by the authority for the discharge of their functions;

   (c) the organisation of the authority's staff;

   (d) the appointment and proper management of the authority's staff.

3. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery.

4. The corporate management of the Council and, specifically:

   (a) Advice to the Council on the Policy Framework.

(b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis.

(c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Cabinet shall determine.

5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

6. To provide the 'certificate of opinion' for an employee on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 (opinion as to whether the duties of the post involve regularly giving advice to members or speaking to journalists/broadcasters).

7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.

8. The power to determine that an "emergency" has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.

9. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.

10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.

11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 8, 9 & 10 above may be exercised by any other Chief Officer who is available to act.

12. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the



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London Councils Arrangements for Co-ordinating the Response Emergencies.

13. In the event that all members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.

14. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.

15. Taking all decisions relating to changes to the establishment for all staff including the Corporate Board and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

16. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures.

17. To authorise the issuance of council tax bills for Band C properties for a maximum period of six months (from 3 March 2023 to 2 September 2023) showing an aggregate amount of £1770.95 rather than £1770.96, and permit officers to take all steps preparatory or incidental to the issuance of such bills.

**Functions delegated to the S151 Chief Finance Officer (Director of Finance)**

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities

2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice

4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992

6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003

7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

8. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988

9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988

10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources

11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011

~~12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee~~

~~13.~~12. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to Directors which is reserved to the Staffing and Remuneration Committee

~~14.~~13. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited

~~15.~~14. To provide financial information to the media, members of the public and the community

**Functions delegated to the Monitoring Officer**

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the

**Commented [TM1]:** This amendment needs to be removed as that is now the responsibility of the LGPS Senior Officer



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responsibilities assigned to the Monitoring Officer under the Council's Constitution generally

2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional legal advice

4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity

5. To establish and maintain a register of interests of members and coopted members of the authority in accordance with the provisions of the Localism Act 2011

6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee

7. To receive and act on reports made by the Standards Committee

8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee

9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989

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

12. To be responsible for the maintenance and operation of the Council's Constitution

13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements

14. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

**Functions delegated to the Director of Children's Services**

1. To act as the Council's statutory Director of Children's Services

2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:

   (a) All education and children's social care functions conferred on or exercisable by the Council

   (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children

   (d) The establishment of a Local Safeguarding Children Board

   (e) The preparation and publication of a Children and Young People's Plan

   (f) Improving preventative services and delivering earlier intervention

   (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the Children Act 2004 to include making arrangements for the management of services provided

3. To provide strategic management and direction for Children's Services across the Council

4. To secure that there are sufficient youth justice services available in the Borough

5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State

6. Education **services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children's Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children's and adult social care functions on behalf of the Council. The Accountability**



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

**Protocol for the Director of Children's Services sets out the arrangements in place to enable the Director of Children's Services to meet all statutory responsibilities and ensure the effective integration of all services for children and young people in the borough**

7. Commissioning in common with the Director of Adult Social Services to meet relevant care needs in the borough.

**Functions delegated to the Director of Adults, ~~and~~ Health ~~&Services~~ Communities**

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970

2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:

   (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services

   (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults

   (d) Professional leadership including workforce planning

   (e) Leading the implementation of standards

   (f) Managing cultural change

   (g) Promoting local access and ownership and drive partnership working

   (h) Delivering an integrated, whole system approach to supporting communities

   (i) Promoting social inclusion and well being

   (j) Improving preventative services and delivering earlier intervention

(k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided

(l) Commissioning in common with the Director of Children's Services to meet relevant care needs in the borough

3. To provide strategic management and direction for Adult's Services across the Council

**Functions delegated to the Director of Public Health**

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:

(a) the responsibility for mandated public health functions of the local authority

(b) planning for and responding to emergencies that present a risk to public health

(c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders

(d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003

(e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys

(f) to prepare and publish an annual report on the health of people in the area

2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness

3. To promote health and wellbeing to reduce health inequalities

4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy

5. To provide the public with advice on health matters



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6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues

7. To work though local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health

8. To work with local criminal justice partners and police and crime commissioners to promote safer communities

9. To work with wider civil society to engage local partners in fostering improved health and wellbeing

10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board

11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector

12. To have regard to the NHS Constitution in exercising public health functions

**Functions delegated to the Chief Inspector of Weights and Measures (Senior Trading Standards Officer)**

1. To be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act and the packaged goods regulations.

**Functions delegated to the Statutory Scrutiny Officer (Director for Customers, Transformation and Resources)**



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

To promote the role of the authority's overview and scrutiny committee or committees,

1. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,

2. To provide support and guidance to—

(i) members of the authority,

(ii) members of the executive of the authority, and

(iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

**Functions delegated to the LGPS Senior Officer**

1. All functions relating to the management of the Local Government Pension Scheme in accordance with Regulation 53A of the LGPS Regulations 2013.

2. To be responsible ~~responsibility~~ for the day-to-day management of the administering authority across all pension functions, including (but not limited to) investments, administration, funding, and governance and communications.

To ensure

3. ~~ensuring~~ compliance with scheme regulations, statutory guidance, other relevant legislation and The Pension Regulator's General Code.

~~1.~~ To be the principal advisor to ~~ensuring that~~ the Pensions Committee and Board whilst ensuring that it has access to adequate professional advice on all areas, including actuarial, governance, legal and procurement advice.

~~2.~~4.

~~3.~~

5. To ensure that draft statutory strategies such as the Investment Strategy Statement, Funding Strategy Statement and Administration Strategy, are prepared and implemented in accordance with legislation and guidance (the final strategy is a delegated responsibility of the ~~pension committee~~Pensions Committee and Board ~~or officer~~).



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

6. To ensure that ensuring that LGPS functions are well resourced and structured including responsibility for the LGPS workforce and safeguarding the fund from being impacted by policies implemented by the AA .

7. To supports the effective governance of the administering authority and appropriate implementation of the governance strategy and training strategy in accordance with guidance.
~~4.~~
8. To be responsible for ensuring that the administering authority participates appropriately in the governance structures of the investment pool as shareholder or client representative, depending on the governance set up of the pool.

~~5.~~
9. To be responsible for monitoring the pool's performance in implementing of the investment strategy and whether the collective pool oversight process is meeting the requirements of the administering authority.

10. To ensure that the administering authority carries out Independent Governance Reviews as required by regulation 116A of the LGPS Regulations 2013 and develops an action plan in response to any recommendations or findings.

11. To discharge any other statutory responsibilities applicable to the LGPS Senior Officer, having regard to guidance issued by the Secretary of State from time to time.



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PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers



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**Decision cover page**

Report Title: Non-Key Decision-Making for Highways and Traffic Schemes
Date of Decision: 17 November 2026
Report Author: Simi Shah
Corporate Director: Barry Francis 15/10/26
Director: Rob Krzyszowski, Director of Built Environment & Highways (approved 16 September 2026 and 6 October 2026)

| **Report Title** | Answer/comments |
|---|---|
| **Spend Control Panel** reference number and decision | n/a |
| **Legal Comments Provided by:** | Alexandra Godinet, 24/9/26 |
| **Financial Comments Provided by:** | Frances Palopoli, 19/9/26 |
| **Equalities Comments Reviewed by:** | Yasmin Jama, 24/9/26 |
| **Procurement Comments Provided by:** | Not required |
| **Confirmation that you have included the following in the "Background" section of the report:**<br>• Set out if consultation undertaken and with whom.<br>• Include partners/stakeholders, service users, residents, businesses, public bodies, interest groups, government, staff and any statutory consultees.<br>• Confirm whether consultation has taken place.<br>• Summarise how the **Haringey Deal** has been considered.<br>Explain how the voices of those **often overlooked** have been heard. | Included, where relevant |
| **Appendices:**<br>• Specify the number of appendices included.<br>• Consider whether appendices can be provided as background documents.<br>• Only include appendices where they:<br>  ○ are referred to in the recommendations, or<br>  ○ are required to agree the proposals. | 1 |
| **Background documents**<br>• List any background documents or web links used in preparing the report.<br>• Only include documents relied upon to a material extent.<br>• Ensure all listed documents are retained and publicly accessible for 6 years.<br>• Responsibility for compliance rests with the report author. | Yes |
| **Date Cabinet Member(s) briefed at:**<br>• Cabinet Member portfolio meetings<br>• Whole cabinet briefings | 13/10/26 - Portfolio mtg<br>29/10/26 – Revised version shared (post CWG) |
| **Dates considered by Internal Governance Boards** (list board and dates) | 28/10/26 - Constitution Working Group (CWG) |

| | |
|---|---|
| **Dates considered by CLT (if needed)**<br>Most key decisions do not need to go to CLT, but any policies, strategies or politically sensitive decision need an early discussion at CLT – contact Ben.Hunt@Haringey.gov.uk | N/A |
| Did the Cabinet Member decision to hold a wider briefing for any of the political groups present in Haringey? | No |
| Is the decision compliant with the Council's Budget and Policy Framework as set out in Part Four Section E of the Constitution? | Yes |

| | |
|---|---|
| **Report for:** | Standards Committee – 17 November 2026 |
| **Title:** | Non-Key Decision-Making for Highways and Traffic Schemes |
| **Report authorised by:** | Barry Francis, Corporate Director of Environment and Resident Experience |
| **Lead Officer:** | Simi Shah, Head of Highways and Traffic |
| **Ward(s) affected:** | All |
| **Report for Key/ Non-Key Decision:** | Non-Key Decision |

## 1. Describe the issue under consideration

1.1 Amendments to the Constitution (Executive Functions) were approved by Standards Committee on 29 June 2021 and adopted by Full Council on 19 July 2021, removing traffic calming works and traffic order approval from those reserved to the Executive. This amendment has been helpful in enabling Non-Key decisions to be taken forward more straightforwardly and remains in effect.

1.2 The 2021 report to Full Council also set out the decision-making procedure that officers would follow for traffic orders (the "2021 Report Text"). That procedure has been followed by officers since and also duplicates a test that the Constitution already applies to all Non-Key decisions, not only those relating to traffic orders.

1.3 There is an opportunity to clarify the Constitution and also to make Non-Key decision-making on highways and traffic schemes simpler and quicker, and to provide further efficiencies in the progress and delivery of schemes, whilst still retaining strong democratic oversight and accountability.

1.4 It is proposed that the 2021 Report Text is revoked and not replaced. Non-Key decisions relating to highways and traffic schemes, including those requiring the making of an order, will instead be governed directly by the Constitution's existing Key/Non-Key test, for consistency with most other decisions by the council.

## 2. Cabinet Member Introduction

Not applicable.

## 3. Recommendations

The Standards Committee is asked:

3.1 To approve the revocation of the 2021 Report Text, including the cost and objection-count thresholds and the requirement for officers to consult the Cabinet Member with the relevant portfolio before taking certain Non-Key decisions, as set out at Appendix 1, without replacement. Officers will continue to raise individual decisions with the relevant Cabinet Member, as a matter of normal practice, and consistent with most other Non-Key decisions by the council, where they consider it appropriate to do so.

3.2 To recommend that this revocation is approved by Full Council at its meeting on 23 November 2026.

## 4. Reasons for decision

4.1 To remove the 2021 Report Text that sits outside the Constitution and duplicates/overlaps the Key/Non-Key test that already applies under the Constitution. This will provide greater clarity for communities, Councillors and officers in decision-making, be more consistent with most other Non-Key decisions by the council and support transparent decision-making.

## 5. Alternative options considered

5.1 To not revoke the 2021 Report Text and/or defer consideration. This option is not recommended, as it would leave in place thresholds that sit outside the Constitution, duplicate/overlap its existing Key/Non-Key test and not be consistent with most other Non-Key decisions by the council.

## 6. Background information

Legal framework

6.1 Permanent traffic management orders (“TMOs”) may be made by the Council under section 6 of the Road Traffic Regulation Act 1984 (“RTRA 1984”). The Constitution has previously referred to ‘traffic regulation orders’; this terminology is inaccurate. Traffic regulation orders apply outside Greater London, whereas within Greater London the correct term is ‘traffic management order’. TMOs are legal orders which control or regulate vehicular and other traffic (including pedestrians) on the highway, including restrictions on the movement of traffic and the designation of kerbside space for specific purposes, such as parking bays and waiting or loading restrictions.

6.2 The Council is required to consult with certain bodies and give public notice before making a permanent TMO in accordance with regulations 6–7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“LATOR”). Objections must be made within a specified period of at least 21 days, in writing, stating the grounds on which they are made, and sent to the address specified in the notice of proposals (regulation 8 of LATOR).

6.3 Legal Services, following counsel’s advice, have previously taken the view that a ‘valid objection’ would most likely be one made in accordance with the

requirements of regulation 8 of LATOR. However, the changes proposed in this report remove any distinction in decision-maker based on the number of objections received. Accordingly the definition of 'valid objection' will no longer be relevant in determining who takes the decision. The statutory objection process itself, and the right of residents and other parties to object, remains unchanged and unaffected.

The 2021 Report Text and its limitations

6.4 As set out in Appendix 1, the 2021 Report Text set out three routes for taking forward highways and traffic decisions:

"It is proposed that this responsibility is removed from Executive functions and added to the Officer Scheme of Delegation for Environment and Neighbourhoods with some safeguards in place. This would be as follows:

- Small traffic management schemes that are costed below £100k are taken by officer delegated decision in consultation with the Cabinet Member with the relevant portfolio. These would be deemed officer delegated decisions that are published on the Council's website and available for public view.
- Medium to large traffic management schemes that raise objections – these would be schemes that do not generate wider interest, don't affect multiple wards, but could raise more than 10 objections. These would be taken forward as non-key decisions by the Cabinet Member with responsibility for the relevant portfolio. The report and decision notice would be published 5 clear working days before the decision is taken and the Cabinet Member would make the decision through an individual signing. The decision would be published on the website and there would be no call-in as it is not a key decision.
- Large traffic management schemes that will have an impact on multiple wards and will have a significant public interest would be taken forward by Cabinet. This would allow consideration of deputations. The decisions would be subject to call-in."

6.5 This logic has several limitations:

- Some scenarios fall outside all three routes - for example, a scheme costed above £100k raising 10 or fewer objections in a single ward has no defined decision-maker.
- The third route is not, in substance, Non-Key: multi-ward schemes with significant public interest already meet the statutory Key Decision test at regulation 8(1)(b) of the 2012 Regulations[1], and the 2021 Report Text's own procedure – noting the decision may be called-in, a right that applies only to Key Decisions – reflects this.
- The 2021 Report Text addressed only decisions requiring the making of a TMO, leaving no equivalent route for schemes delivered under Highways Act powers that do not require an order.

[1] The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)

6.6 Taken together, these limitations show the 2021 Report Text is neither complete nor necessary. It duplicates the test already required by the Constitution for all Non-Key decisions, rather than providing a distinct test for decisions relating to traffic orders.

Proposed approach

6.7 It is proposed that the 2021 Report Text is revoked and not replaced. This report does not set out a new list of officer decisions. The Constitution already provides, at Part 3 Section C, paragraph 1.6, that any function not expressly reserved to the Executive is delegated to officers, and paragraph 2.1(a) of the same section reserves Key decisions to the Executive. All Non-Key decisions relating to highways and traffic schemes, whether or not they require the making of an order, are therefore already officer decisions under the Constitution as it stands. The proposal also removes the formal requirement for officers to consult the Cabinet Member with the relevant portfolio before taking certain Non-Key decisions. The proposal also ensures consistency with most other Non-Key decisions taken by the council. For transparency and in accordance with the officer delegated decision making process, Non-Key decisions are published on the Council's website. Officers will use their professional judgment and where a decision is Non-Key but appears significant due to factors such as the scale of the scheme or level of feedback, the matter will be raised with the relevant Cabinet Member prior to decision making.

6.8 Key decisions, as defined in the Constitution, remain a matter for the Executive. This report does not propose any change to the Key/Non-Key test, and does not re-state the criteria or thresholds by which that test is applied.

6.9 It is therefore proposed that the 2021 Report Text, including the cost and objection-count thresholds and the requirement to consult the Cabinet Member with the relevant portfolio, is revoked, without replacement, as set out at Appendix 1.

6.10 It is noted that this report addresses only who may take a Non-Key decision on a highways or traffic scheme. It does not affect the separate financial authorisation limits that already apply to Council spend. Officers exercising decision-making authority under the Constitution remain subject to the financial limits set out in the applicable Scheme of Financial Delegation and the Council's Financial Regulations, which govern the level at which expenditure must be authorised regardless of who takes the underlying decision. This report does not restate or change those limits.

## 7. Contribution to the Corporate Delivery Plan High Level Strategic outcomes

7.1 Removing decision-making text that duplicates the Constitution supports clear and transparent governance, thereby assisting the Council to meet its strategic outcomes in promoting sustainable and accessible travel and parking.

## 8. Statutory Officers Comments

### Finance

8.1 Finance has been consulted on the contents of this report and confirms that there are no financial implications to raise.

### Procurement

8.2 There are no procurement implications contained in this report.

### Director of Legal and Governance A Godinet, Senior Planning Lawyer

8.3 In accordance with the Article 14 of the Constitution, changes to the Constitution may only be approved by Full Council following recommendation by the Standards Committee and advice from the Monitoring Officer. It is therefore appropriate that proposed amendments set out in this report are first considered by Standards Committee before being referred to Full Council for determination.

### Equality

8.4 The council has a Public Sector Equality Duty (PSED) 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

8.5 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.

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

8.7 It is considered that there are no additional equality implications contained in this report.

## 9. Use of Appendices

9.1 Appendix 1 – Extract of the 2021 report to Standards Committee.

## 10. Background Papers

- Council Constitution
- Report to Standards Committee, 29 June 2021 (Annex 2 to the Full Council report of 19 July 2021): Proposed Amendments to the Constitution (Executive Functions).
- Report of Standards Committee 01/2021-22 to Full Council, 19 July 2021.
- Minutes of Full Council, 19 July 2021 (item 26)

**Appendix 1 – Extract of the 2021 report to Standards Committee**

6.8 These are operational everyday decisions and contrast with the required policy and strategic decision-making role of the Cabinet as set out in paragraph 2.1. Also, in most cases, these are not key decisions as they would affect one ward.



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It is proposed that this responsibility is removed from Executive functions and added to the Officer Scheme of Delegation for Environment and Neighbourhoods with some safeguards in place. This would be as follows:

- Small traffic management schemes that are costed below £100k are taken by officer delegated decision in consultation with the Cabinet Member with the relevant portfolio. These would be deemed officer delegated decisions that are published on the Council's website and available for public view.
- Medium to large traffic management schemes that raise objections – these would be schemes that do not generate wider interest, don't affect multiple wards, but could raise more than 10 objections. These would be taken forward as non-key decisions by the Cabinet Member with responsibility for the relevant portfolio. The report and decision notice would be published 5 clear working days before the decision is taken and the Cabinet Member would make the decision through an individual signing. The decision would be published on the website and there would be no call-in as it is not a key decision.
- Large traffic management schemes that will have an impact on multiple wards and will have a significant public interest would be taken forward by Cabinet. This would allow consideration of deputations. The decisions would be subject to call-in.

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**Report for:** Standards Committee – 17 November 2026

**Title:** Dispensation in relation to membership of North London Waste Authority (NLWA)

**Report authorised by :** Fiona Alderman, Director of Legal & Governance (Monitoring Officer)

**Lead Officer:** Fiona Alderman, Director of Legal & Governance (Monitoring Officer)

**Ward(s) affected:** N/A

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

## 1. Describe the issue under consideration

1.1 The North London Waste Authority ("**NLWA"**) is the statutory joint waste disposal authority for north London and as such is responsible for the disposal of waste collected by seven north London boroughs, including the London Borough of Haringey.

1.3 Councillor Gio Iozzi, with Councillor Johann Beckford, was appointed as the Council's representatives on NLWA at the Council meeting on 20 May 2026 and received dispensation at the meeting of Standards Committee on 29 June 2026. Since then, Councillor Gio Iozzi stood down in this role and was replaced by Councillor Jo Kuper on 20 July 2026.

1.4 This report considers granting Councillor Jo Kuper a dispensation for their membership of NLWA, to enable them to participate in debates and votes on matters relating to NLWA.

## 2. Cabinet Member Introduction

N/A

## 3. Recommendations

3.1 The Standards Committee is asked to consider the contents of this report and:

(a) Determine whether to grant a dispensation to Councillor Jo Kuper to allow them to participate in debates and votes on matters relating to NLWA business: waste disposal, energy from waste, waste facilities, waste transfer stations, reuse and recycling and any other waste related issues until Councillors Johann Beckford and Gio Iozzi cease to be a member of NLWA;

and

(b) Consider that granting the dispensation is in the interests of persons living in the authority's area.

3.2 Subject to approval of 3.1 above, delegate authority to the Monitoring Officer to prepare the dispensation for publication on the Council's website.

## 4. Reasons for decision

4.1 Under the Council's Constition, the Standards Committee is responsible for granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.

## 5. Alternative options considered

5.1 To not grant a dispensation. Where a dispensation is not granted, a councillor present at a meeting with a disclosable pecuniary interest or a prejudicial interest in any matter to be considered, or being considered at the meeting may not participate in any discussion nor vote on the matter and must withdraw from the room.

## 6. Background

6.1 NLWA is established as a statutory joint waste disposal authority under Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985. The NWLA's main waste disposal functions are set out in section 51 of the Environmental Protection Act 1990. The Constituent London Borough Councils are Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest.

6.2 NLWA is comprised of 14 councillors, with each constituent borough appointing two councillors. The appointments are made annually at the constituent borough's annual council meeting. Councillor Jo Kuper replaced Councillor Gio Iozzi as the Council's representatives on NLWA at the meeting on 20 July 2026.

6.3 Councillor Jo Kuper's membership of NLWA will constitute a personal interest which may be a prejudicial interest in the circumstances outlined above.

6.4 The Council's Members' Code of Conduct requires that where a Member is present at a meeting and they have a DPI or a prejudicial interest in any matter to be considered, or being considered at the meeting, they may not participate in any discussion nor vote on the matter and must withdraw from the room, unless they have obtained a dispensation from the Standard's Committee.

6.5 Under the Code, a Member with a prejudicial interest may attend a meeting but only for the purposes of making representations, answering questions or giving evidence in relation to the matter, provided that the meeting is also open to the public to attend for the same purposes.

6.6 Section 33 Localism Act 2011 provides circumstances where it may be appropriate to grant a dispensation:

> *A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—*
>
> > *(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*
> >
> > *(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*
> >
> > *(c) considers that granting the dispensation is in the interests of persons living in the authority's area,*
> >
> > *(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*
> >
> > *(e) considers that it is otherwise appropriate to grant a dispensation.*

6.7 Regarding the dispensation to Councillors Jo Kuper in respect of their membership of NLWA, the Standards Committee may consider that granting the requested dispensation[s] is in the interests of persons living in the Council's area because it may assist in closer alignment between the aims of NLWA and of the Council as a constituent borough. Indeed it is not uncommon for a standard dispensation to apply to members in respect of interests arising from an appointment by the authority to outside bodies, in this case the appointment to NLWA.

6.8 A dispensation granted to a Member is published on the Council's website and can last up to 4 years.

6.9 It should be noted that the effect of a dispensation is not to waive an actual or perceived conflict of interest nor to waive the common law position in respect of bias and predetermination in decision-making. In such cases, Members should seek advice from the Monitoring Officer as to how to proceed.

## 7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes

7.1 Ensuring good governance within the Council and by councillors supports all strategic priorities.

## 8. Statutory Officers comments (Director of Finance ( procurement), Head of Legal and Governance, Equalities)

### Finance

8.1 There are no direct financial implications arising from the recommendations in this report.

### Legal

8.2 This is a report of the Assistant Director of Legal and Governance (Monitoring Officer). Their comments are included in the body of this report

### Equality

8.3 There are no direct equalities implications arising from the recommendations in this report.

## 9. Use of Appendices

N/A

## 10. Background Papers

The Council Constitution.

**Report for:** Standards Committee – 17 November 2026

**Title:** Committee Work Programme

**Report authorised by:** Fiona Alderman, Assistant Director of Legal and Governance (Monitoring Officer)

**Lead Officer:** Richard Plummer, Committees Manager
richard.plummer@haringey.gov.uk

**Ward(s) affected:** N/A

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

## 1. Describe the issue under consideration

1.1 Members to note current work programme and put forward any comments on suggested areas of work.

**21 January 2027**

- Changes to the Council Constitution
- Review of Political Assistants
- Review of Member Allowances

**9 March 2027**

- Changes to the Council Constitution

**Date TBC**

- Strengthening the standards and conduct framework for local authorities in England consultation