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# General Purposes Committee

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MONDAY, 30TH JANUARY, 2006 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Rice (Chair), Jean Brown (Deputy Chair), Patel, Aitken, Bloch, Davidson, Bull and Haley

Community Representatives

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## **AGENDA**

**1. APOLOGIES FOR ABSENCE (IF ANY)**

**2. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest

**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 at item 8 below)

**4. DEPUTATIONS/PETITIONS**

To receive any deputations and petitions in accordance with Standing Order 37

**5. MINUTES (PAGES 1 - 8)**

To confirm and sign the minutes of the meeting of the General Purposes Committee held on 19 December 2005

**6. HOMES FOR HARINGEY AND STAFF MATTERS (1) AND THE HOUSING SERVICE RESTRUCTURE (2) (PAGES 9 - 26)**

Report of the Director of Housing to advise Members on (1) staffing matter relating to the establishment of Homes for Haringey, the Haringey ALMO (Arms length Management Organisation) and (2) on the restructure of the Housing management and the Haringey Home and Building Services.

**7. AMENDMENTS TO COUNCIL STANDING ORDERS AND THE CONSTITUTION (PAGES 27 - 38)**

Joint report of the Monitoring Officer and Head of Legal Services and the Head of Member Services. To consider making amendments to Council Standing Orders which would bring forward the time by which notice must be given of questions for full Council. This is to facilitate the inclusion of these questions in the Summons to Council. Members are also asked to grant delegated powers to the Head of Member Services to make updates to the Constitution in relation to matters already agreed by Members.

**8. NEW ITEMS OF URGENT BUSINESS**

To consider any items admitted at item 2 above

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**MINUTES OF THE GENERAL PURPOSES COMMITTEE**  
**19 December 2005**

Councillors: \*Rice (Chair), J. Brown (Deputy Chair), Bull, Davidson, Bloch, Aitken, \*Haley and Patel

\*Members present

**GP44 APOLOGIES FOR ABSENCE:** (Agenda Item 1)

Apologies for absence were received from Councillors Brown, Bull, Davidson, Bloch, Aitken and Patel

**GP45 MINUTES:** (Agenda Item 5)

**RESOLVED**

That the minutes of the meeting held on 24 October 2005 be confirmed and signed as a correct record.

**GP46 MINUTES OF GENERAL PURPOSES SUB BODIES:** (Agenda Item 6)

**RESOLVED**

That the minutes of the General Purposes sub bodies, as circulated with the agenda to this meeting, be noted.

**GP47 SCRUTINY AND CALL IN PROCEDURE** (Agenda Item 7)

The Monitoring Officer's representative introduced this item which asked members of General Purposes Committee to consider amendments to the procedures for Scrutiny Reviews and Call-in and make recommendation on these to Full Council. The officer asked for a late item to be tabled which showed an amendment to Appendix 3 (part 1.3 of the Constitution; Call-in Procedure Rules). An additional sentence had been appended to item 1 '*The right to call-in does not apply to a decision by way of an appeal hearing of a quasi-judicial procedure.*' Members also asked that the sentence '*on behalf of the Council*' as set out in item b (i) of Appendix 2 to the report be kept in.

**RESOLVED**

That the changes to the procedures for Scrutiny Reviews and Call-in, as set out in Appendices 1,2,3, 4 and 5 this report, and the further amendments as set out above, be recommended to Full Council for amendment to Parts 1.1, 1.2, 1.3, E1 and E7 of the Constitution.

**GP48 AMENDMENTS TO THE SCHEME OF DELEGATION TO OFFICERS RELATING TO PLANNING ENFORCEMENT** (Agenda Item 8)

The Monitoring Officer's representative introduced this item which asked members of General Purposes Committee to consider amendments to the scheme of delegation to officers relating to planning enforcement and prosecution powers. The officer explained to members that this report was of a precautionary nature, in response to the outcome of the Kirklees case, details of which were set out in the report. The Chair suggested that this matter would benefit from further discussion at a future Planning Applications Sub Committee. Members suggested that the last page of the Appendix (Section 43) be amended to say a '*Listed Building Notice*'.

**RESOLVED**

That the amendments to the Scheme of Delegation to Officers as set out in the para 8.4 and in the Appendix to this report, and the further amendment as set out above, be recommended to Full Council for amendment to Part F7 of the Constitution.

**GP49 EQUAL PAY AND CONDITIONS REVIEW** (Agenda Item 9)

The Head of Personnel introduced this item which outlined progress to date on the Equal Pay and Conditions Review. Members were advised that this project would be in four phases and we were currently at the end of Phase 1. Paragraph 5 set out an update of progress and the Head of Personnel advised members that he would provide regular updates. Members noted that the member and officer working groups had met for the first time last week.

**RESOLVED**

- That the progress on the Equal Pay and Conditions Review project be noted.
- That the Project Board and Member Working Group continue to work on developing pay systems and structures that take account of the findings of the equal pay audit.

**GP50 APPOINTMENT TO ALMO POSTS (Director of Finance ALMO and Director of Business Support ALMO) (Agenda Item 10)**

The Head of Personnel introduced this item which briefed members about the arrangements for recruiting to the above posts.

**RESOLVED**

That the same appointment panel for each post be appointed; to consist of the Executive Member for Housing, the Leader's nominated representative, a Shadow Board Member and a Non-Executive (General Purposes Committee) Member.

**GP51 CODE OF CONDUCT FOR STAFF (Agenda Item 11)**

The Head of Personnel introduced this item which proposed revisions to the Code of Conduct and introduced standard systems for registering staff interests and declarations of hospitality in line with Audit Commission recommendations on financial aspects of corporate governance. For clarity, amendments were shown in colour on the Appendix to this report. The proposed forms for declaring interests and hospitality were also included in the Appendix.

Unison asked the Chair to receive a tabled letter setting out their concerns and requesting some minor amendments on pages 5, 9 and 12 of the report (*Working with Members, Working with Debt and Contact with the Media*). They had discussed these with the Head of Personnel prior to the meeting and members were happy that they be actioned.

**RESOLVED**

- That the proposed amendments to the Code of Conduct be agreed, including those set out in the letter from Unison tabled at this meeting and detailed above
- That the standard format and process for making declarations of hospitality for registering interests be agreed.
- That Personnel Services hold, co-ordinate and monitor the declaration and registration files.

**GP52 AMENDMENTS TO THE CONSTITUTION RELATING TO LICENSING AND GAMING** (Agenda item 12)

The Monitoring Officer's representative introduced this item which asked members of General Purposes to consider the adoption of Local Licensing Procedure Rules; an addition to the terms of reference of the Licensing Sub-Committees and amendments to the Scheme of Delegation to Officers relating to the Licensing Act 2003 and gaming machine regulation.

Members noted that the extra delegated power to the Head of Legal Services was in response to cases referred to the Council on Appeal by the Magistrates' Court for up to two gaming machines. Members also noted that they could not refuse to renew permits for gaming machines but they retained the jurisdiction to refuse new applications or existing permits if there was evidence to prove they were in breach of current conditions.

Members suggested a small change to Appendix 3, under the Gaming Act 1968 (Section 34) 'in premises licensed for the sale or supply of alcohol'; to add '*for consumption on the premises*'.

**RESOLVED**

- That the adoption of the Haringey Local Licensing Procedure Rules for Hearings, as set out in Appendix 1 to this report, as a new Part C.9 of the Council's Constitution be recommended to Full Council.
- That the amendment of Part E.7 of the Constitution, as set out in Appendix 4 to this report; to add certain gaming regulation functions to the Terms of Reference of the Licensing Sub Committees be recommended to Full Council.
- That the amendment of the Scheme of Delegation to Officers, at Part 7 of the Constitution, as set out in Appendices 2 and 3 to this report, with the minor amendment to Appendix 3 as detailed above, be recommended to Full Council to give powers to :
  - The Head of Legal Services to make arrangements for disposing of cases remitted by the Magistrates after Licensing appeals, and
  - The Assistant Director, Enforcement, to grant permits for no more than two amusements with prizes gaming machines in premises licensed to sell or supply alcohol in accordance with policy agreed by the Licensing Committee.

**GP53 REVISIONS TO THE COUNCIL'S STATEMENT OF LICENSING POLICY (Agenda Item 13)**

The Monitoring Officer's representative introduced this item which asked members of General Purposes to consider authorising public consultation on proposed changes to the Statement of Licensing Policy relating to the relationship between Town Planning and the Licensing function; following the consideration of Counsel's opinion that Planning and Licensing applications must be considered independently of each other.

The Chair commented that the change being sought was a technicality that effectively 'tied the hands' of General Purposes Committee members and suggested that consultations be kept as brief and concise as possible. Councillor Haley, in his capacity of Chair of the Licensing Committee, said he would be writing to the Secretary of State on this matter.

**RESOLVED**

- That the contents of the report considered and approved by the Licensing Committee on 6 December be noted.
- That the commencement of statutory public consultation on the revisions to paragraphs 8.1 and 8.3 of the Statement of Licensing Policy, as set out in Appendix 2 to this report, be authorised.

**GP54 IMPROVING PERFORMANCE FOR ADULTS WITH PHYSICAL/SENSORY IMPAIRMENTS HIV/AIDS AND LEARNING DISABILITIES SERVICES (Agenda Item 14)**

The Director of Social Service's representative introduced this item which set out a range of measures to improve Physical Disabilities/Sensory Impairments, HIV/AIDS and Learning Disabilities performance. Unison representatives attended the meeting and asked members to consider backdating the proposed pay award, as set out in the report, to April 2005. The Head of Personnel explained to members that recruitment/retention awards should be considered separately from regradings; with each case decided on merit. Members noted that it was a co-incidence that this issue was before General Purposes Committee shortly after it had been asked to consider another function area within Social Services. Members agreed that there was no provision in the report before them to consider the issue of backpay and asked if this could be brought back to a future General Purposes Committee. Members noted that this pay award would regulate pay scales across Social Services.

**RESOLVED**

- That proposals to reconfigure the Physical Disabilities/Sensory Impairment and HIV/AIDS Services be agreed.
- That proposals to restructure the Assessment and Care Management Learning Disabilities Service be agreed.
- That proposals to stabilise staffing and the consequent changes to salary scales as set out in Appendix D be agreed
- That a further report be brought back to General Purposes Committee to consider the matter of backpay.

**GP55 EXCLUSION OF THE PRESS AND PUBLIC (Agenda Item 15)**

**RESOLVED**

That the following item exclude the press and public from the meeting as it contains 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely information relating to a particular employee.

**GP56 MINUTES OF DISMISSAL AND GRIEVANCE PANEL HEARINGS**  
(Agenda Item 16)

The Head of Personnel advised members that he would bring an Annual Review of all Dismissal and Grievance cases to the meeting on 2 March 2006.

**RESOLVED**

That the minutes of the dismissal and grievance panel hearings, attached at the exempt part of this agenda be noted.

**Cllr Reg Rice**  
**Chair**





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Report Title: **(1) Homes for Haringey and Staff Matters (2) The Housing Service Restructure**

Forward Plan reference number (if applicable):

Report of: **Director of Housing**

Wards(s) affected: **All**

Report for: **Information**

### 1. Purpose

- 1.1. To advise Members on staffing matters relating to the establishment of Homes for Haringey, the Haringey ALMO (Arms Length Management Organisation).
- 1.2. To advise members on the restructure of the Housing Management and the Haringey Home & Building Services.

### 2. Introduction by Executive Member

- 2.1 Not applicable

### 3. Recommendations

- 3.1. That the report be noted

Report Authorised by:

*Stephen Clarke*

Stephen Clarke, Director of Housing

Contact Officer: Peter Purdie, ALMO Implementation Team.  
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#### **4. Executive Summary**

- 4.1. This report sets out the implications for housing staff as a result of the decision to establish Homes for Haringey, the Haringey ALMO, and the transfer of housing staff from employment with the Council to the ALMO.
- 4.2. It also gives an overview of the proposed changes to the structure of both the Housing Management Service and the Haringey Home & Building Service.
- 4.3. It provides information on the process and timetable for the restructuring of these services.

#### **5. Reasons for any change in policy or for new policy development (if applicable)**

- 5.1. The creation of the ALMO in April 2006 will involve the transfer of Council Housing Staff to the ALMO under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE).

#### **6. Local Government (Access to Information) Act 1985**

- 6.1. Guidance on Arms Length Management of Local Authority Housing- ODPM
- 6.2. Staffing implications of establishing ALMOs- Employers Organisation for Local Government
- 6.3. Framework for establishing the Haringey ALMO- Reports to Council Executive (26 July 2005, 4 October 2005 and 20 December 2005)

#### **7. Background**

- 7.1. The proposal to establish an arms length management organisation (ALMO) for the whole of Haringey's council housing stock, subject to a positive ballot of tenants, was the key recommendation of the resident-led Options Appraisal Steering Group which reported in November 2004. The Council endorsed the proposal in January 2005 and it received the backing of a majority of tenants in the ballot held in March/ April 2005. Further key decisions relating to the establishment of the ALMO took place in July, October and December 2005. Homes for Haringey will go live in April 2006.
- 7.2. The key purpose of setting up Homes for Haringey is to obtain funding (this could be up to £225 million) to enable the Council to meet its duty to achieve the Decent Homes Standard for all its housing stock by December 2010. To achieve this release of funds Homes for Haringey will need to improve its service delivery to achieve a 2 star (good) service when inspected in December 2006.
- 7.3. This report sets out the implications for housing staff as a result of the decision to establish the ALMO. The report also gives an overview of the proposed changes to the structure of both the Housing Management

Service and the Haringey Home & Building Service. This restructure is needed to provide residents with the services that they expect; to provide a more efficient and better value for money service, and to address the declining financial resources of the Housing Revenue Account. A restructure of the service would have been required even without the establishment of Homes for Haringey.

## **8. Description**

- 8.1. Homes for Haringey will be a company wholly owned by the Council which will be responsible for the day-to-day operational management of council housing and the delivery of the decent homes programme. It will be funded by a management fee paid by the Council. It will have a board made up of 5 council nominees, 6 residents members and 5 independent experts. The Council will retain ownership of the housing stock and tenants will remain tenants of the Council.
- 8.2. Homes for Haringey will be responsible for operational management. The staff responsible for the operational management of the council housing stock will transfer under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) to the ALMO. This will include those staff responsible for housing management, housing finance, day-to-day repairs and the capital programme. Housing Managers responsible for sheltered accommodation will also transfer. Approximately 710 staff will transfer, under TUPE, to Homes for Haringey.
- 8.3. The Council will retain responsibility for strategy, policy and setting the key targets and service standards that Homes for Haringey must meet. The Council will also be responsible for the monitoring of Homes for Haringey's performance against these standards. The Anti-Social Behaviour Team which is currently based in the Housing Management service will remain with the Council, reporting to the Head of the Safer Communities Unit within the Chief Executives Service with effect from 1<sup>st</sup> February 2006.
- 8.4. The Government and the Council are both committed to safeguarding the interests of the staff who will be working for Homes for Haringey. It is a condition for the establishment of an ALMO that transferred and new staff should have comparable terms and conditions. Homes for Haringey will employ staff directly and those staff who transfer will do so under TUPE. The contracts of employment (apart from terms relating to occupational pensions schemes) of relevant staff and all the local authorities rights, powers, duties and liabilities under or in connection with those contracts will transfer to Homes for Haringey. All staff transferred under TUPE will continue to be employed on the same terms and conditions. There is no qualifying period of time that staff have to be employed with the Council in order to be protected by the TUPE regulations. All staff working for the council in a team transferring on the day before the transfer will be transferred to Homes for Haringey. This applies equally to staff on temporary contracts with the Council.

- 8.5. The future terms and conditions of employment for Homes for Haringey staff, after transfer under TUPE will be determined by the Homes for Haringey board. The Office of the Deputy Prime Minister (ODPM) expects that ALMOs will ensure that staff terms and conditions are at least as good overall as local authority terms and conditions, although this does not mean that Homes for Haringey has to match any future improvements to national local authority terms and conditions. No variations to terms and conditions are allowed by law under TUPE, if the reason for the variation is transfer related. Changes can only be made if they are related to an economic, technical or organisational reason. Any local changes to terms and conditions will be negotiated between Homes for Haringey and its staff. The ODPM has stated that ALMOs should not offer to automatically match future improvements negotiated by staff of its local authority, irrespective of circumstances and affordability, as this would risk jeopardising its arms length status and a could result in the ODPM refusing to allow the transfer of the management of the Housing Stock to the ALMO.
- 8.6. Upon transfer Homes for Haringey will adopt the Councils existing employment procedures. The only exceptions to this will be where current procedures allow for an appeal to Members, for example Member Appeals relating to the disciplinary code of practice. New procedures in these areas will need to be developed and negotiated between Homes for Haringey , the trade unions and staff. Following transfer any changes to employment procedures will be determined by the Homes for Haringey board, through negotiation with trade unions and staff.
- 8.7. If an employee from local government is transferred to Homes for Haringey under TUPE their continuous service is protected. The Governments view is that if individuals voluntarily leave the ALMO and return to local government then even though their transfer protection ceases their continuous service will be protected for redundancy purposes.
- 8.8. The TUPE regulations do not themselves extend to the transfer of occupational pension schemes such as the Haringey Pension Scheme. However ALMOs are registered under the Local Government Pensions Scheme Regulations with the result that employee's pensions automatically remain within the Haringey pension scheme at the point that employees transfer to the employment of Homes for Haringey. New Homes for Haringey employees will also be able to join the scheme.
- 8.9. Some of the benefits that the Council may grant within the pension scheme, such as early retirement and redundancy payments are discretionary. The discretion to award these benefits will be transferred to Homes for Haringey but there can be no guarantee that Homes for Haringey will operate these benefits.
- 8.10. The Councils pensions manager will provide separate updates to the Pensions Panel to advise on the more detailed implications for the Haringey Pension Fund, the Council and Homes for Haringey that will result from the establishment of Homes for Haringey.

- 8.11. Homes for Haringey will need to determine what trade unions will be recognised within the new organisation. If the current recognition agreements transfer then there may be a period of time during which existing trade union representatives will need to assist Homes for Haringey even though those representatives may not themselves transfer to Homes for Haringey.

## **9. The restructure of the Housing Management Service and the Haringey Homes and Building Service (HHBS)**

- 9.1. There is a need to carry out a restructure of the Housing Management and Haringey Home and Building services in order to achieve the following changes:-

- To deliver improved 2/3 star services to residents
- To create a structure able to deliver decent homes
- To create a structure comparable with other top performing Housing Services
- In order to become more efficient and provide better value for money services
- A need to balance the Housing Revenue Account

The restructure would be needed even without the establishment of Homes for Haringey.

- 9.2. This restructuring will take place in line with Haringey's standard procedures, including full consultation with trade unions and staff. Any changes relating to the restructure which take place following the transfer to Homes for Haringey will also use the same procedures. Any new posts in the structure that are not initially ring fenced to protect existing staff will be filled through the Council's/ Homes for Haringey's, standard recruitment and selection processes. Local authority/ Homes for Haringey employees will have the opportunity to apply for these posts in competition with external applicants.
- 9.3. A separate report to the Council Executive on 4<sup>th</sup> October 2005 agreed that the agreements for the detailed structure including post designations be delegated to the Director of Housing in consultation with the Executive Member for Housing.
- 9.4. The overall shape of the organisational structure has been agreed. Reporting to the Homes for Haringey Chief Executive will be four Directors - Finance, Housing Management, Building Services and Business Support.
- 9.5. **The new Director of Finance will be responsible for a single co-ordinated finance service for both Housing Management and Building Services.** There is a need to strengthen the top tier finance management to deliver improved financial planning and to achieve joined

up and improved financial management accounting. The Director of Finance will also be responsible for the Housing information Team.

- 9.6. **The new Director of Business Support will be responsible for support services to both Housing Management and Building Services.** This new central support division will improve and raise service standards throughout the organisation allowing the Directors of Housing Management and Building Services to focus on the operational delivery of services and the delivery of the Decent Homes programme. The division will be responsible for the following functions
- Resident participation and Communications
  - Service Development
  - Governance and Company Secretary functions for the Homes for Haringey Board.
  - Best Value, Performance and Clienting
  - Training, Staff Development and People Planning
- 9.7. **Changes in Housing Management.** We will create specialist teams in Housing Management to deal with income recovery, tenancy management and estate services. These will replace the current generic delivery of Housing Management services where staff and senior managers cover a range of functions. The creation of these new teams will increase the specialist expertise of staff and managers in these areas leading to better customer focus, improved services to clients and improved value for money. The wide range of functions that are presently carried out by generic staff can lead to a lack of specialist expertise and difficulties in managing the delivery of key priorities in all three of these business areas. There will also be reductions in Administrative support as a result of the closure of Area Office receptions.
- 9.8. Whilst the restructure of Housing Management services could potentially result in 8 redundancies, the opportunities for staff in other ring fences and through redeployment mean that the anticipated level of redundancies will be significantly less than this number.
- 9.9. The Housing Management Service will also be responsible for the services to leaseholders through the Home Ownership Team with the provision of a dedicated 3<sup>rd</sup> tier manager to raise the profile of leaseholder issues at the Senior Management Team, improve service delivery and increase the satisfaction levels for leaseholders.
- 9.10. **Changes in the structure of Haringey Homes and Building Services (HHBS).** The Director of Building Services will be responsible for the functions carried out by the existing Haringey Homes and Building Service. Reporting to the Director will be third tier managers responsible for the following functions
- Repairs Operations (general repairs, empty homes and specialist works)



- Design and Engineering
- Asset Management (including delivery of the Decent Homes programme.)

- 9.11. For the Repairs Operations Service there is a need to drive through greater efficiency to enable repairs spend to stay within a budget the Housing Revenue Account can afford, resulting in a planned 10% reduction in costs. There is also a need to make the service more competitive in view of the Council's decision to market test the repairs service during 2006. This will result in the anticipated deletion of 59 posts within repairs operations with 16 staff identified as under threat of redundancy.
- 9.12. The Councils Procurement Committee have agreed that the work to deliver the Decent Homes programme in the Councils housing stock should be delivered through modern partnering arrangements. The ALMO will work in partnership with external constructors to deliver the programme by 2010/11.
- 9.13. The head of procurement and project management will steer the establishment of a new client side management structure. Commencement of the new working arrangements are anticipated between April and June 2006. This will ensure an adequately resourced team to deliver a strong and robust client management function for the delivery of Decent Homes.
- 9.14. The new procurement arrangements will impact on the work of the stock investment, project management, design and engineering, and surveying teams within HHBS. A range of opportunities for existing staff are envisaged, some may be selected to take on a client function within the ALMO and some may move under TUPE to the new partnering providers. A third option may be for staff to seek transfer to other departments within Haringey. It is envisaged that the architects section will be closed resulting in 5 staff being under threat of redundancy. This is because there is little requirement for building design under the decent homes programme (which is largely repetitive work) and there is insufficient demand for architectural services from other corporate clients.
- 9.15. Staff have already been briefed and further updates will be provided once more detailed work has been completed on the design of the client function. A formal communications plan will be evolved in the near future.

## 10. Consultation

- 10.1. **TUPE transfer.** There is a duty on both the Council and Homes for Haringey to inform and consult employees over the transfer, through the trade unions. As well as the formal process there will be regular consultation with employees individually. A schedule of meetings have been established between the Trade Unions and the Director of Housing

to discuss ALMO related issues. These meetings will continue up to and beyond the establishment of the ALMO regular meetings with staff to explain the changes that are taking place as a result of the establishment of the ALMO.

- 10.2. Monthly newsletters to staff provide updates on progress and a “frequently asked questions” guide has been produced in response to queries raised by staff and managers. A team of “ALMO Champions” made up of a cross section of housing staff, are assisting both with the provision of information to staff and also ensuring that any staff concerns are raised and addressed. An effective staff communications strategy ensures that no staff communication issues are overlooked. The level of consultation with staff will increase as we move towards the date for the establishment of the ALMO.
- 10.3. Individual staff who will be transferred to the ALMO will be identified and advised that they will be subject to transfer. They will be provided with appropriate advice and assistance at all key stages of the process.
- 10.4. **Housing restructure.** Full consultation has started with trade unions and staff over the proposed restructure of Housing Management and Building Services. Each of the Divisions in the new structure will provide separate details on their own restructure and information will be provided to staff and the trade unions as soon as the proposals for each division are available.
- 10.5. The consultation packs will show structure charts, provisional timetables, estimates of potential redundancies, proposals for change, new job descriptions, ring fences and selection methods.
- 10.6. The consultation process for Housing Management commenced on 13 December 05 and for the Finance and Business Support divisions the consultation process commenced on 9<sup>th</sup> January 06.
- 10.7. Consultation on the Building Services restructure will commence on 24<sup>th</sup> January 2006. No consultation period will be for less than 30 days and each consultation process starts with a meeting with trade unions, where they are briefed on the proposals. This is followed by briefing meetings with affected staff groups to which the trade unions are also invited.
- 10.8. Details of the top level structures are attached as appendix 1
- 10.9. Implementation of the restructure including the start of the initial ring fenced recruitments will commence following the completion of the Building Services consultation which is anticipated to end on 24 February. Following the interviews for ring fenced positions staff will take up their new post from April 2006. This means that the majority of those staff affected by the restructure will take up their new posts after the establishment of Homes for Haringey and that any redundancy notices that may need to be served are likely to be served following the transfer of

staff to Homes for Haringey. Appendix 2 gives details of the anticipated timetable for the restructure.

- 10.10. Because of the anticipated level of redundancies within the Building Services division it is expected that a Notice under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 will be required. There are not expected to be significant levels of redundancies within other divisions. Decisions relating to the service of a section 188 Notice will be reached before the meeting with trade unions on 24<sup>th</sup> January 2006.
- 10.11. Every attempt will be made to redeploy staff at risk of redundancy. Staff will be supported and assisted by line managers and Human Resources if they enter the redeployment process. A skills matching exercise will be carried out with all staff threatened with redundancy. On this occasion only it has been agreed that any staff threatened with redundancy can be considered for redeployment both within the Council and within Homes for Haringey.
- 10.12. The process for restructuring will be as simple as possible and conducted in an open and transparent manner with due regard to the Council's and Homes for Haringey's Equal opportunities Policies.
- 10.13. The Homes for Haringey Shadow Board and the Council's Executive Member Working Group have been briefed on the staffing matters relating to the establishment of Homes for Haringey. They have also been briefed on the restructure of the Housing Management Service and the Haringey Home and Building Service.
- 10.14. Consultation with residents on the restructure will take place through briefings to the Housing Management Board on 23 January 2006 and to the Residents Consultative Forum on 1<sup>st</sup> February 2006.

## **11. Summary and Conclusions**

- 11.1. Provisional figures indicate that 712 staff will transfer from the existing Housing Service to employment with the ALMO. These staff will have their terms and conditions of service protected on transfer through the TUPE regulations.
- 11.2. The report to Council Executive on 4<sup>th</sup> October on the "Framework for establishing the Haringey ALMO" agreed that decision on the detailed structure be delegated to the Director of Housing in consultation with the Executive Member for Housing.
- 11.3. There is a need to restructure the Housing Management and Haringey Home and Building Services in order to deliver improved services and to close the short/medium term HRA business gap. The HRA business planning process will provide further details on the efficiency saving

measures that will be implemented to ensure the necessary savings are delivered in 2006/7 and beyond.

- 11.4. This restructuring will take place in line with Haringey's standard procedures, including full consultation with trade unions and staff

## **12. Recommendations**

- 12.1. That this report be noted

## **13. Comments of the Director of Finance**

There is a clear financial incentive to implement structures that will deliver both an improved service for residents and the additional investments in the HRA stock which could be in excess of £200 million.

The proposals for the restructure of Housing Management, Business Support and Finance have been costed and can be accommodated within the anticipated level of growth allowed for within the ALMO Pre Business Plan Review of £250,000

There is a need to restructure the Housing Management and Haringey Home and Building Services in order to deliver improved services and to close the short/medium term HRA business gap. The restructure of the Repairs Operations service are targeted to result in a 10% reduction in costs (£1.184 million in 2006/7) enabling the repairs service to stay within budget.

The cost of the restructured Design and Engineering Service, including an appropriate target for a surplus, will be met by income from fees.

The cost of the new Asset Management structure in 2006/7 will be kept within the existing base budget for this service with any minor adjustments either up or down being managed within the capital budget. For 2007/8 onwards there will be a planned expansion to accommodate the major increase in programme activity to achieve Decent Homes. These costs will be met by additional capitalisation charged against the new capital provision resulting from a successful ALMO bid which is planned to be in excess of £200 million.

## **14. Comments of the Head of Legal Services**

- 14.1. The Head of Legal Services has been consulted on this report, and makes the following comments.
- 13.2 The provisions of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) will apply to the transfer of staff to the ALMO as the report quite rightly states. The Regulations are due to be revised and

issued in April 2006, and the initial indications of the proposed changes have been taken into account in these legal comments.

- 13.3 A restructuring of the type envisaged in this report to be undertaken before transfer will be carried out under the provisions of the Council's policies and procedures regarding organisational change. Any employee displaced as a result will be entitled to be considered under the terms of the Council's redeployment and redundancy procedures. Those terms from the redundancy and redeployment procedures that have contractual effect will transfer under TUPE with each employee. The size of and timescale for the potential number of dismissals due to redundancy may require formal consultation with trade union representatives under the provisions of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1994, where these dismissals would occur in one establishment. In any event such consultation on a less formal basis would constitute good practice even if not required statutorily.
- 13.4 All employees assigned to the undertaking to be transferred will transfer to the employment of the ALMO. This will include temporary staff specifically assigned and appointed to the undertaking. However, those employees who are temporarily placed in the undertaking, but whose substantive role is elsewhere, could be excluded.
- 13.5 The terms of the contracts of employment of the employees involved will transfer as if made with the ALMO as their employer. Service with the Council will count as continuous service with the ALMO. Variation of contractual terms after transfer is a notoriously difficult area in law due to the effect of decided cases in both the UK and European Courts. Variation is generally unlawful (even if consensual) if the variation is for a reason connected with the transfer, unless it is itself for an "eto" (economic, technical or organisational) reason, which is unconnected to the transfer..
- 13.6 Trade union recognition arrangements will transfer under TUPE to the extent that they exist with the Council.
- 13.7 The timetables for implementation of the various restructuring exercises and the deadline for the establishment of "Homes for Haringey" indicate that a significant proportion of those exercises will not have been completed by April 2006. In these circumstances it should be made clear in writing to each employee that the transfer of the terms of their contracts of employment will include those terms relating to organisational change, redundancy and redeployment whose effects will result from the implementation of the restructuring exercises at a later date.
- 13.8 TUPE does not preclude further transfers of undertakings and staff at any particular time. TUPE will again apply if the conditions for the transfer meet the requirements of a relevant transfer under the Regulations.

## **15. Equalities Implications**

The ALMO will be required to adopt and operate the Council's equalities and diversity strategies in relation to service delivery and staffing. Its approach to equalities and diversity will be set out in its aims and objectives, the delivery plan, and the other documents.

Community groups that are under represented have been identified and an action plan to ensure inclusion of these groups has been put in place. These will be monitored on a regular basis. The effect of implementing the ALMO on inclusion will also be monitored.

A comprehensive consultation and communication plan for residents and staff has been drafted. This has identified the barriers in communicating with residents and staff in the lead up to implementing the ALMO and following the set up of the ALMO. Training needs will be identified for staff, residents and the Shadow ALMO Board.

The ALMO will be required to prepare its own detailed action plans to deliver the Council's aims. This will also be guided by the Council's Impact assessment process being applied to the ALMO implementation and is comprised of five core 'arrangements'. The Impact assessment will accompany the series of reports being submitted between now and December on the Implementation.

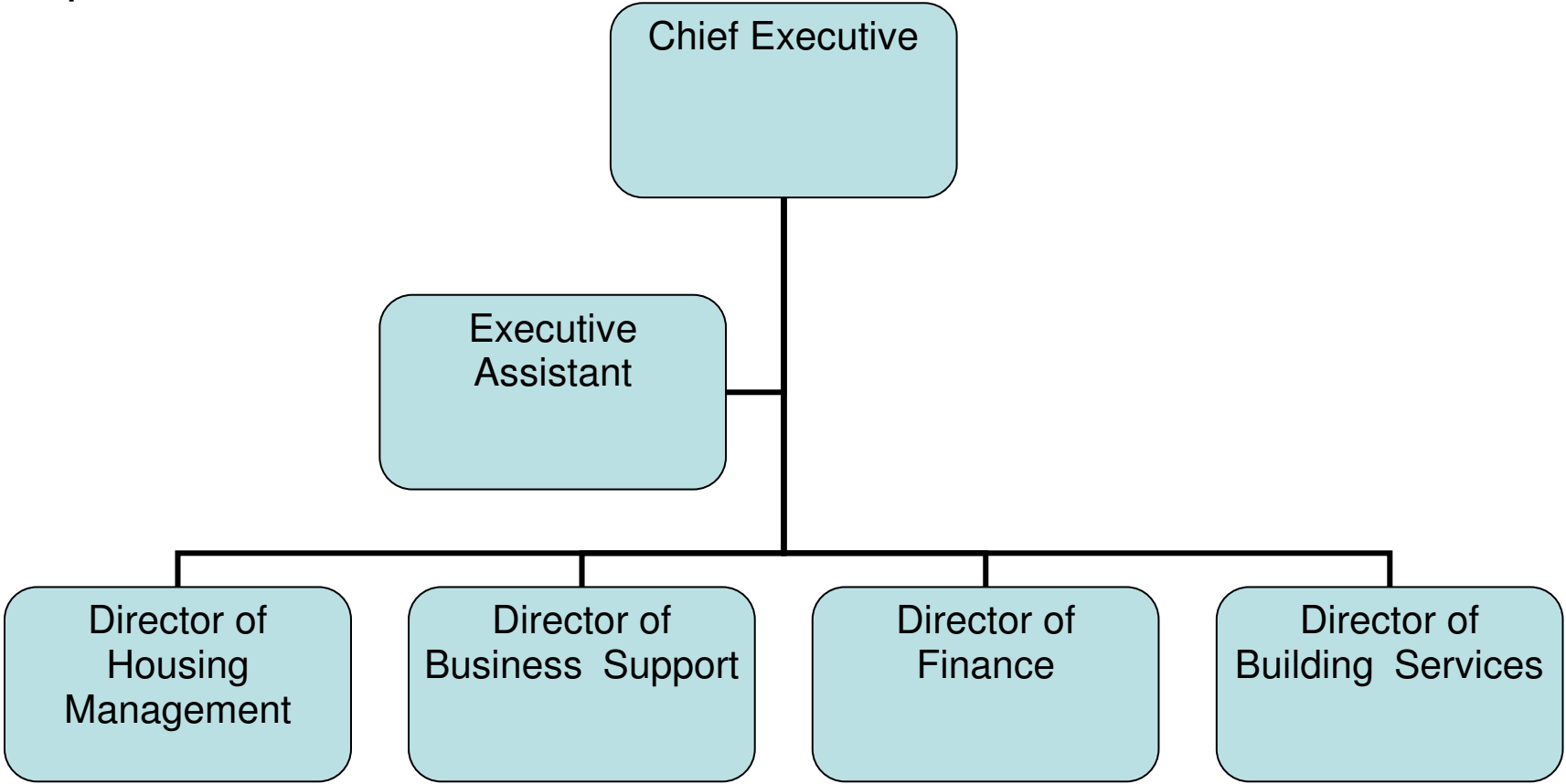
## **16. Use of Appendices / Tables / Photographs**

16.1. Appendix 1 Top level structures

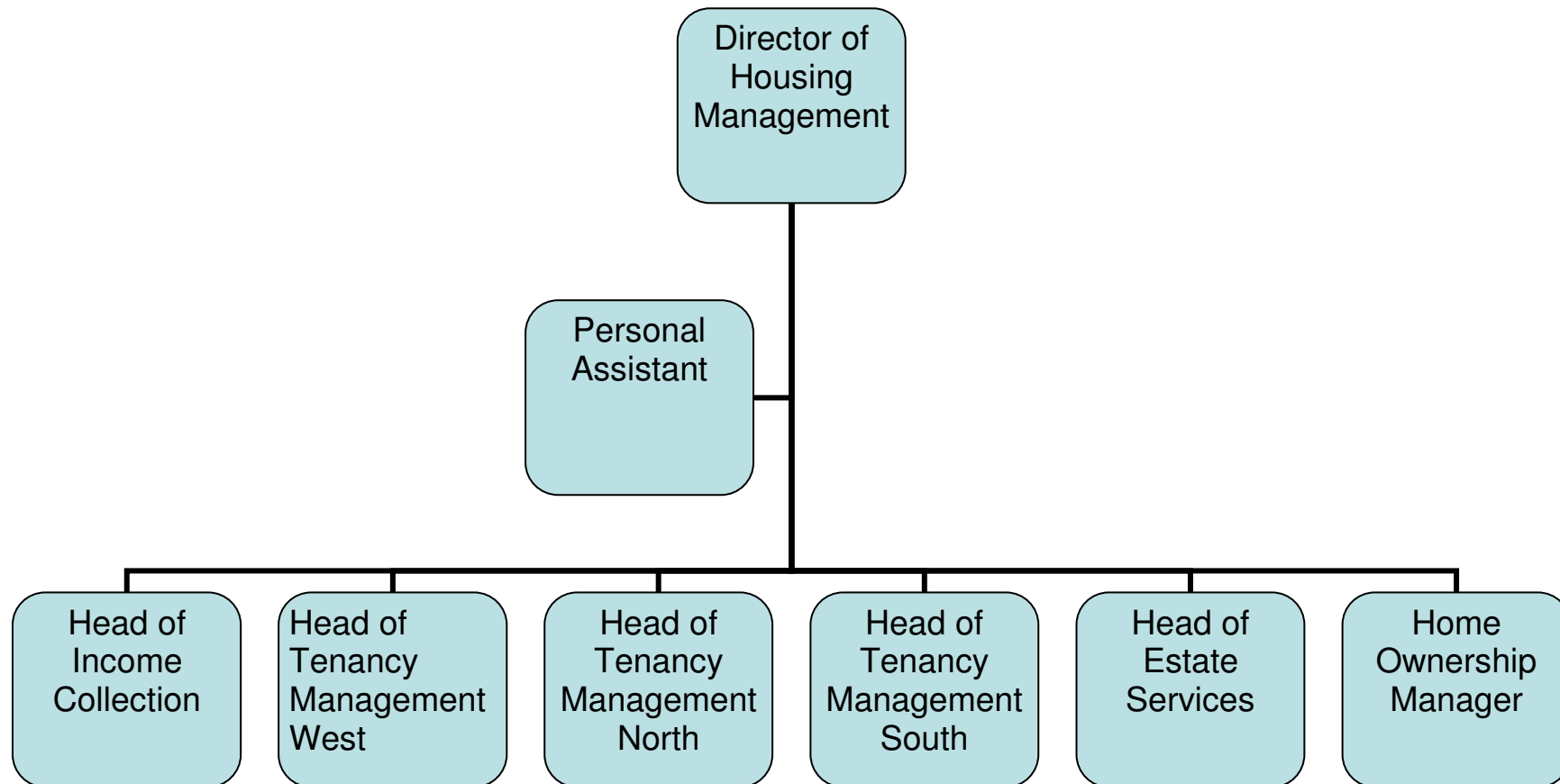
16.2. Appendix 2- Provisional Timetable for restructure

# Appendix 1

## Top level structure

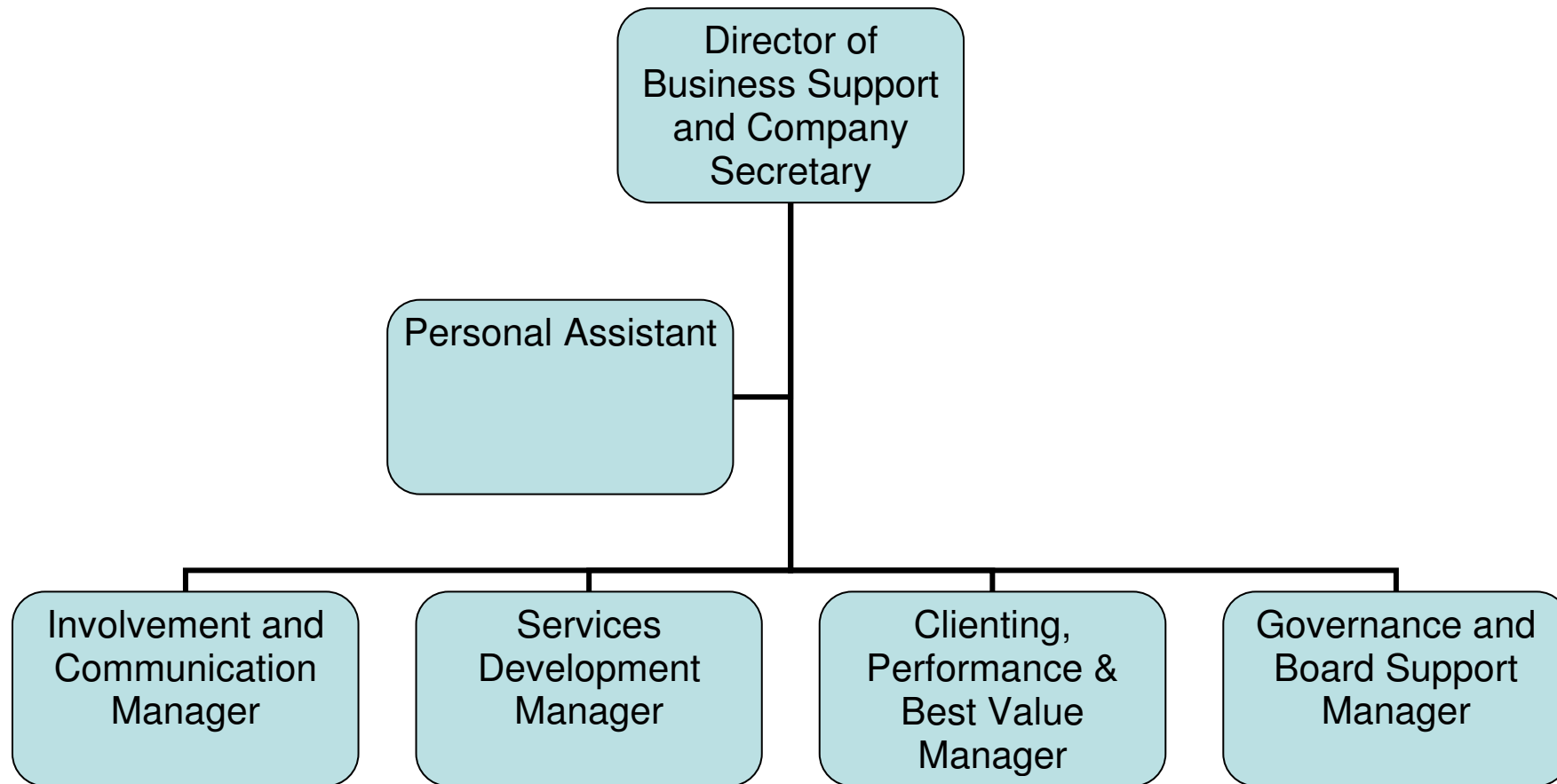


# Housing Management top structure

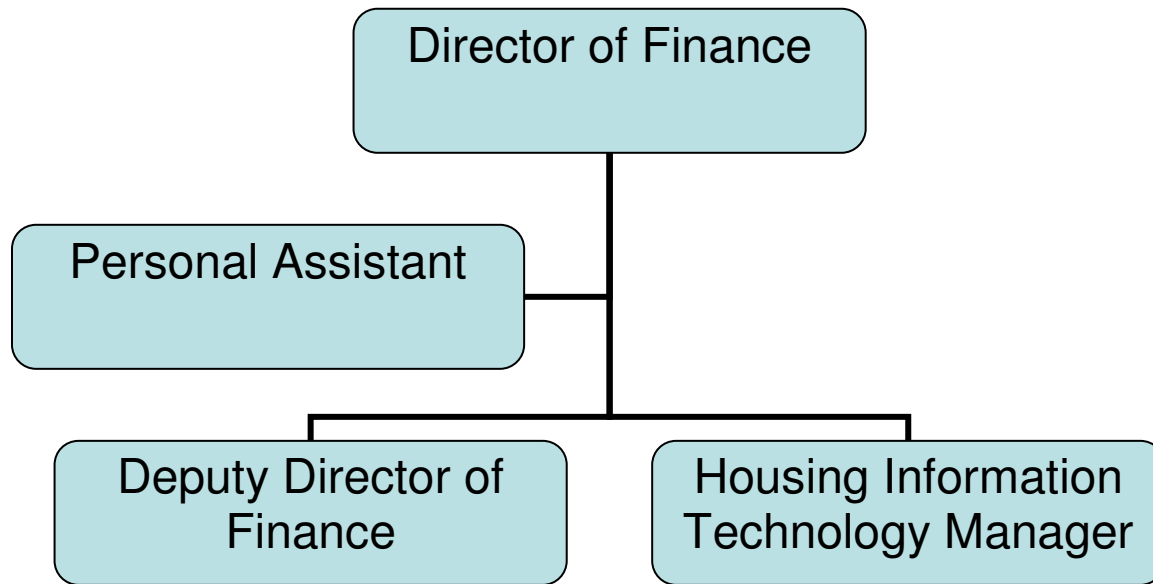




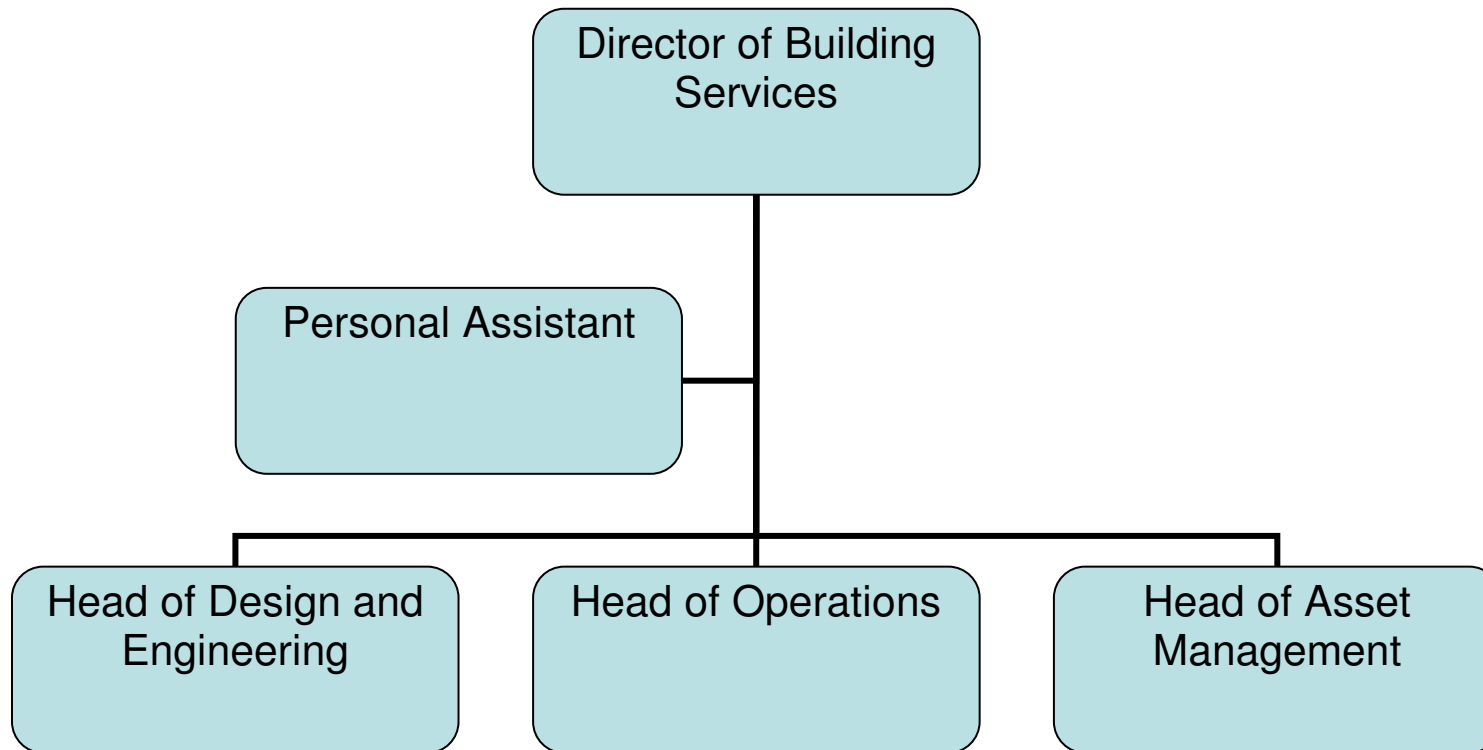
## Business Support Service top structure



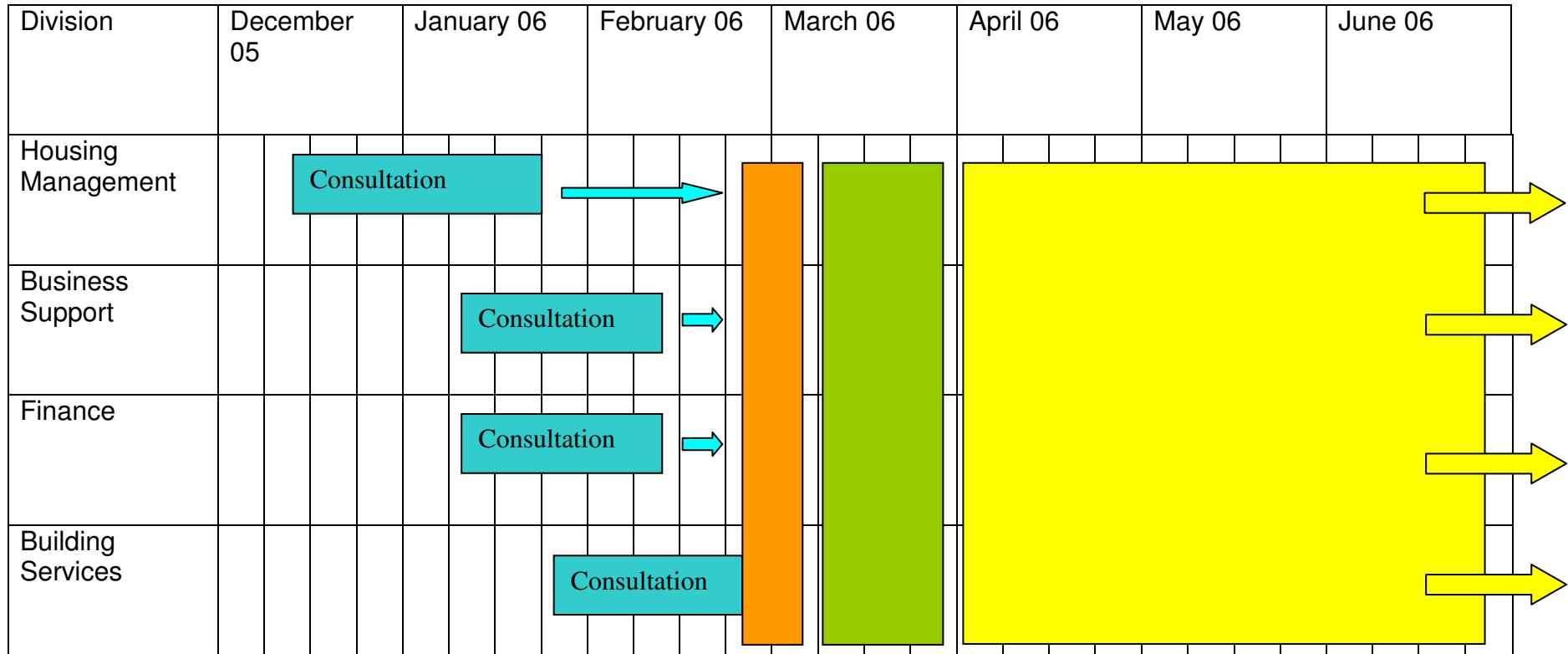
## Finance top structure



## Building Services top structure



## Appendix 2 -Provisional Timetable for restructure



**Key** Consultation phase , Management Feedback phase,  Interview phase   
 Restructuring, Redeployment and Redundancy phase

**General Purposes Committee** on 30 January  
2006

<b>Report Title: Amendments to Council Standing Orders and the Constitution</b>	
<b>Report of the Chief Executive</b>	
<b>Wards affected: All</b>	<b>Report for: Recommendation to Council</b>
<p><b>1. Purpose</b></p> <p>1.1 To consider making amendments to Council Standing Orders which would bring forward the time by which notice must be given of questions for full Council. This is to facilitate the inclusion of these questions in the Summons to Council. Members are also asked to grant delegated powers to the Head of Member Services to make updates to The Constitution in relation to matters already agreed by Members.</p>	
<p><b>2. Recommendations</b></p> <p>2.1 That Members recommend to full Council the adoption of the changes to Council Standing Orders, set out in Appendix 1 to this report, to have effect as amendments to Part E.8 of the Council's Constitution.</p> <p>2.2 That Members recommend to full Council the grant of delegated powers to the Head of Member Services, in consultation with the Chair of General Purposes Committee, to make technical updates to the Council's Constitution and that Part F.7 of the Constitution be amended as set out in Appendix 2 to this report.</p>	
<p><b>Report authorised by:</b></p> <p><b>Max Caller</b> <b>Chief Executive</b></p>	
<p><b>Contact Officer:</b> Terence Mitchison, Senior Project Lawyer Corporate Telephone 8489 5936 E-mail <a href="mailto:terence.mitchison@haringey.gov.uk">terence.mitchison@haringey.gov.uk</a></p>	
<p><b>3. Executive summary</b></p> <p>3.1 If Members wish the Summons to Council to contain the questions from the public and Members for full Council, then additional time must be allowed in advance of each Council meeting for the receipt, collation and printing of these questions on the Summons. The current deadline for receiving notice of questions is 5 clear days in advance. The proposal is to bring this forward to 8 clear days. Members are also asked to approve the grant of delegated powers to the Head of Member Services to make technical updates to the Constitution in relation to matters already agreed.</p>	

#### **4. Access to information:**

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

The Council's Constitution

#### **5. Council Questions**

5.1 Members have indicated that they wish the Summons to Council to contain the text of all questions for Council from the public or from individual Members.

5.2 At present Council Standing Order (CSO) 9.3 provides that a question may only be asked by a member of the public if notice of it has been given to the "proper officer" i.e. the Head of Member Services no later than 10 a.m. on such day as shall leave at least 5 clear days before the day of the Council meeting.

5.3 The same deadline applies to a question from an individual elected Member under CSO 10.5.

5.4 As a practical example, if a meeting of full Council is on Monday 20<sup>th</sup> of a month, then notice would have to be received by 10 a.m. on Friday 10<sup>th</sup>. The "5 clear days" are the working days of the intervening week not counting week-ends or holidays when Council offices are closed. The definition also excludes the actual days when the notice is received and the meeting is held i.e. the 10<sup>th</sup> and the 20<sup>th</sup> in the example given. This is part of the definitions set out at the start of the CSOs.

5.5 Under both CSO 9 (Public Questions) and CSO 10 (Members' Questions) the text of the question must be notified in writing within the deadline. This can be done by post, by e-mail or by hand delivery but it must be received in the offices of the Head of Member Services by the 10 a.m. deadline stated above.

5.6 As Members will be aware, the deadline for receiving notice of questions falls on the same day that the Council Summons is generally dispatched. If the text of questions is to be included within the Summons, then it is essential that at least a further 3 working days be allowed beforehand so that officers can collate and prepare this extensive extra material for printing and dispatch. Even 3 extra days would leave little flexibility to cope with unforeseen problems e.g. staff sickness or computer failures.

5.7 The necessary amendments to CSOs (Part E.8 of the Council's Constitution) are set out in the Appendix to this report at CSOs 9.3 and 10.5. There is no need to amend the provisions that relate specifically to the Council Summons.

5.8 Members of this Committee are asked to support these amendments and to recommend them to full Council for inclusion within the Council's Constitution.

#### **6. Delegated Powers to Make Technical Updates to the Constitution**

- 6.1 Most of the amendments to the Council's Constitution, for example changes to the Scheme of Delegation to officers and Members' Allowances, are reported through this Committee to full Council and formally adopted as amendments to the Constitution.
- 6.2 There are certain parts of the Constitution where the substantive decision is made by other means and not generally in a report to Council that formally proposes an amendment to the Constitution. These are the appointments of members to Council bodies (Part E.9), changes to Executive Member portfolios, and Executive subordinate bodies' terms of reference and appointments which must be agreed first by The Executive (Parts H3 to H5), appointments to Scrutiny Review Panels (Part I.4) and changes to the officer management structure agreed by The Executive (Part K.5).
- 6.3 All these matters need to be recorded in the Constitution but it is not an effective use of resources to report them formally through this Committee and full Council after the initial substantive decision has been made by Council, The Executive or Overview and Scrutiny Committee.
- 6.4 It is proposed that such technical updates to The Constitution be delegated to the Head of Member Services, in consultation with the Chair of this Committee. The recommended changes to the Scheme of Delegation to Officers (Part F.7 at section 2) are set out in Appendix 2 to this report.

## **7. Recommendations**

- 7.1 That Members recommend to full Council the adoption of the changes to Council Standing Orders, set out in Appendix 1 to this report, to have effect as amendments to Part E.8 of the Council's Constitution.
- 7.2 That Members recommend to full Council the grant of delegated powers to the Head of Member Services, in consultation with the Chair of General Purposes Committee, to make technical updates to the Council's Constitution and that Part F.7 of the Constitution be amended as set out in Appendix 2 to this report.

## **8. Legal Implications**

- 8.1 It is requirement of the local government legislation that there be at least 5 clear days notice of Council meetings and public availability of papers relating to them. There is no such provision in relation to questions for Council but any rules about them should be included within the Constitution in Council Standing Orders.

## **9. Financial Implications**

- 9.1 There are no specific financial implications.

## **10. Equalities Implications**

10.1 There are no specific equalities implications.

**11. Use of Appendices**

11.1 Appendix 1 to this report sets out the recommended text changes to Council Standing Orders in relation to bringing forward the date for notice of questions to Council.

11.2 Appendix 2 to this report sets out the recommended changes to the Scheme of Delegation to Officers



**APPENDIX 1**

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

**PART E.8 of the Constitution – Council Standing Orders**

[this extract starts at page 5 of Part E.8 in the version of the Constitution updated in June 2005]

**9. QUESTIONS BY THE PUBLIC**

**9.1 General**

Subject to Rule 10(10), members of the public may ask questions of members of the Executive, Chairs of committees and the Leader of the Council at ordinary meetings of the Council.

**9.2 Order of Questions**

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

**9.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 10 a.m. on such day as shall leave at least ~~five~~ eight clear days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

**9.4 Number of Questions**

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of an organisation.

**9.5 Scope of Questions**

The proper officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the borough;

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

#### **9.6 Record of questions**

The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members no later than at the meeting and will be made available to the public attending the meeting.

#### **9.7 Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, a written reply will be given.

#### **9.8 Supplementary questions**

A questioner who has put a question in person may also put one supplementary question for elucidation only without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or reply. The Mayor may reject a supplementary question on the grounds of rule 9.5 above.

#### **9.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of non-attendance of the member to whom it has been put, will be dealt with as a written answer.

#### **9.10 Reference of question to the Executive or a Committee**

Any member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

#### **9.11 Time limit**

A total time limit of 20 minutes, excluding any adjournment shall be allowed for public questions and answers. A question being answered at the time limit shall be completed.

## **10. QUESTIONS BY MEMBERS**

### **10.1 On reports of the Executive**

A member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

### **10.2 Questions on notice at full Council**

Subject to Rule 10.5, a member of a committee or sub-committee may ask:

- a member of the Executive;
- the Leader; or
- the chair of any committee or sub-committee

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

### **10.3 Questions on notice at Committees and Sub-Committees**

Subject to Rule 10.5, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the borough and which falls within the terms of reference of that committee or sub-committee.

### **10.4 Number of Questions**

The number of questions that may be asked at any meeting of the Council shall be limited to:

10 oral questions (asked and answered orally) of which 5 may be asked by Members of the Majority Party and 5 by Members of the Minority Party or Parties. If more than 5 questions of either kind are asked, only the first 5 questions notified in accordance with Rule 10.5 shall be allowed.

1 written question (asked and answered in writing) from each Member.

### **10.5 Notice of questions**

A member may only ask a question under Rule 10.2, 10.3 or 10.4 if either:

- (a) By 10 a.m. on such day as shall leave at least ~~5~~ *eight* clear days before the meeting they have given notice in writing of the question to the proper officer; or
- (b) the question relates to urgent matters, they have the consent of the Member to whom the question is to be put and the content of the question is given to the proper officer by 10 a.m. on the day of the meeting.

Another Member may ask a question on behalf of the Member giving notice of the question.

### **10.6 Response**

An answer may take the form of:

- (a) a direct oral answer (which another member may answer on behalf of the member);
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication ; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (d) Written answers to written questions shall be supplied to all Members no later than at the meeting except where this is impracticable and in that case the questioner will be informed at the meeting of the date by which the answer will be supplied.

### **10.7 Supplementary question**

A member asking a question under Rule 10.2 or 10.3 may ask no more than two supplementary questions without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The first supplementary will be reserved for the original questioner. Any Member of the Council will be

permitted to ask a second supplementary question. No supplementary questions may be asked on written answers.

### **10.8 Scope of Questions**

The proper officer may reject a question if it:

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

### **10.9 Time limit**

A total of 30 minutes (allowing for any adjournments) shall be allowed on oral questions and answers under this Standing Order; a question being answered at the time limit (and any supplementary questions to it) shall be completed.

Any oral questions remaining unanswered after the time limit must be answered in writing and shall be circulated to all Members on or before the fourth working day after the Council meeting.

### **10.10 Only Members to Answer Questions**

Only an elected Member of the Council may answer a question (whether asked by another Member of the Council or a member of the public) on behalf of the Council at a meeting of full Council.

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## APPENDIX 2

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### PART F.7 of the Constitution – Scheme of Delegation to Officers

#### Section 2 - Chief Executive's Service – Scheme of Delegation

[this extract starts at page 9 of part F.7 in the version of the Constitution updated in June 2005]

#### Schedule of abbreviations used in the Scheme of Delegations for the Chief Executive's Service

Chief Executive	<b>CE</b>
Assistant Chief Executive - Strategy	<b>ACE-S</b>
Assistant Chief Executive – Organisational Development	<b>ACE-OD</b>
Assistant Chief Executive - Access	<b>ACE-A</b>
Head of Legal Services	<b>HLS</b>
Head of Libraries	<b>HL</b>
Head of Information Technology	<b>HIT</b>
Head of Equalities	<b>HE</b>
Head of Communications	<b>HC</b>
Corporate Complaints Manager	<b>CCM</b>
Head of Personnel	<b>HP</b>
Head of Member and Democratic Services	<del>HMDs</del> <b><u>HMS</u></b>

#### Statutory Delegations

<b>Local Government Act 2000</b>		
Sections 2, 3 and 4	Steps to promote economic, social and environmental well-being	<b>ACE-S</b>
<u>Section 37</u>	<u>Power, in consultation with the Chair of General Purposes Committee, to make technical</u>	<b><u>HMS*</u></b>

	<u>updates to Parts E.9, H.3, H.4, H.5, I.4 and K.5 of the Council's Constitution in relation to matters already agreed by Member bodies</u>	
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