
General Purposes Committee

THURSDAY, 2ND MARCH, 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. DEPUTATIONS/PETITIONS

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

3. URGENT BUSINESS

The Chair will consider the admission of any 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 20 below).

4. 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.

5. MINUTES (PAGES 1 - 6)

To agree the minutes of the Special General Purposes Committee held on 30 January 2005

6. MINUTES OF GENERAL PURPOSES SUB BODIES (PAGES 7 - 54)

To confirm the minutes of :

- Pensions Panel 21.11.05
- Planning Applications Sub Committee 13.12.05 and 23.1.05
- Council and Employee Joint Sub Committee 16.1.06 – to follow

7. AMENDMENT TO CONTRACT STANDING ORDERS ON TENDER OPENING (PAGES 55 - 78)

Report of the Monitoring Officer

8. REVIEW OF TRADE UNION TIME OFF AND FACILITIES ARRANGEMENTS

Report of the Head of Personnel

9. PREPARING FOR AGE LEGISLATION (PAGES 79 - 82)

Report of the Head of Personnel

10. REVIEW OF CRITERIA FOR CAR ALLOWANCES AND CAR PARKING ARRANGEMENTS

Report of the Head of Personnel

11. SMOKING AT WORK (PAGES 83 - 96)

Report of the Head of Personnel

12. SECONDMENT AND ACTING UP ARRANGEMENTS (PAGES 97 - 110)

Report of the Head of Personnel

13. HR POLICIES FOR THE ENGAGEMENT OF CONSULTANTS AND AGENCY STAFF (PAGES 111 - 122)

Report of Head of Personnel

14. KEY WORKFORCE DATA FOR APRIL 2005 - SEPT 2005 (PAGES 123 - 130)

Report of Head of Personnel

15. ACTION PLAN FOR OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PAGES 131 - 136)

Report of Head of Personnel

16. AMENDMENTS TO THE CONSTITUTION CONSEQUENT ON THE HOUSING ALMO (PAGES 137 - 154)

Report of the Monitoring Officer

17. MAKING THE SCHEME OF MEMBERS' ALLOWANCES (PAGES 155 - 164)

Report of the Monitoring Officer

18. AMENDMENTS TO THE CONSTITUTION RE DECISION MAKING IN ELECTION YEAR (PAGES 165 - 170)

Report of the Monitoring Officer

19. EMERGENCY CO-ORDINATION IN LONDON

In response to a request from the ALG for a revised "LA Gold" resolution to deal with London wide response to emergencies/terrorism etc. Report of the Monitoring Officer

20. NEW ITEMS OF URGENT BUSINESS: TO CONSIDER ANY ITEMS ADMITTED AT ITEM 2 ABOVE.

21. EXCLUSION OF THE PRESS AND PUBLIC

The following item is likely to be the subject of a motion to 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.

22. MINUTES OF DISMISSAL APPEAL HEARINGS

Yuniea Semambo
Head of Member Services
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225 High Road
Wood Green
London N22 8HQ

Julie Harris
Principal Support Officer (Council)
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MINUTES OF THE SPECIAL GENERAL PURPOSES COMMITTEE
30 January 2006

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

*Members present

GP57 APOLOGIES FOR ABSENCE: (Agenda Item 1)

Apologies for absence were received from Councillors Brown and Patel, who were attending a Disciplinary Hearing, and from Councillor Aitken.

GP58 DECLARATIONS OF INTEREST: (Agenda Item 3)

GP59 MINUTES: (Agenda Item 5)

RESOLVED

That the minutes of the meeting held on 19 December 2005 be confirmed and signed as a correct record.

GP60 HOMES FOR HARINGEY AND STAFF MATTERS; (2) THE HOUSING SERVICE RESTRUCTURE (Agenda Item 6)

The Director of Housing introduced this item which advised Members of General Purposes (1) on staffing matters 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 & Building Services.

Members were advised that the new arrangements would come into effect from April 06 and that the objective of the restructure was to achieve a '2 Star' Performance rating in December 2006. The Council would then qualify for a grant (of up to £225m) to enable the Council to achieve the 'Decent Homes Standards' for all its housing stock by 2010. Detail of the process, structures and consultation were set out in the report and appendices.

The Head of Personnel confirmed that staff would be protected under TUPE legislation and would continue to enjoy the benefits of secondment and development opportunities within in the new structure. Benefits such as pensions would be projected and other fringe benefits (such as reduced fees to the Borough's health and leisure facilities) would be subject to further consideration.

Members were advised that the officer disciplinary process would also transfer over, with an appeal process, but the panel for this would not include elected members.

Five members of Haringey Council would sit on the ALMO Board but, as set out in ODPM Good Practice Guide, this would not include the Executive Member for Housing, as the ALMO should be seen to be independent, and future inspections would be subject to this being demonstrated. The Director of Housing advised that two new appointments had been made; a Director of Business support and a Director of Finance (one internal, one external appointment.)

Members asked about performance standards and the Director of Housing confirmed that these were as set out in the Best Value Performance Plan, and similar indicators used by the Council, and confirmed to members that the quality of service delivery would not be compromised and he was confident that it would actually improve in the future. Any under performance would result in failure to meet the 2 star criteria and the loss of grant funding. He also advised that possible future savings on accommodation costs could be achievable.

Members were advised that Homes for Haringey would enjoy a close working relationship with themselves at both Ward and Executive level. A quarterly progress report to the Executive was considered good practice and likely to be adopted. The Director of Housing confirmed that sanctions would apply if the Council was not happy with the ALMO's performance; i.e. a mediation process which could result in termination of the management agreement as a worse case scenario. He addressed members concerns that failed contractor visits were not chargeable and a market test of the repairs service, approved by members, would be carried out over the next 15 months.

The Director of Housing confirmed that the new arrangements would result in some redundancies, mainly amongst repairs, operational and design staff, as the need for Architectural skills would reduce under the Decent Homes Standard. There was some concern about the perception of rent collection and the Director confirmed that the Audited Outturn for 2004/05 was 97.5%, placing Haringey in the top quartile in London. It was expected that this would be at least achieved and likely to improve in 2005/06.

The Director of Housing advised that the ALMO would be registered at Companies House and its Memorandum and Articles of Association would be subject to future approval by Full Council.

RESOLVED

That the above report, which is subject to a final Decision by the Executive, be noted by General Purposes Committee.

That General Purposes agree to receive a further report from the Monitoring Officer regarding Constitutional Amendments to Delegated Powers and other matters resulting from implementation of the ALMO.

That Members note that a further report on the strategic policy implications of the ALMO will be submitted for approval to a future meeting of Full Council.

GP61 AMENDMENTS TO COUNCIL STANDING ORDERS AND THE CONSTITUTION (Agenda Item 7)

The Monitoring Officer's representative introduced the first part of this report and Members were asked to note paragraph 5.6 of the report which explained that the current deadline for receiving notice of questions fell on the same day that the Council Summons was due to be despatched. If, as requested by members, the text of the questions were to be included within the Summons, then it was essential to allow at least a further 3 working days beforehand to enable officers to collate and prepare this extensive extra material and build in flexibility for unforeseen problems, i.e. sickness and computer failure. Members noted that the current facility for dealing with urgent questions would remain.

With regard to the paragraph 10.7, members discussed the possible rotation of questions; i.e. whether the first response should come from the Opposition? Members agreed that this should be subject to further discussion at Groups.

The Head of Legal Services' representative then introduced the second part of this report which recommended granting delegated powers to the Head of Member Services, in consultation with the Chair of General Purposes, to make minor technical 'housekeeping' changes to the Constitution. He addressed members concerns in that the procedures for dealing with factual, substantive changes would remain the same. The Head of Legal Services representative envisaged that the minor changes would simply amount to correction of obvious errors, staff changes and technical changes required following an amendment approved by Full Council; for example, changes to the membership of outside bodies. Members felt that this distinction would be made clearer by amending the proposed delegation i.e. limiting the changes to just sections E.9 and I.4 and

the correction of obvious errors and inconsistencies throughout the Constitution.

RESOLVED

That Full Council be recommended to adopt the changes to Council Standing Orders, set out in Appendix 1 to this report, as amendments to Part E.8 of the Council's Constitution.

That the rotation of questions (paragraph 10.7 of the report) i.e. whether the first response should come from the Opposition, be subject to further discussion at Groups.

That Full Council be recommended to grant 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 subject to this extending only to Parts E.9 (appointments to non-executive bodies) and I.4 (appointments to scrutiny review panels) and the correction of obvious errors and inconsistencies throughout the Constitution.

The meeting finished at 8.10pm

Cllr Reg Rice
Chair

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**MINUTES OF A MEETING OF THE PENSIONS PANEL:
21 NOVEMBER 2005**

Councillors *GMMH Rahman Khan (Chair), *E. Prescott (Deputy Chair),
*Beacham, *Floyd, Milner, Patel and Reynolds.
[* Members present]

In attendance: Howard Jones* (Advisor to Trustees) and Vince McEntegart
(Hymans Robertson).

1. APOLOGIES FOR ABSENCE AND INTRODUCTION:

Apologies for absence were received from Councillor Milner and from Roger Melling.

The Chair requested that a letter be sent to Cllr Milner requesting his presence at the future meeting of Pensions Panel as the Panel has been failing to receive input from the Executive Member for Finance because of his absence

2. URGENT BUSINESS:

There were no items of urgent business.

3. DECLARATIONS OF INTEREST:

No declarations of interest were received.

4. MINUTES:

RESOLVED:

That the Minutes of the meeting held on 10th October 2005 be confirmed and signed as an accurate record.

The Chair mentioned that, in relation to Item 5 of the 10th of October agenda (Reinstating the Rule of 85), he had written to the Leader saying that he is concerned about the solvency of the Fund and requesting that he impress upon Central Government, whenever there is engagement with them, the need to increase the Revenue Support Grant to take account of the extra costs in view of reinstating the 85 year rule.

5. REVIEW OF INVESTMENT STRATEGY:

Before asking the officers to present the report the Chair expressed concern as to how to comply with the legal comments in the report as to how, "act in the best interest of the beneficiaries as a whole" in the absence of any representatives at the Panel meeting from admitted bodies. It was said by the officers that the admitted bodies were present at the Annual General meeting of the Pensions Panel. The adviser to the Trustees advised to take legal opinion on the issue. The Chair drew the attention of

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21 NOVEMBER 2005**

officers to the subject.

A representative from Hymans Robertson (Mr Vince McEntegart independent of the scheme actuary) presented the company's report to the Panel.

Mr McEntegart said that the last time the company had been contracted to provide a review of investment strategy they had produced a 50-page report. This time they had produced a shorter document with supporting information provided. The Chair stated that the supporting documents, as mentioned in various sections of the reports were not released to members, and as such Panel Members were not aware if any fundamental information had been omitted. The Director of Finance assured the Panel that the key information were incorporated into the tabled reports, however the chair asked the officers that in future he would like to see reports from Hymans Robertson in full. In addition to the report, the representative of Hymans Robertson tabled a range of graphs, highlighting various points.

The first chart showed the forecast benefit outgoings for current members of the Pension Scheme. This was currently £20m per annum and would rise to a peak of £60m in 2030. After 2030, liabilities to current members of the scheme would start to reduce. However, of course, by that stage new members would have joined the scheme and so the total outflow of benefits would be higher as benefits would have to be paid to new members who had reached retirement age by then.

Combined forecasts for income and outflow were provided to 2023. The income for the scheme would come from 3 sources: standard employer contributions, employer deficit contributions and employee contributions. In April 2005, the actuary set the current rate for employer deficit contributions. Currently the net flow (the difference between the income and outgoing) into the Pension Scheme was positive but, in 2015, it was forecast to become negative if current contribution rates remained the same.

The Panel enquired as to what were the best safeguards the Panel could take so that admitted bodies would not default, because many of them have no tax raising powers of their own.

The Director of Finance advised the Panel that some admitted bodies had bonds to cover the risks. The Panel asked the D.O.F to let the Panel know in due course what safeguard the Panel could have in the case of admitted bodies, which had no bonds or tax-raising powers. The Chair pointed out that we must have proper safeguards to take account of the admitted bodies as a whole.

The Panel was advised that these would be: a higher contribution rate and asking those who had not already done so to take out bonds to insure themselves.

Members were informed that the distribution of assets of the Pension Fund was as follows:

- 70% - equities
- 23% - bonds

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- 6% - property
- 1% - cash

Based on this, Hymans Robertson ran 5,000 different simulations as to what the future value of these assets would be. The 'funnel of doubt' increased as time moved on and so there was a larger range of possible outcomes.

The employer contribution rate needed by the Fund was modelled. The median figure obtained was 23.9%. There was a 50% chance that the employer contributions after 2007 would have to be higher than the current level.

The risk being run by the investment strategy was estimated as was the 'active risk' being run. The total risk was calculated as 12.6%. Half of this risk was due to the Fund's exposure to UK equities.

In order to reduce risk flowing from investments in UK equities, the suggestion was made that more money could be invested in overseas equities rather than UK ones; that the share of the fund made up of property could be increased from 6 to 10% and that 5% of the fund could be invested in private equities. These measures would reduce the proportion of risk accounted for by the UK stock market.

The strategy of the Fund is based on mainly investing in equities because more than 100 years of capital market data suggests that the best rewards with risks could be obtained from equities.

Demographic assumptions were made by the actuary, taking account of increasing life expectancy. These assumptions, like the assumptions relating to investment performance, are fair estimates – in that they reflect the best knowledge available at the time – but they may prove to be inaccurate.

The Chair stated that the Panel was guided in its decisions by the advice of the internal and external professionals and finally by the Director of Finance. Always the Panel sought optimum returns with reasonable risks.

The Director of Finance stated that he was satisfied with the report. No significant changes in the general balance of funds between the equities (70%) and other investments (30%) were recommended in the report. This was a recommendation the Director concurred with.

The adviser to the Trustees (Mr Howard Jones) stated that it would be desirable for Hymans Robertson to come back to the Panel at a future meeting with evidence that private equity and property would provide a good return and were worth increasing our exposure to. Also, members asked that more information be provided on emerging markets.

Decisions as to the allocation of funds between UK and overseas equities and between public and private equities would be made at a future date.

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Both the Chair and the Director of Finance reported that in the various meetings of the panel various fund managers commented that the return from overseas equities were better than the UK equities.

RESOLVED:

1. That the report be noted and the recommendation of the Director of Finance to continue to invest approximately 70% of funds in equities and the remainder in other assets be continued.
2. That Hymans Robertson present their next report at the 2nd February 2006 meeting of Pensions Panel.
3. That Hymans Robertson's next report also include the following items discussed at meeting:
 - more analysis and the effect on the risk budget of options for splitting equities between UK and overseas.
 - substance for justifying investing in private equity and for considering greater investment in property.
 - More information be provided regarding investing in emerging markets, investing in hedge funds and also what the best available safeguards against interest rate risk, inflation risk and other risks are.

6. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

7. EXCLUSION OF THE PRESS AND PUBLIC:

RESOLVED:

That the press and public be excluded from the meeting for item 10 below as the item contained 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely that they contain terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the supply of goods or services.

8. EXEMPT MINUTES:

RESOLVED:

That the exempt minutes of the meeting held on 10th October 2005 be confirmed and signed as an accurate record.

9. NEW ITEMS OF URGENT EXEMPT BUSINESS:

MINUTES OF A MEETING OF THE PENSIONS PANEL:
21 NOVEMBER 2005

The meeting ended at 8:30pm

Signed.....

Date.....

COUNCILLOR GMMH RAHMAN KHAN
CHAIR.

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MINUTES OF PLANNING APPLICATIONS SUB COMMITTEE 13 December 2005

Councillors:

Davidson (Chair), *Bevan (Vice Chair), Adamou, Basu, *Dodds, *Peacock, *Rice, *Santry, *Engert, *Hare, *Newton

*Members present

PASC80 APOLOGIES (Agenda item 1)

Apologies were received from Cllr Davidson and therefore Cllr Bevan, the Deputy Chair, took the Chair for this meeting.

PASC 81 ITEMS OF URGENT BUSINESS (Agenda Item 2)

Members asked that the Development Control forum to discuss 315 The Roundway be reconvened in order that the application could be heard at the next PASC on 23 January 2006. The planning officers advised that this may mean 'doubling up' at the DC Forum on 11 January in order to meet the 13 week target.

Members were advised that the first meeting of the Design Panel took place 2 weeks ago to discuss Hale Wharf and that the minutes were now available. Further information was available from Sue Cook, Head of the Design Team.

PASC 82 DECLARATIONS OF INTEREST (Agenda Item 3)

Councillors Bevan and Peacock declared interests with regard to item 9.2 on the Agenda; 725-733 Lordship Lane, and made the following statements.

Councillor Bevan said; *'I wish to declare a personal interest in the decision to be taken under agenda item 9.2 tonight (725-733 Lordship Lane). I believe that the application for planning permission significantly affects the interests of the same organisation that has made a donation to a charity to the Tottenham Carnival when I was involved in my capacity as joint treasurer. This donation has not benefited me financially in any way but I thought it proper to bring it to the attention of this committee. I am confident that I can deal with the planning issues raised at this committee; uninfluenced by this charitable donation and that a reasonable person would not consider that my judgement of the public interest likely to be impaired. I have never met the person concerned other than at official planning meetings.'*

Cllr Bevan remained in the meeting when the item was discussed but abstained when the vote was taken.

Councillor Peacock said, *'I wish to declare a personal interest in the decision to be taken under agenda item 9.2 tonight (725-733 Lordship Lane). I believe that the application for planning permission significantly affects the interests of the same organisation that has made a number of donations to charities that I have been involved in while I was Mayor and in my capacity as Secretary of the Tottenham Carnival. Although I am confident that I would be able to come to a decision on the question solely on the basis of the planning arguments, I have decided in the interests of maintaining the highest standards of probity on these issues, to absent myself from the meeting when this item is considered'.*

Cllr Peacock decided to withdraw from the meeting when this item was discussed and voted on.

Cllr Bevan stated that he was joint Treasurer of the Tottenham Carnival but Cllr Peacock challenged this as she understood Cllr Bevan was sole Treasurer. Cllr Bevan responded that, since his appointment as Treasurer, it had been a joint position. If any confusion remained for the coming year, he would have this reiterated and confirmed in the Minutes at the next Festival Meeting; ie. that the other joint treasurer is to continue, especially as his name is an authorised signature on the bank account.

PASC83 MINUTES (Agenda Item 5)

RESOLVED

That the minutes of the Planning Applications Sub Committee on 28 November be confirmed and signed by the Chair

PASC84 PERFORMANCE STATISTICS ON DEVELOPMENT CONTROL, BUILDING CONTROL AND PLANNING ENFORCEMENT (Agenda Item 6)

Noted

PASC85 DECISIONS UNDERTAKEN UNDER DELEGATED POWERS
(Agenda Item 7)

Cllr Hare queried as to why PVC windows had been agreed for 91 Upper Tollington Park. Planning officers explained that they had considered this application to be an improvement on the current windows which were not an original feature but simply a poor 1970's design and in need of replacement.

PASC86 APPEAL DECISIONS made during November 2005 (Agenda item 8)

Officers drew attention to some appeals which had been allowed, despite Council's decision, for example an additional house at Grand Avenue in the Muswell Hill conservation area; such decisions were disappointing. On the other hand, the Council's decision to refuse three dwellings on a tight back-land site in Daleview Road N15, was supported on appeal

PASC87 PLANNING APPLICATIONS (Agenda Item 9)

RESOLVED

That the decisions of the Sub Committee on the planning applications and related matters, as set out in the schedule attached to these minutes, be approved or refused, with the following points noted:

1. 725-733 Lordship Lane N22

The planning officers introduced this item and explained to members that, despite the 7 storey design, the application fell within London Plan density levels. Due to the height of the adjoining cinema, the development could be considered within the streetscape. There was no adverse conservation area impact.

An objector spoke on behalf of the Local Residents' Association and the Executive Member for Social Services and local resident, Cllr Kate Wynne reinforced his concerns about the lack of quality of life for existing and new residents; that the application contravened SPG 3A; that the proposed health centre was allegedly a 'red herring'; that insufficient consultation had been carried out; the lack of play space for children; poor lighting due to north and west facing aspect and that the development would face the adjoining cinema wall where buses wait and therefore presented a potential pollution risk.

The applicant spoke in support of his application and stressed to members the importance of providing health services in the borough, ie dentist, chiropodist and well-man clinic. The application had been to the DC Forum in October and feedback had been discussed with planning officers and their comments taken on board. As a result of this; the revised scheme reduced the number of dwellings, the development had been set back further and an amenity terrace had been provided. They felt that the design and materials were of an appropriately high and sympathetic standard, with large windows to counteract any potential lack of light. They were committed to employing local tradesmen and agreed to work with the local authority on further ecological enhancements and the use of renewable energy. A local resident also spoke in support of providing a new health centre.

Members were concerned about the validity of the proposed health centre use but the applicant explained that they needed planning permission before they could obtain agreement to this. They had been in negotiations with the PCT but confirmed that such an agreement had not been minuted in any PCT Board Meetings.

Members decided to refuse the application on the grounds of mass, bulk, scale, density, design, streetscape, public realm issues, frontage, public safety from the car park entrance, no provision of social rented housing and lack of section 106 agreement. There were 6 votes against, none voted in favour. Cllrs Bevan and Adamou abstained.

2. 40 Coleridge Road N8 (including Conservation Area Consent)

Officers introduced this item and advised members that there was no architectural merit in the building proposed for demolition. The density of the proposed development was within the revised UDP and subject to a 106 agreement. No objectors were present. The application was agreed with an extra condition asking for further elevational drawings to be submitted to the planning office, inclusion of the standard recycling condition and an informative on the use of materials for the hardstanding.

Cllr Hare suggested that the 106 agreement include an environmental contribution. However, officers stated that there were no particular environmental schemes in the immediate area, and that the educational and highways contribution was already quite high in this case.

3. Land at Winns Mews N15 (including Conservation Area Consent)

Agreed to defer to a site visit as members were not able to gain access to the site without the applicant being present.

4. Treehouse School, Woodside Avenue N10

Members were advised that this application had first been submitted 2 years ago. Members were now being asked to consider a revised scheme, with a reduced footprint and energy efficient proposals, which were not included in the original application. Further minor amendments to the plans has been submitted for members to consider at this meeting. The Governors of Tetherdown School had written to officers and members setting out their concerns about interim arrangements during the construction period. Officers advised that this was best dealt with by an informative, not condition, as it would be difficult to enforce on planning grounds. Members noted that the high number of parking spaces was due to the high ratio of teachers to pupils as the school was for Autistic children. With regard to archaeological concerns, officers advised that negotiations were still open between the local archaeologists and English Heritage. The applicant explained to members the value of the ecological 'bog' garden which harvested rainwater and housed indigenous trees, bulrushes and frogs and the fact that they had chosen the most biologically diverse type of sedum roofing.

The application was agreed with the amended plans, and an extra informative about the phasing of the construction works and the submission of a method statement.

5. Former Hornsey Waterworks, High Street N8

Officers presented this application and advised members that although the size of the units were slightly below policy requirements this development was part of a larger development and therefore members were being asked to consider it on merit. A local resident, who had purchased one of the phase 1 units, spoke of her concerns about the size of the units in the second phase of the development. She considered phase 1 to be very small, with hardly no storage space, so was even more concerned about the quality of life of future inhabitants to phase 2. It was alleged that the management company had performed unsatisfactorily at times and therefore a second phase would place them under further pressures.

The applicants spoke in support of the development and explained to members that this was an experimental phase to provide affordable low cost market entry units; designed for single occupation, carefully designed with space efficient appliances. A podium landscaped community area was proposed and all studios would have balconies. Sufficient parking was provided but on a 'right to buy' basis. Members were concerned that the development did not address family housing needs, it was not disabled friendly and the fact that it was 'experimental'.

Members refused the application on the grounds of over-intensive use of the site, that the development was 25% below the minimum UDP size and lack of a section 106 agreement. There were 7 votes against, none voted in favour. Cllr Bevan abstained.

PASC86 SITE VISITS

Winns Mews – Wednesday 21st December at 10.00 am (meeting place outside 20 Beaconsfield Road N15)

14-16 Creighton Avenue – to be set up in the New Year when the applicant is available. This item had been withdrawn from tonight's agenda.

The meeting closed at 9.45 pm

PASC87 DATE OF NEXT MEETING

23 January 2006, 7pm

Cllr J Bevan
Chair

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1896
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 13/12/2005

Location: 725 - 733 Lordship Lane N22

Proposal: Redevelopment of site for a mixed use development comprising a 6/7 storey building of 90 residential units with 50% affordable provision, with commercial uses including a health centre on the ground floor together with hard and soft landscaping works.

Recommendation Grant subject to conditions and Section 106 Legal Agreement.

Decision: Refuse

Drawing No.s: 109, 110B, 111A, 112, 113A, 114A, 115A, 116A, 117A, 118B, 119B, 120 & Planning Statement.

Reasons

1. The proposed development by reason of excessive size and scale and general appearance, contrary to Policies DES 1.1 Good Design and How Design Will Be Assessed, DES 1.2 Assessment of Design Quality (1): Fitting New Buildings into the Surrounding Area, DES 1.4 Assessment of Design Quality (3): Building Lines, Layout, Form, Rhythm and Massing of Haringey Unitary Development Plan also UD3 Quality Design of the Deposit Draft Unitary Development Plan and would be detrimental to the amenities of the immediate locality and Wood Green Town Centre.,
2. The proposed development represents overdevelopment in relation to the area of the site and the properties in the locality contrary to Policies HSG2.2 Residential Densities and DES 1.10 'Overdevelopment' of the Haringey Unitary Development Plan and Policy HSG 8 'Density Stanards' of the Haringey Unitary Development Plan Revised Deposit Consultation Draft September 2004 and by reason of: the overall size and bulk and the number of units and habitable rooms within the site thereby causing demonstrable harm.
3. The proposed development would not result in the provision of social housing for rent contrary to Paragraph 3.38 of the London Plan (Spatial Development Strategy For Greater London) dated February 2004 or Policy HSG 4 'Affordable Housing' of the Haringey Unitary Development Plan Revised Deposit Consultation Draft, September 2004; thereby causing demonstrable harm in failing to add to the supply of social rented housing in the Borough.

4. The proposed development does not include a formal undertaking to meet the cost of Education Contribution, Environmental Improvements Contribution and Administering and Monitoring Contribution arising as a result of the development contrary to Policies RIM 1.1 'Community Benefit' of the Haringey Unitary Development Plan and UD 10 'Planning Obligations' of the Haringey Unitary Development Plan Revised Deposit Consultation Draft , September 2004.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1827
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 14 - 16 Creighton Avenue N10

Proposal Demolition of existing pair of houses and erection of 6 x 3 storey four bedroom houses with parking.

Recommendation Grant subject to conditions & Section 106 Legal Agreement.

Decision Deferred for a Members site visit.

Drawing No.s 205082/010, 030, 031, 110, 120, 121, 122, 123, 130, 131 & 132.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/2064
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 13/12/2005

Location: 40 Coleridge Road N8

Proposal : Demolition of existing buildings and redevelopment of site including erection of 9 terraced houses comprising 3 x 3 storey houses in Coleridge Road, 4 x 3 storey houses and 2 x 2 storey houses to the rear. Erection of part single / part 3 storey B1 commercial block adjacent to car park. Provision of car parking and refuse storage.

Recommendation Grant subject to conditions & Section 106 Legal Agreement

Decision Grant subject to conditions & Section 106 Legal Agreement.

Drawing No.s 05-900 PL.02A, 03A, 04A, 05, 06, 07B, 08C, 09C, 10B, 12A, 13A, 14B, 15C, 16D, 17A & 18.

Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:
 - a. those existing trees to be retained.
 - b. those existing trees to be removed.
 - c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.
 - d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.
Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.
4. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from the Local Planning Authority.
Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

5. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.
Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.
6. Prior to the commencement of development details of all all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.
Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.
7. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.
Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.
8. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.
Reason: To avoid overdevelopment of the site.
9. That a detailed scheme for the provision of refuse and recycling waste storage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.
Reason: In order to protect the amenities of the locality.

10. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.
Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.
11. The proposed commercial unit on the northern part of the site shall only be used for purposes within Use Class B1 of the 1987 Use Classes Order, (for Business or Light Industry), and for no other purpose.
Reason; To ensure that the premises provide some employment on the site, in recognition of its current use for employment purposes, whilst preventing the use of the premises for warehousing or general industry which would be detrimental to the amenity of neighbouring residential properties.
12. The windows at first floor level in the rear (west-facing) elevation of residential units H4 and H5, and in the west-facing elevation at first and second floor level in residential units H6 to H9 inclusive, shall be glazed with obscured glazing at all times
Reason; In order to prevent loss of privacy to nearby residential properties.
13. Notwithstanding the elevational drawings of the commercial block shown on plan 05 - 900 PL.16D, a detailed drawing at a scale of not less than 1:100, to show details of elevational treatment including brick type and brick bonding or coursing, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
Reason: In order that the Council may be satisfied as to the external appearance of the development and its contribution to the Crouch End Conservation Area.

INFORMATIVE: Further to Condition 4 above regarding hard landscaping, details of surfacing to the car parking area shall include the provision of permeable surfacing to enable surface water run-off to percolate through the site.

REASONS FOR APPROVAL

The proposal in principle is acceptable i.e. commercial and residential use because the site will still retain some employment use and at the same time provide housing which is much needed within Haringey.

The reduced mass and bulk of the commercial block would not have an adverse effect on the existing residential buildings adjacent to the site and the proposed residential development. It will relate satisfactorily to the scale and character of the proposed residential environment of the East Mews block and not have an adverse affect on the residents at Berkeley Road.

It is considered that the proposal would therefore enhance the character and appearance of the Crouch End Conservation area.

The proposal is therefore in compliance with policies DES 1.1 Good Design and How Design Will Be Assessed, DES 1.2 Assessment of Design Quality (1) Fitting New Buildings into the Surrounding Area, DES 1.3 Assessment of Design Quality (2) Enclosure, Height and Scale, DES 1.4 Assessment of Design Quality (3) Buildings Lines, Layout, Form, Rhythm and Massing, DES 1.9 Privacy and Amenity of Neighbours, DES 1.10 Overdevelopment and DES 2.2 Preservation and Enhancement of Conservation Areas of the Haringey Unitary Development Plans. It is therefore appropriate to recommend that planning permission be granted.

Section 106 - Yes

INFORMATION RELATING TO APPLICATION REF: HGY/2005/2065
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 13/12/2005

Location: 40 Coleridge Road N8

Proposal Conservation Area Consent for the demolition of existing building and redevelopment of the site including erection of 9 terraced houses comprising 3 x three storey houses in Coleridge Road, 4 x three storey houses and 2 x two storey houses to the rear. Erection of part single / part 3 storey B1 commercial block adjacent to car park. Provision of car parking and refuse storage.

Recommendation Grant subject to condition.

Decision Grant subject to condition.

Drawing No.s 05-900PL.02A, 03A, 04A, 05, 06, 07B, 08C, 09C, 10B, 12A, 13A, 14B, 15C, 16D, 17A & 18.

Condition:

1. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site under planning permission reference HGY/2005/2064) has been made and planning permission granted for the redevelopment for which the contract provides.
Reason: In order to protect the appearance of the conservation area.

Section 106 - No

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1543
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Land at Winns Mews N15

Proposal Demolition of existing buildings and erection of 1 x 2 storey 3 bedroom house and 1 x 2 storey block comprising 4 x 3 bed mews style houses. Provision of refuse and bicycle storage.

Recommendation Grant subject to conditions & Section 106 Legal Agreement.

Decision Deferred for a Members site visit.

Drawing No.s PP/01, 02, 03, 04, 05, 06, 07, 08B, 09B, 10B, 11B, 12B, 13B, 14B, 15A, 16A, 17B, 18B, 19B, 20B, 21, 22 & 23A.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1577
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Land at Winns MewsN15

Proposal Conservation Area Consent for the demolition of existing buildings and erection of 1 x 2 storey 3 bedroom house and
1 x 2 storey block comprising 4 x three bed mews style houses. Provision of refuse and bicycle storage.

Recommendation Grant subject to condition.

Decision Deferred for a Members site visit.

Drawing No.s PP/01, 02, 03, 04, 05, 06, 07, 8B, 09B, 10B, 11B, 12B, 13B, 14B, 15A, 16A, 17B, 18B, 19B, 20B, 21, 22 & 23A.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1787
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 13/12/2005

Location: Treehouse School Woodside AvenueN10

Proposal Construction of two storey school building with play areas, sports pitch, access road, drop off area and car parking (Revised Scheme).

Recommendation Grant subject to conditions.

Decision Grant subject to conditions – refer to GLA.

Drawing No.s 135-PL- 02B, 03B, 04B, 05B, 06B, 07B, 08B, 09B & 10B.

Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.
Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.
4. That the garages and parking spaces shown on the approved drawings shall be constructed to the satisfaction of the Local Planning Authority and shall be permanently retained and used in connection with the dwellings forming part of the development.
Reason: In order to ensure that the approved standards of provision of garages and parking spaces are maintained.

5. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.
Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.
6. The development hereby approved shall only be used for purposes within Class D1(c) of the Use Classes Order 1987 - use for the provision of Education- and for purposes ancillary to the provision of education, and for no other purpose.
Reason: This permission has been granted in the light of the special circumstances of the application, and because an exceptional case has been made out for development on Significant Local Open Land in terms of Policy OP 3.3 of the Adopted Haringey Unitary Development Plan. Any use of the site for other purposes would be inappropriate given the setting of the site and its position adjacent to other educational and institutional uses.
7. Details of the arrangements for the handling of surface water drainage shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
Reason; In order that the development of an open sit by new building and hard surfacing shall not have a detrimental effect on the surrounding environment.
8. The landscaping and ecological scheme shown on the submitted plans and incorporating (a) the planting of additional trees on the northern boundary of the site; (b) the planting of some specimen native trees including Oaks within the application site. (c) provision of suitable nesting boxes for birds witin the landscaped areas of the site; shall be implemented within the first planting season following the completion of the authorised development.
Reason; In order that a satisfactory setting for the development shall be provided, which will enhance its setting in the Conservation Area and Significant Local Open Land.
9. The development hereby authorised shall first be occupied by Tree House Trust aand by no other persons.
Reason; This permission has been granted in the light of the special circumstances of the application, and because an exceptional case for development of Significant Local Open Space in terms of Policy OP 3.3 of the Adopted Haringey Unitary Development Plan has been made, in terms of overriding Educational need.
10. A Green Travel Plan shall be submitted to and approved by the Local Planning Authority, prior to the commencement of development on the site. Such agreed plan shall be implemented to the satisfaction of the Local Planning Authority.
Reason; In order to minimise the impact of additional traffic generation on the locality and to ensure that the development does not prejudice the free flow and safety of traffic on the highway.

11. The development shall incorporate the energy conservation measures shown on the submitted drawings and described in the Tree House Trust Energy Study submitted as part of the application by Max Fordham Associates dated 10 October 2005, and shall include a Ground Coupled Air System as an energy efficiency measure.

Reason; In order that the scheme shall encourage energy efficiency and reduce carbon dioxide emissions.

12. Prior to commencement, details of a programme for investigation of the archaeological features of interest within the site, including the digging of trial trenches, shall be submitted to and approved by the Local Planning Authority in conjunction with English Heritage.

Reason; In order not to detract from the archaeological interest of the site, which is believed to form part of a mediaeval deer park.

INFORMATIVE: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers cost, or necessitate amendments to the proposed developemnt design so that the aforementioned main can be retained.

Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contract Centre on telephone no. 0845 850 2777 for further information.

INFORMATIVE: You are advised that the Council would wish to see a Method Statement or Management Plan indicating:

- a) The provision of the access road and contractors compound to be used during the construction of this development.
- b) The proposed phasing of the construction of the school building in relation to the construction on the adjoining Tetherdown School site and
- c) The proposed phasing of the making good of the areas to be used as construction access and contractors compound and their return to use as landscaped or grassed areas.

REASONS FOR APPROVAL

The principle of development of this site for a Special School was accepted in consideration of the previous application in October 2003, on the basis that a case of overriding Educational need had been demonstrated, which amounted to very special circumstances allowing the development on a disused playing field that had never had public access and had been in disuse for around 20 years.

The current application would be on a similar siting to the approved scheme, but with a reduced footprint. The impact on residential properties, on the street scene, and on the Conservation Area would if anything be an improvement on the previous approval,

noting the introduction of a sedum roof; further, the scheme introduces significant energy conservation measures and a renewable energy element, by a Ground-Coupled Air Cooling system.

Traffic parking and landscaping aspects are broadly similar to the approved development.

Section 106 - No

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1904
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 13/12/2005

Location: Former Hornsey Waterworks, High Street N8

Proposal Variation to planning consented Blocks E & H (ref HGY/2004/0862) to provide 54 additional studios and 27 fewer one bedroom apartments (total development 424 units: 84 studios, 209 one bed, 105 two beds, 20 three beds, 6 four beds).

Recommendation Grant permission subject to conditions & Section 106 Legal Agreement.

Decision REFUSE

Drawing No.s 2770 PL 832; 833; 1000; 1001; 1002; 1003; 1004 , 1005 & applicants statement..

Reasons

1. Given that the overall development at New River Village already comprises 622 units, the proposed subdivision of 27 existing 1 bedroom flats to form 54 studio flats would result in overintensive development on the site as a whole. This would place additional pressure on amenity space within the site, on parking and on other on-site services. Further, the proposed units at 24.3 sq. metres each are significantly below the recommended size for studio flats as set out in Supplementary Planning Guidance Note 3A (Density, Dwelling Mix, Floorspace, Minima, Conversions, Extensions & Lifetime Homes) proposed pursuant to Policy HSG 1 and HSG 9 of the Revised Unitary Development Plan. In this SPG 3A, the minimum size for studio flats is set at 32.5 sq. metres and the units proposed in this application are of insufficient size to provide satisfactory living accommodation. The proposal is thus contrary to Policies HSG 1, HSG 9 of the Revised Unitary Development Plan, to SPG 3A and Policy DES 1.10 'Overdevelopment' of the adopted Unitary Development Plan 1988.
2. In the absence of a signed Section 106 Agreement providing for 50% of the units as affordable housing, the application is contrary to Policy HSG 4 'Affordable Housing' of the revised Unitary Development Plan (2006) and Policy HSG 2.23 'Affordable Housing' of the adopted Unitary Development Plan.

MINUTES OF PLANNING APPLICATIONS SUB COMMITTEE 23 January 2006

Councillors:

*Davidson (Chair), *Bevan (Vice Chair), Adamou, *Basu, *Dodds, *Peacock, *Rice, *Santry, *Engert, *Hare, *Newton

*Members present

PASC88 APOLOGIES (Agenda item 1)

Apologies were received from Cllr Adamou.

PASC89 ITEMS OF URGENT BUSINESS (Agenda Item 2)

The Chair had agreed to take a late item of urgent business in respect of Saltram Close Estate.

Members were advised that the reason for the urgency for the report on Saltram Close Housing Estate was to try to achieve the draw down of grant by Servite from the Housing Corporation as there would be no roll-over. The three parts of this major Estate Regeneration Scheme are linked by the single planning scheme and these changes need to be tied up before the other elements can be progressed.

It was a virtual necessity that the disposal of part of the Housing Estate land, which would require a further report to the Executive, was on a finalised and clear-cut planning basis. The Housing Service would need to ensure that the project was delivered by the end of March 2006.

The reason for lateness was that negotiations for the sale of the Council's land had not been concluded; agreement had been reached in principle, at officer level only, on 17 January 2006. The different aspects of the scheme and the different procedures inter-related but have caused delays to each other. The Chair of PASC has agreed to take it as a late/urgent item.

Planning Applications Sub Committee approved the Saltram Close Planning Application on 12 September 2005. The approval committed the Council and its partners to undertake further consultation and dialogue with the residents of Saltram Close Housing Estate to finalise interventions on site A; this report described the outcome of resident consultation. Paragraph 6 onwards highlighted the changes to the original application in more

detail and members were asked to note this and receive a further application in due course.

Two objectors spoke; one resident felt that a properly resourced and managed Community Centre would be an asset and provide activities for young people that could potentially reduce crime and vandalism. The Vice Chair of the Residents Association spoke and advised members that 56% of the local residents did not want a community centre. Members were advised that residents felt the consultation process had been very effective. They had held 2 meetings with the Metropolitan Police and their methods of stopping and questioning youths; dispersing them where appropriate, had proved very successful.

The Housing Officer addressed concerns about the decking and explained that it's removal would be part of phased works; the timetable for which would be fixed by May. Members were advised that officers had met with Church representatives with regard to the community centre and the underpass would be removed as part of the forthcoming flat development.

RESOLVED

Members noted the changes to proposals for Site A, following resident consultation. They asked to be circulated this item before it is considered again under Delegated Powers. They also stressed the importance of ongoing consultation with Education and Housing and the service directors were asked to note this.

PASC90 DECLARATIONS OF INTEREST (Agenda Item 3)

Councillor Newton advised those present that he was the Ward Councillor for 14-16 Creighton Avenue, however; he had made no public declaration of any opinion on this application so therefore this was not a personal or prejudicial interest; he simply wished to clarify the point. He also wished to correct an error in the report which said he had objected to the application, he stated that this was not the case.

Councillor Santry declared an interest in respect of item 8.8 (Coles Park Playing Fields, White Hart Lane) in that she had previously made a public representation on this item. She decided to leave the room when this application was discussed and decided on.

Councillor Hare was asked by other members if he should declare an interest in that he had previously represented Friends of the New River Action Group but he felt it was not a conflict of interest as he had not made any previous public representations on any of the items before PASC this evening.

PASC91 DEPUTATIONS/PETITIONS (Agenda Item 4)

The Chair of the Governors of Crowland Primary School had submitted a formal deputation to speak in support of a temporary all weather pitch in Markfield Park. It was agreed that this Deputation would be heard at the same time as the application.

PASC92 MINUTES (Agenda Item 5)

RESOLVED

That the minutes of the Planning Applications Sub Committees on 13 December 2005 be agreed and signed

PASC93 PERFORMANCE STATISTICS ON DEVELOPMENT CONTROL, BUILDING CONTROL AND PLANNING ENFORCEMENT (Agenda Item 6)

Members received the Planning Enforcement statistics as a tabled item. All statistics and reports were noted

The Assistant Director, Planning, Environmental Policy and Performance Enforcement made a particular reference to 93% achievement of target for major applications, 81% of minor applications and 91% of other applications

PASC94 DECISIONS UNDERTAKEN UNDER DELEGATED POWERS
(Agenda Item 7)

Noted

PASC95 PLANNING APPLICATIONS (Agenda Item 8)

RESOLVED

That the decisions of the Sub Committee on the planning applications and related matters, as set out in the schedule attached to these minutes, be approved or refused, with the following points noted:

1. Gladesmore School and Markfield Recreation Ground

Members agreed to receive a tabled letter from Sport England which set out two extra conditions which they asked to be added to this application. Officers advised that any objections from Sport England would trigger a referral to the Government Office for London. The original submission for the sports pitch had been amended and was now in accordance with the UDP. The size of the proposed sports pitch had been reduced to be the same as the existing pitch to be replaced, the size of the fencing had been reduced, the floodlighting removed and the consent was to be for a temporary period of 3 years. Members were asked to consider the urgency of this request, whether they considered it suitable use of Green Belt land; appropriate to the landscape and environment and whether any further delay to consider alternatives could impact on the timescale and the ODPM bid. A members' site visit to Markfield Recreation Ground had taken place that morning.

The objectors spoke and advised members that they considered this to be an inappropriate use of Green Belt land and were concerned about the impact of the use of tarmac on the drainage. Friends of the Parks Forum and the Local Wildlife Trust also made representations. Both groups felt that the emergency relocation of the school was a priority but that alternative sports

facilities should be found. They were concerned that portacabins created a gap between the ground which could attract horseplay and compromise safety. They were also concerned about noise and loss of amenity to residents if the facilities were used out of school hours. They were also concerned about the protection of 2 species of birds nesting in the park but officers advised that this was not a planning consideration.

The Ward Councillor spoke and stated that, although he sympathised with objectors concerns and agreed this was a very difficult decision to put before PASC members; the ongoing disruption to the children's' education was paramount.

The Chair of the Governors spoke and advised members of the stress which pupils, parents and teachers had been subjected to since the fire and relocation. Transporting pupils on buses lost an hour of teaching time every day and this seriously impacted on the ability to deliver the National Curriculum. The current PCT building was unsuitable, lacked an adequate playground facility and further transport was required to take the children to PE facilities. Many pupils have had to move and, as schools are funded on pupil numbers, this puts the sustainability of the school at risk. The Friends of Crowland Parents Association agreed with the Chair of Governors. Both groups paid tribute to the loyalty of the staff at Crowland but stressed that the temporary relocation, nearly a year ago, had been a huge blow to morale. Finally the majority of Tottenham residents could not afford private tutors to enable their children to catch up. The Education Officers present confirmed that Gladesmore Community School was dependant on an all weather sports pitch to deliver the National Curriculum. Finally, the Assistant Director, Planning, Environmental Policy and Performance reinforced to members that this was a single application and both parts must to be decided on in unison. She further stressed that the proposals for the building and the pitch were only suitable for temporary use.

In summing up; the Chair felt that all speakers had made valid and eloquent representations. Members agreed that this application was being submitted in exceptional circumstances and therefore should not set a precedent. Members agreed the application, subject to conditions including an amendment to condition 1, with the two extra conditions suggested by Sport England; one of which required the satisfactory restoration of the sports pitch; an extra condition that the space under the portacabin be closed in; a Methodology Statement on the pitch's

biodiversity and ecology and a condition on hours of use to be agreed.

2. 14-16 Creighton Avenue N10

Members were reminded that this item was previously heard at PASC on 28 November and had been deferred for a members site visit. Two objectors spoke who felt that Pages Hill residents would suffer the severest loss of amenity from this application. The aspect from Pages Hill had been surveyed by members during the site visit. The objectors felt that the development would cause overcrowding, the design was poor and that the area already had many similar properties. Planning Officers advised that they did not consider this a backland development (density standards in backlands are tighter). The local Ward Councillor also spoke in support of the objectors and felt that the fourth storey created a further loss of amenity from bulk, height and scale. The applicant spoke in support of his revisions to the original application and felt that he had addressed these concerns. Members decided to refuse the application on the grounds of bulk, mass, height, overbearing of rear block and loss of amenity to the occupiers of Pages Hill. Cllrs Dodds, Davidson and Rice abstained from the vote.

Cllr Bevan left the meeting after this item and returned during the item on 57 Mount Pleasant Road. Cllr Santry left after this item and returned for the item on 154 West Green Road N15.

3. Coles Park Playing Fields, White Hart Lane N17

Members agreed this application but with temporary permission for 2 years, not 1 year as stated in the application.

4. 154 West Green Road N15

Members were advised that this was a renewal of a previous permission which had not yet been implemented. Members agreed the application, subject to conditions and 106 agreement, with an extra informative about standards of materials and a condition about treatment of the Gable Ends.

5. Land at Winns Mews N15

Members had visited this site and a revised plan was tabled showing narrower units. Two objectors spoke and distributed site plans and photographs which set out their concerns about the

impact on the views from residents' gardens. A supporter of the application spoke about his concerns regarding alleged current use of the site by drug users, prostitutes and the rodent infestation. Members decided to refuse the application on the grounds of mass, bulk, the overbearing and intrusive nature of the fifth unit and loss of amenity. Conservation Area Consent also refused.

Cllrs Dodds and Basu left the meeting at this point. Cllr Bevan rejoined the meeting during the discussion of the next item and therefore did not vote on it.

6. 57 Mount Pleasant Road, N17

This application had also been the subject of a members' site visit and officers advised members that the application consisted of 4 parts. One section was the 'Certificate of Lawfulness'; usually dealt with under delegated powers, within the scope of permitted development. An objector spoke and outlined his concerns about excessive tree felling and felt that the basement was unsafe. The applicant spoke; a Social Care professional experienced in working with children with disability. Members were advised that the home (a 4 bedroom house) would accommodate 6 children and 2 supervisory staff; one on night duty. The applicant advised that the basement was currently under construction and therefore subject to further improvements. Members were also advised that the outbuilding on the site would be used for storage only. The planning officer clarified to members that the building must be contained within its boundaries or the Certificate of Lawfulness could not be granted.

Members agreed and refused the application as follows:

- Retention of dormer window – refused
- Retrospective Planning application for the erection of single storey out building in rear window (Certificate of Lawfulness) – deferred until the land issues could be examined and identified.
- Retention of basement to form storage space – agreed
- Change of use from residential to Children's home caring for a maximum of 6 children and supervising staff including the provision of a staff room/office -refused on the grounds of suitability of premises for the number of children to be cared for, parking, traffic disturbance, limited access for deliveries, and amenity of neighbours.

7 79 Creighton Avenue

Three objectors addressed the Committee, their main concerns being the potential traffic problems, lack of parking and impact on the safety on the children at nearby Fortismere School, the loss of amenity of local resident's gardens and overlooking, the excessive tree felling and the development being out of character. They had no objection to the use as a care home; although they felt that there were an adequate number of other care homes in the area. The friends of Coldfall Wood also addressed the committee to stress the ecological importance of this unique piece of woodland, which surrounded the development. The local ward councillor also spoke in support of the objectors; he felt that this was a building of special character in Muswell Hill and reminded PASC members that the application had been the subject of some 120 objections.

The applicant's representative supported the development in that she felt there was a shortage of respite care homes in the West of the Borough and that the building would be refurbished to modern care standards. She advised members that the applicant had worked extensively with a landscape architect and an arboriculturist and felt that overlooking was minimal. Furthermore; she understood that the land surrounding the development was an old garden and not the actual woodland. She advised that an appropriate rainwater/foundations survey would be carried out prior to commencement of works. Finally, a survey had been conducted of similar care homes' parking facilities and the proposed 7 spaces and 7 cycle spaces was felt to be adequate.

Members agreed the application, with 5 voting for and 3 voting against, with an enhancement to the informative/condition about trees in that the nature of the species should be specifically native; and that the Council's Nature Conservation Officer should be consulted about appropriate species. Extra Conditions to be added regarding 1) Hydrological survey to investigate any underground stream (in conjunction with Thames Water). 2) Submission of further elevational drawings showing details of feature or contrasting brickwork; 3) a Renewable Energy Sources condition.

PASC96 DATE OF NEXT MEETING

27 February 2006, 7pm

The application in respect of 35A Wood Value N10 and the Tree Preservations Orders to be deferred to this meeting.

The meeting ended at 11.15 pm

INFORMATION RELATING TO APPLICATION REF: HGY/2005/0711
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Coles Park Playing Fields White Hart Lane N17

Proposal: Use of car park as a market selling new and second hand goods on Saturdays and Sundays only between 0700 and 1300 hours.

Recommendation Grant subject to conditions.

Decision: Grant subject to conditions.

Drawing Nos. Site Plan

Conditions

1. That this permission shall be for a limited period expiring on 23 January 2008 when the use hereby approved shall be discontinued and determined and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to review and assess the use following experience after a period of operation.

2. The use hereby permitted shall only be operated on Saturdays and Sundays only and shall not be operated before 0700 or after 1300 hours.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

3. That a detailed scheme for the provision of refuse, waste storage and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use. Such a scheme as approved shall be implemented and temporarily retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

4. Vehicles may arrive, depart, be loaded or unloaded within the general area of the application site only between 0700 hours and 1400 hours on Saturdays and Sundays.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

5. Provision shall be made for parking of 40 and 170 vehicles, respectively for Saturdays and Sundays, visiting the site. The use hereby permitted shall not be brought into effect until such provision has been made.

Reason: In order to enable vehicles using the site to stand clear of the highway in the interests of road safety.

6. That the applicant erects and lines up traffic cones, stretching 150m east and west of the site access junction and on both sides of this stretch of White Hart Lane. The applicant must remove the cones at close of business on each Saturday and Sunday the use is operated.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

7. That Parking Supervisors must be appointed to enforce the parking restrictions around the site access.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

8. That not more than 80 stalls shall operate on the site.

Reason: In order to limit the total number of stalls in the interest of amenity impact in the locality.

REASONS FOR APPROVAL

It is considered that the proposed car boot sale/ market would not cause undue harm to the immediate locality or the general environment in that the use would operate on part of Saturdays and Sundays only and the proposal includes adequate arrangements for servicing, storage and disposal of refuse. Accordingly the proposal is considered to be in line with Haringey Unitary Development Plan Policies STC 2.2 A1 'Uses Street Markets', TSP 7.1 'Parking for Development', DES 1.9 'Privacy and Amenity of Neighbours' CSF 1.1 'Provision of Community Facilities' and RIM 3.2 'Pollution and Nuisance from new Development' of the Haringey Unitary Development Plan. It is therefore recommended that temporary permission be granted to allow Council to monitor and review use.

Section 106 – No.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1827
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 14 - 16 Creighton Road N10

Proposal: Demolition of existing pair of houses and erection of 6 x 3 storey four bedroom houses with parking.

Recommendation Grant subject to conditions and a Section 106 Legal Agreement.

Decision: Refuse

Drawing Nos. 205082/010, 030, 031, 110, 120, 121, 122, 123, 130, 131 & 132.

Reason

1. The site is currently occupied by a pair of semi-detached dwellings close to the road frontage to Creighton Avenue; with the rear garden as a substantially open and grassed area. The proposed development would bring buildings towards the rear of site closer to the boundary of the site with the back gardens of properties in Pages Hill to the east. Due to the topography of the site, the central pair of the six proposed semi-detached houses (Units 3 & 4) would be very prominent in views from the rear of properties in Pages Hill; and would be overbearing, of excessive height and detrimental to the amenities of occupiers of properties in Pages Hill. As such, it would be contrary to Policies DES 1.9 (Privacy & Amenity) and DES 1.3 (Design Quality, Enclosure, Height & Scale) of the adopted Haringey Development Plan.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1874
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 154 West Green Road N15

Proposal: Residential development of site to include erection of 1 x 2 storey block comprising 6 x two bed houses and 2 x one bed flats (renewal of planning permission reference HGY/2000/1437, granted 14.12.2000).

Recommendation: Grant subject to conditions & Section 106 Legal Agreement.

Decision: Grant subject to conditions & Section 106 Legal Agreement.

Drawing No.s PMA/AY/05D & 06B.

Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The proposed development shall have a central dish/aerial system for receiving all broadcasts for all the residential units created, details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to protect the visual amenities of the neighbourhood.

3. No development shall commence until 2) and 3) below are carried out to the approval of London Borough of Haringey.

1. The Applicant will submit a site-wide energy strategy for the proposed development. This strategy must meet the following criteria:

2. a) Inclusion of a site-wide energy use assessment showing projected annual demands for thermal (including heating and cooling) and electrical energy, based on contemporaneous building regulations minimum standards. The assessment must show the carbon emissions resulting from the projected energy consumption.

b) Explanation of how total energy demand will be reduced by 20% relative to the baseline developed in a), through improvements to building energy efficiency standards.

Calculation of the resulting carbon savings.

c) The strategy must examine the potential use of CHP to supply thermal and electrical energy to the site. The scale of the CHP generation and distribution infrastructure to be determined through agreed feasibility studies. Resulting carbon savings to be calculated.

d) Inclusion of onsite renewable energy generation to reduce the remaining carbon emissions (ie after b. and c. are accounted for) by 10% subject to feasibility studies carried out to the approval of LB Haringey.

3. All reserved matters applications must contain an energy statement demonstrating consistency with the site wide energy strategy developed in 2). Consistency to be approved by LB Haringey prior to the commencement of development.

Reason: To ensure the development incorporates energy efficiency measures including on-site renewable energy generation, in order to contribute to a reduction in Carbon Dioxide Emissions generated by the development in line with national and local policy guidance.

4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.

5. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

6. That a detailed scheme for the provision of refuse, waste storage and recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

7. That the gable ends shown on the submitted drawings shall be constructed as hipped ends, details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works.

Reason: In order to protect the amenities of neighbouring occupiers of their properties.

INFORMATIVE: That the submission of details of materials should include bricks, rooftiles and details of doors and window frames. It is considered that because the site falls within a Conservation Area the materials should be of high quality and the doors and windows should be of wood and not in UPVC material

REASONS FOR APPROVAL

This scheme was approved under planning permission reference HGY/2000/1437 in December 2000. In view of the emerging and the adopted Plan, it is considered that the scheme is in compliance with policies HSG2 'Change of Use to Residential', UD3 'Quality Design', DES 1.1 'Good Design and How Design Will be Assessed', HSG 2.2 'Residential Densities', HSG 2.3 'Backland Development', DES 1.9 'Privacy and Amenity of Neighbours' and DES 2.2 'Preservation and Enhancement of Conservation Areas' of the Haringey Unitary Development Plan.

Section 106 - Yes

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1543
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Land at Winns Mews N15

Proposal: Demolition of existing buildings and erection of 1 x 2 storey 3 bedroom house and 1 x 2 storey block comprising 4 x 3 bed mews style houses. Provision of refuse and bicycle storage.

Recommendation Grant subject to conditions & Section 106 Legal Agreement

Decision Refuse

Drawing No.s PP/01, 02, 03, 04, 05, 06, 07, 08C, 09C, 10C, 11C, 12B, 13B, 14C, 15B, 16B, 17C, 18C, 19C, 20C, 21, 22, 23B & 24.

Reason:

1. The proposed house situated between the rear boundaries of the properties in Grove Park Road (House No. 5 as shown on the submitted plans) would be overbearing in relation to neighbouring properties by reason of height, bulk, size and proximity which would result in visual intrusion, loss of outlook and overshadowing contrary to Unitary Development Plan Policies DES 1.1 'Good Design & How Design Will Be Assessed', DES 1.4 Assessment Of Design Quality (3) Building Lines, Layout, Form, Rhythm & Massing', DES 1.10 'Overdevelopment', DES 1.9 'Privacy & Amenity Of Neighbours', HSG 2.3 'Backland Housing' and Haringey Unitary Development Plan First Deposit Consultation Draft, September 2003, Policy UD 2 'General Principles' and HSG 1 'New Housing Developments & General Principles' and Supplementary Planning Guidance SPG 3C 'Backland Development'.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1577
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Land at Winns Mews N15

Proposal: Conservation Area Consent for the demolition of existing buildings and erection of 1 x 2 storey 3 bedroom house and 1 x 2 storey block comprising 4 x three bed mews style houses. Provision of refuse and bicycle storage.

Recommendation: Grant subject to conditions & Section 106 Legal Agreement.

Decision: Refuse

Drawing No.s PP/01, 02, 03, 04, 05, 06, 07, 8C, 09C, 10C, 11C, 12B, 13B, 14C, 15B, 16B, 17C, 18C, 19C, 20C, 21, 22, 23B & 24.

Reason

1. The proposed demolition of buildings in the Clyde Circus Conservation Area would be premature in that the Local Planning Authority has not received an application and/or granted planning permission for a suitable replacement development. Premature demolition would result in unsightliness detrimental to the amenities of the area.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1103
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 57 Mount Pleasant Road N17

Proposal: Retention of basement to form storage space.

Recommendation: Grant subject to conditions.

Decision Grant subject to conditions.

Drawing Nos. Unnumbered Floor Plan.

Conditions

1. The development hereby authorised must be used for storage purposes only in conjunction with the main property.

Reason: In order to protect the amenity of future residents of the site.

REASONS FOR APPROVAL

The proposal at 57 Mount Pleasant Road for the retention of basement to form storage space complies with Policies DES 1.9 'Privacy and Amenity of Neighbours'; and DES 5.3 'Residential Alterations and Extensions' in the Haringey Unitary Development Plan, it is not detrimental to the character of the original building or any adjoining property. It would therefore be appropriate to recommend that Planning permission be granted.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1122
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 57 Mount Pleasant Road N17

Proposal: Retention of rear dormer window erected without planning permission.

Recommendation: Refuse

Decision: Refuse

Drawing No. Unnumbered dated August 2005.

Reason:

1. The proposed development by reason of excessive size and scale is out of character with the building and development in the vicinity and results in a significant negative impact on the amenity of the area contrary to Policy DES 5.7 'Dormer Windows, Roof Extensions and Loft Conversions' in the Haringey Unitary Development Plan.

INFORMATION RELATING TO APPLICATION REF: HGY/2004/2024
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 57 Mount Pleasant Road N17

Proposal: Change of use from residential to childrens home caring for a maximum of six children and supervising staff.

Recommendation Grant subject to conditions.

Decision: Refuse

Drawing No.s Unumbered floor plans as amended 29/11/2004.

Reasons

1. The proposed change of use to a Childrens Home would be contrary to Policies HSG 2.17 'Provision Of Residential Care & Nursing Homes (Class C2), HSG 3.1 'Loss Of Residential Accommodation', RIM 3.2 'Pollution & Nuisance From New Development' of the Harringey Unitary Development Plan and CW1 'New Community Facilities' of the Revised Deposit Consultation Draft, September 2004 Haringey Unitary Development Plan by reason of loss of residential use, being a mid terraced property resulting in overintensive use, loss of amenity to adjoining neighbours, traffic congestion and lack of car parking in the vicinity.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/1932
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: 79 Creighton Avenue N10

Proposal: Demolition of existing building and redevelopment to include erection of a three storey nursing home with associated parking and landscaping.

Recommendation: Grant subject to conditions.

Decision: Grant subject to conditions.

Drawing No.s 250_DE_1.002 Rev. A, 205_DE_2.002, 205_DE_2.003, 205_DE_2.006 Rev. A, 205_DE_2.010, 205_DE_3.001 Rev. A & 2510.610/Vegetation Plan/A0C

Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is

commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. Development shall not commence until a scheme demonstrating the following:

- a) that the proposed access gate at the eastern vehicular entrance will open away from the highway only, and is recessed at least 5 metres from the front boundary of the plot; and,
- b) a 'No Entry' sign is erected at the western exist from the site,

has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the safe movement of pedestrians on the footpath and vehicular traffic on the highway.

5. Development shall not commence until an arboricultural Method Statement has been produced and agreed in writing by the Local Planning Authority. The Method Statement shall indicate the proposed chronology of events with regard to tree protection, as well as a revised site plan clearly showing the Tree Protection Zones. Engineering details will also be required for the construction of the proposed footpath. In addition to the above, the method statement shall also indicate the location of the site compound and storage area, including details of where service runs are to be installed.

Reason: In order to ensure the safety of trees during constructional works.

6. The existing trees on the site shall not be lopped, felled or otherwise affected in any way (including raising and lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees without the prior written permission of the Local Planning Authority.

Reason: In order to safeguard the trees in the interest of visual amenity of the area.

7. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

8. The trunks of those trees to be retained shall be protected by two layers of chestnut paling or hessian sacking.

Reason: In order to ensure the safety of tree trunks during constructional works.

9. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:

- a. those existing trees to be retained.
- b. those existing trees to be removed.
- c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.

d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). The planting scheme shall include native species of plants and shall be agreed with the Council's Arboriculturalist and the Council's Nature Conservation Officer. Any trees or plants proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

10. That details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.

11. Before the building is occupied, seven (7) car parking spaces and adequate manoeuvring space shall be provided and marked out within the curtilage of the building in accordance with the details indicated on the approved plans, and such space shall thereafter be retained permanently for the accommodation of the vehicles of the occupiers or users of, and persons calling at the building only and shall not be used for any other purpose.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

12. That a detailed scheme for the provision of recycling and refuse and waste storage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

13. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

14. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made and planning permission granted for the redevelopment for which the contract provides.

Reason: In order to ensure that the site is not left open and vacant to the detriment of the character and visual amenities of the locality.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including any existing boundary treatment to be retained. The boundary treatment shall be

completed before the building is occupied and any existing boundary treatment shown as retained shall be permanently retained. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

16. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) the premises shall be used only as a Residential Care Home on the ground and first floors, with sheltered or close care accommodation on the top floor, and shall not be used for any other purpose including any purpose within Class C2 unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable.

17. All windows in the building's western flank elevation, other than those at ground floor level, shall be of a fixed design and obscure glazed.

Reason: In the interests of the privacy of adjoining residential occupiers.

18. A hydrological investigation to determine (a) the existence of any underground stream or watercourse at the application site, and (b) the need for any remediation measures to ensure the flow of such watercourses is not interfered with; shall be submitted to and approved by the Local Planning Authority in conjunction with Thames Water, prior to commencement of development; the proposed development shall thereafter be carried out in accordance with the recommendations of such an investigation.

Reason: In order to protect the ecological value of any sub-surface watercourse.

19. Notwithstanding the elevational details shown on drawing No. DE. 3.001 Rev A, detailed drawings of the front elevation of the proposed development, to include details of feature brickwork, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Reason;

In order that the Council may be satisfied as to the external appearance of the development.

20. Prior to the commencement of development, a Site-Wide energy Use Assessment Strategy shall be submitted to the Local Planning Authority for its approval, showing:-

(a) Baseline annual projected demand for thermal (including heating and cooling) and electrical energy, and resulting carbon emissions, based on contemporaneous building regulations minimum standards.

(b) Explanation of how total energy demand will be reduced by 20% relative to the baseline developed in (a) above, through improvements to building energy efficiency standards; and consequent carbon savings.

(c) Inclusion of on-site renewable energy generation measures to reduce carbon emissions by 10%.

Reason: To ensure the development incorporates energy efficiency measures in order to contribute to a reduction of Carbon Dioxide emissions generated by the development, in line with national and local Policy Guidance in particular Policies ENV6 and ENV6A of the Revised Haringey Unitary Development Plan 2004.

INFORMATIVE 1: With regard to crime prevention, the proposal has been assessed by Haringey Borough Police - Crime Prevention Design Advisor, who commented as follows:

- The planting at the site must not compromise security and surveillance. This is crucial in new developments where careless planting of certain vigorous plants will in a relatively short time impede

natural surveillance and offer cover and concealment for an offender. This is particularly important for the formal planters located around the edge of the building. Plants must be kept low to avoid reducing lines of sight of the car park and grounds.

- The developer should consider a video entry system for visual identification of callers and good quality doors to exclude the opportunist thief. In particular, the side entrance (entrance "S") may be vulnerable to intrusion as it is located away from the sight and control of reception. We can give further advice as necessary.

- The home and bedrooms would benefit from the enhanced security standards detailed in the "Secured by Design Scheme" (www.securedbydesign.com) and I recommend that consideration is given to achieving the standards. There is good advice on the website specifically tailored to sheltered accommodation which I recommend the developer examines.

The design and planning stage of the development is the ideal opportunity to reduce crime opportunities. The Crime Prevention Department can meet with the developer to discuss the scheme as required. We can be contacted on 020 8345 2164.

INFORMATIVE 2: The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE 3: With regard to Condition No. 5 above, your attention is drawn to the following:

- The protective fencing must be constructed of stout wooden boards securely attached to a scaffold framework to a height of 2.4m. (BS 5837: 2005, Figure 2);
- The fencing must be erected before any construction work commences on site, be inspected by the Local Authority Tree Officer and remain until the development is complete;
- The Tree Protection Zone must remain in place until construction works are complete. No access will be allowed without prior agreement with the Local Authority Tree Officer;
- No materials are to be stored in this area and no changes to the soil levels;
- The existing hard surfacing must be retained to offer greater protection for tree roots; and,
- Protective fencing must also be erected along the boundary of the development site to ensure safe retention of all trees and shrubs on the designated Metropolitan Open Land to the rear.

REASONS FOR APPROVAL: Planning permission has been granted as the principle of the use is considered acceptable with some slight reservations due to its position at some distance from local services, however it is considered that this factor is outweighed by other factors, such as the proximity to excellent passive recreation facilities such as Coldfall Woods. The height of the new building is in keeping with that of the building it intends to replace, albeit with a larger footprint and greater bulk. Notwithstanding this, the plot is large, and would retain a significant amount of natural vegetation and open space, both within the frontage and to the rear. The proposal would not have a significantly greater impact on the openness of the Metropolitan Open Land than the existing building. The design retains all TPO trees on site, and its

impact on the amenities of the surrounding residents is not considered to be so severe as to warrant refusal of the application.

Section 106 – No.

INFORMATION RELATING TO APPLICATION REF: HGY/2005/2229
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 23/01/2006

Location: Gladesmore Community School Crowland Road N15

Proposal: Erection of 8 x single storey temporary classroom buildings on Gladesmore Community School outdoor sports pitch to replace fire-damaged Crowland School for a period of 3 years. Relocation of Gladesmore Community School all weather sports pitch in Markfield Recreation Ground with out of hours community use

Recommendation: Grant subject to conditions.

Decision: Grant subject to conditions.

Drawing No. 0518 (D) 001Rev B

Conditions:

1. That this permission shall be for a limited period expiring on either (i) 23 January 2009 or (ii) when the permanent replacement of Crowland primary school is available for occupation, whichever is the sooner, when the works hereby approved shall be removed and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: The building and pitch, because of their design and siting, are not considered suitable for permanent retention.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. That adequate security measures and maintenance provisions to the all-weather pitch hereby approved be provided, full details of which shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the development of the pitch commencing, and that the costs associated with the security and maintenance of the sports pitch be met by the applicant.

Reason: To ensure adequate security and maintenance to the sports pitch.

4. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

5. Details of the proposed foundations in connection with the development hereby approved and any excavation for services shall be agreed with the Local Planning Authority prior to the commencement of the building works.

Reason: In order to safeguard the root systems of those trees on the site which are to remain after building works are completed in the interests of visual amenity.

6. That full details of the fencing proposed to the pitch hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development.
Reason: to ensure the proper appearance of the development.
7. That details of any charging policy for the sports pitch hereby approved, shall be submitted to and approved in writing by, the Local Planning Authority, prior to the commencement of the use of the pitch.
Reason: to ensure that adequate public access is provided.
8. That the applicants submit full details of the drainage works associated with the development hereby approved and meet the full costs of those works
Reason: to ensure the satisfactory drainage of the proposed development.
9. That the portacabins hereby approved shall be used for normal school hours and for school purposes only.
Reason: In order to protect the amenities of nearby occupiers of their properties.
10. That the portacabins hereby approved shall be fitted with skirts to ground level to prevent access underneath the buildings.
Reason: In order to protect the amenities of nearby occupiers of their properties.
11. Satisfactory restoration of the grass playing field in Markfield Recreation Ground, incorporating improved drainage as necessary, shall be carried out as soon as possible after removal of the temporary all weather pitch. This should comply with Sport England's Design Guidance Note: Natural Turf For Sport.
Reason: In order to ensure that the grass playing field is reinstated in the future to preserve the existing provision of sports pitches in the recreation ground.
12. The artificial turf pitch shall be restored, and any other remedial works necessary undertaken, at Gladesmore School as soon as possible following the removal of the temporary buildings to ensure the pitch is safe for use.
Reason: In order to ensure that satisfactory playing pitch provision is maintained at Gladesmore School and that the pitch is safe for use.
13. That a methodology report comparing the methods of construction and the sub surface materials to be used in the construction of the proposed pitch shall be submitted to and approved by the Local Planning Authority before the commencement of the work. Such report shall refer to:
 - a) The degree of excavation required.
 - b) The ecological value of storing and reusing existing soil.
 - c) The proposed deeper materials and surface soil of the restored grass surface.
 - d) Proposals for drainage.
 - e) Proposals for the prevention and compaction during construction and restoration process and protection to the root systems of nearby trees.
 - f) Options for minimising transport related impacts upon the park.Such details as agreed shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the pitch is constructed in a manner which will cause least damage to the Recreation Ground and allow proper restoration of the Recreation Ground in the future.

REASONS FOR APPROVAL

The proposal is considered to comply with relevant national and local policies and guidance. The permission is limited for a period expiring on 23 January 2009 or such time as a permanent replacement facility becomes available, whichever is the sooner.

Section 106 - No

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General Purposes Committee
on 2 March 2006

Report Title: Amendments to Contract Standing Orders on Tender Opening	
Report of: The Head of Legal Services and Monitoring Officer	
Wards affected: All	Report for: Recommendation to Council
<p>1. Purpose</p> <p>1.1 To ask Members to approve changes to Contract Standing Orders on Tender Opening so as to have a uniform procedure for all tenders regardless of value</p>	
<p>2. Recommendations</p> <p>2.1 That Members recommend to full Council the adoption of the changes to Contract Standing Orders, set out in Appendix 2 to this report, to have effect as amendments to Part G.3 of the Council's Constitution</p>	
<p>Report authorised by:</p> <p>Davina Fiore Head of Legal Services and Monitoring Officer</p>	
<p>Contact officer: Terence Mitchison – Senior Project Lawyer, Corporate Telephone: 020 8489 5936 terence.mitchison@haringey.gov</p>	
<p>3.1 Executive summary and Reasons for Change</p> <p>This report sets out proposals to introduce a uniform procedure for tender opening in Contract Standing Orders. This would replace the requirement that all tenders estimated at over £150,000 must be opened by the Legal Service. This is not a cost effective use of staff resources. Measures are proposed by the Head of Procurement to ensure the independence of tender opening officers in each Directorate and a proper audit trail to monitor compliance for all tenders</p>	
<p>4. Access to information:</p> <p>Local Government (Access to Information) Act 1985</p>	

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:

- (i) Legal Service file on this matter.
- (ii) The Council's Constitution

5. Summary

- 5.1 In January 2005 General Purposes Committee (GPC) considered a report recommending that amendments be made to Contract Standing Orders (CSOs). The text changes are set out in Appendix 2.
- 5.2 The main purpose of the changes was: (i) to remove the duty of tender custody and opening in relation to tenders estimated at over £150,000 from legal service staff because this was not cost effective, and (ii) to introduce a uniform procedure with suitable safeguards for all tenders.
- 5.3 GPC Members accepted that the use Legal Service staff was too expensive. However, Members were not happy to leave tender opening to officers within the same Directorate as that commissioning the tendering unless there were additional safeguards to ensure transparency.
- 5.4 The problem with requiring all tenders to be opened in a different Directorate is that moving such a large quantity of documentation between offices would give rise to extra costs and delays nullifying the gains made by removing Legal Service staff.
- 5.5 An "Options Paper" (attached as Appendix 3) was presented to CEMB for discussion on 26 October 2005. Six different options were considered with their respective advantages and disadvantages. CEMB decided that Option 6 i.e. the original proposal was still preferable but suggested that further assurances be sought from the Head of Procurement and Head of Internal Audit about the transparency and independence of the procedures.
- 5.6 A further report (attached as Appendix 1) was submitted to the Procurement Committee to seek its Members' views about the proposal. Detailed comments were included from the Head of Procurement at paragraphs 12.1 to 12.4 and from the Head of Internal Audit at paragraphs 13.1 to 13.3.
- 5.7 The Procurement Committee agreed to support the proposed change in principle subject to a "framework" or procedure being produced to define the standard practices to be followed by all Directorates. Members endorsed the suggestions from Internal Audit that this procedure should provide for audit trails to be maintained and for spot checks to be carried out by managers.
- 5.8 The "framework" or procedure is attached as Appendix 4. This defines a uniform procedure for the submission, custody and tendering of all tenders. Processes and standard forms are set out to ensure that auditing and spot checks can be carried out. Internal Audit are proposing a Review of the tender opening process

as part of the annual audit programme of work.

- 5.9 The Head of Procurement in his comments at 12.1 to 12.3 in Appendix 1, has given details of the procedure to be followed to secure that tender opening officers are from different teams and separate and independent from the tender commissioning teams in the same Directorate. The Head of Internal Audit has considered the risk implications at paragraph 13.1 in Appendix 1 and takes the view that any risk would be mitigated by adherence to an appropriate framework as now proposed.

6. Recommendation

- 6.1 That Members recommend to full Council the adoption of the changes to Contract Standing Orders, set out in Appendix 2 to this report, to have effect as amendments to Part G.3 of the Council's Constitution

7. Equalities Implications

- 7.1 There are no specific equalities implications

8. Comments of the Director of Finance

- 8.1 The proposed amendments to tender opening procedures would result in more cost effective use of staff resources and should assist in achieving efficiency savings.

9. Comments of the Head of Legal Services

- 9.1 The legal implications are set out in the main part of the report.

10. Use of Appendices

- 10.1 Appendix 1 is the report to the Procurement Committee on 3 January 2006
- 10.2 Appendix 2 is an extract from Contract Standing Orders showing the text changes being recommended
- 10.3 Appendix 3 is the Options Paper considered by Chief Executive's Management Board on 26 October
- 10.4 Appendix 4 is the Tender Receipt and Opening Procedure produced in response to the suggestion of Internal Audit and the requirements of the Procurement Committee

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Procurement Committee
On
3rd January 2006

Report Title: **Amendments to Tender Opening Procedures in Contract Standing Orders**

Forward Plan reference number (if applicable): **N/A**

Report of: **The Head of Legal Services and Monitoring Officer**

Wards(s) affected: **All**

Report for: **Recommendation to General Purposes Committee**

1. Purpose

- 1.1 To explain to Members of the Procurement Committee the reasons for revising Contract Standing Orders on Tender Opening Procedures and the options for doing this.
- 1.2 To seek the support of the Procurement Committee in recommending these proposals to the General Purposes Committee and full Council as amendments to the Council's Constitution.

2. Introduction by Executive Member

- 2.1 That Members of the Procurement Committee agree to support the proposals to amend Contract Standing Orders on Tender Opening Procedures, as described in paragraphs 8.2 and 8.3 and set out in Appendix 1 to this report

3. Recommendations

- 3.1 That Members of the Procurement Committee agree to support the proposals to amend Contract Standing Orders on Tender Opening Procedures, as described in paragraphs 8.2 and 8.3 and set out in Appendix 1 to this report.
- 3.2 That Members of the Procurement Committee agree to recommend these proposals to the General Purposes Committee and full Council as amendments to the Council's Constitution.

Report Authorised by:

Davina Fiore, Head of Legal Services and Monitoring Officer

Contact Officer: Terence Mitchison – Senior Project Lawyer, Corporate – x5936
terence.mitchison@haringey.gov.uk

4. Executive Summary

4.1 The current arrangements for higher value tender opening are a wasteful use of staff resources. The report contains proposals for a uniform tender opening process that should be more cost effective while maintaining the integrity of tendering procedures. There are also comments from the Heads of Corporate Procurement and Internal Audit which are intended to meet the concerns expressed previously by General Purposes Committee

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

5.1 N/A

6. Local Government (Access to Information) Act 1985

6.1 The following background papers were used in the preparation of this report:

(i) report to the General Purposes Committee on this matter on 17 January 2005 (ii) report to CEMB on this matter on 26 October 2005 (iii) the Council's Constitution.

7. Background

7.1 At present Contract Standing Orders (CSO 9.3) require that all tenders with an estimated value over £150,000 must be kept safe until opening by an officer appointed by the Head of Legal Services. This officer must record the time and date of receipt of all such tenders.

7.2 Tenders for contracts with an estimated value of £150,000 or less are kept safe until opening by an officer appointed by the Director of the Service responsible for commissioning the tendering process ("the client Service").

7.3 For all contracts, whatever the value, CSO 9.4 requires that the tenders must be opened at the same time in the presence of two officers who have not been involved in the tendering process. These officers must record the relevant tender details (e.g. name of contractor and total price).

7.4 In the case of lower value tenders opened by the client Services, it is usual for the tender opening officers to come from a team other than the team that commissioned the tendering process. Generally, this will still be a team within the same Directorate.

7.5 The problem has arisen within the Legal Service. The only staff with the training and experience to undertake safe custody and tender opening reliably are the commercial lawyers. Commercial lawyers are expensive and hard to recruit. They have to be paid at the normal high market rate even when they undertake routine administrative tasks such as taking custody of, opening, and recording details of, tenders.

7.6 During the calendar year 2004 tenders relating to approximately 80 distinct contracts were opened in the Legal Service. On average each contract involved 8 tenders. The work of tender custody and opening was approximately 320 officer/hours over the year. This is diverting lawyers from real legal work and is not a cost-effective use of resources.

7.7 Tenders with an estimated value in excess of £150,000 constitute, very approximately, 50 % of all tenders received under the competitive tendering procedures in Contract Standing Orders.

8. Report to General Purposes Committee

8.1 A report was prepared jointly by the Head of Legal Services and the Head of Corporate Procurement for the General Purposes Committee (GPC) which is responsible for recommending to full Council any proposed amendments to Contract Procedure Rules (Contract Standing Orders) which form part of the Council's Constitution.

8.2 The proposal in this report was to abolish the special procedure for tenders over £150,000 in value and to have a uniform process for all tenders similar to that already existing - but not involving the Legal Service.

8.3 It was to be made express in Contract Standing Orders that the tender opening officers were to come from a different team from that involved in commissioning the tenders. The selection, training and arrangements for due independence of the tender opening officers were to be approved by the Head of Corporate Procurement. He was in the process of completing a Training Manual for the use of these officers.

8.4 GPC considered these proposals at its meeting on 17 January 2005. Members agreed that the use of commercial lawyers was expensive for these tasks and agreed, in principle, that the work should not be undertaken by lawyers.

8.5 However, GPC Members expressed concern that in the proposals there would be insufficient safeguards for the independence of the tender opening officers. Members considered that they should come from a different Directorate from the tender commissioning team, not merely a different team within the same Directorate. Accordingly, the proposals were not approved for recommendation to full Council as they stood.

9. Proposals and Options

9.1 Officers from various Directorates have since met to discuss the practicality of complying with the views of the General Purposes Committee. A major problem is that moving all tender custody and opening from the commissioning Directorate to a different Directorate would entail significant extra expense, difficulty and delay as

compared to the present arrangements. This would not be helpful in the current financial climate where the Council is being required to find efficiency savings.

9.2 After careful appraisal of the possible administrative arrangements, a report was submitted to the Chief Executive's Management Board (CEMB) on 26 October. This set out 6 options and listed their perceived advantages and disadvantages. The options are now attached to this report as Appendix 2.

9.3 CEMB considered that Option 6 was to be preferred. This involves asking GPC to re-consider the view its Members took in January 2005 and to approve the original proposals but with additional safeguards to be provided by undertaking an Internal Audit Review and spot checks to provide assurance that the agreed procedures are being followed. These safeguards are further described in the Comments of the Head of Internal Audit and Risk Management at paragraph 13.3 below. The comments of the Head of Corporate Procurement are set out more fully than before.

9.4 Although GPC must make any formal recommendations to full Council for the amendment of Contract Standing Orders, the Procurement Committee has the primary responsibility for the application of Contract Standing Orders in practice. Any views expressed on this subject of Tender Opening by Procurement Committee Members would be an important factor for GPC Members to take into account.

10. Recommendations

10.1 That Members of the Procurement Committee agree to support the proposals to amend Contract Standing Orders on Tender Opening Procedures, as described in paragraphs 8.2 and 8.3 and set out in Appendix 1 to this report.

10.2 That Members of the Procurement Committee agree to recommend these proposals to the General Purposes Committee and full Council as amendments to the Council's Constitution.

11. Equalities Implications

11.1 There are no specific equalities implications.

12. Comments of the Head of Procurement

12.1 The changes proposed to Contract Standing Orders would make the Head of Procurement responsible for approving the suitability of tender opening officers including their seniority and training. This would involve setting up the arrangements to secure the separation of the tender opening officers from the tender commissioning team within the same Directorate.

12.2 Each Directorate would be asked to supply four officers who could be trained and called upon for tender opening duties. They would be drawn from several different teams. This would ensure that for any tendering exercise there would be at least two tender opening officers available from outside the tender commissioning team.

- 12.3 The officers selected would be of appropriate seniority and reliability for this routine but responsible task. They would be given training on the processes and standards to be applied. The officers to be selected have yet to be identified in all Directorates. Nonetheless, it is certain that the staff costs of undertaking tender opening in the commissioning Directorate would be considerably less than continuing to use lawyers
- 12.4 Ending the existing distinction between contract values estimated at more than £150,000 and those below that figure would help ensure consistency of process and standards across all the Council's Procurement activity.

13. Comments of the Head of Internal Audit and Risk Management

- 13.1 Internal Audit has considered the proposals contained in this report and also the concerns expressed by GPC Members last January about the possible risks of fraud and corruption if tender opening officers were drawn from the same Directorate as the tender commissioning team. The Internal Audit view is that any extra risk from the arrangements now proposed would be mitigated provided an appropriate framework is agreed and implemented effectively.
- 13.2 A framework must be agreed and put in place which defines the standard practices to be followed by all Directorates. This will ensure that appropriate controls, including the segregation of tender opening from commissioning, are in force and that there are audit trails which can be reviewed and monitored by service management and Internal Audit.
- 13.3 As an additional safeguard, Internal Audit can include a Review of the tender opening processes as part of the annual audit programme of work which would provide assurance that the risks are being managed effectively and that the controls in place are operating as intended. The Review would highlight any problems, areas of non-compliance or issues of control weaknesses. Spot checks by managers on compliance should be included in the agreed framework and made part of the routine checking process signed off by managers. This would demonstrate good risk management and improve controls.

14. Comments of the Director of Finance

- 14.1 The proposed amendments to tender opening procedures would result in more cost effective use of staff resources and should assist in achieving efficiency savings.

15. Comments of the Head of Legal Services

- 15.1 The proposed amendments to tender opening procedures would remove from commercial lawyers a routine administrative task that could be performed equally well by officers in other Service without any prejudice to the integrity of tendering procedures. It would enable the lawyers to focus on their proper roles i.e. giving legal advice to client Services and helping to improve Service delivery.
- 15.2 It would not be practicable or cost effective to employ extra administrative staff within the Legal Service just to carry out the tender custody and opening functions.

16. Use of Appendices / Tables / Photographs

- 16.1 Appendix 1 to this report sets out the amendments proposed to Contract Standing Orders at section 9 on the Receipt and Opening of Tenders.
- 16.2 Appendix 2 to this report sets out the options for tender opening procedures considered by the Chief Executive's Management Board on 26 October 2005.

APPENDIX 2

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

PART G.3 of the Constitution – CONTRACT PROCEDURE RULES (CONTRACT STANDING ORDERS) – this extract starts at page 9 of the version last updated in June 2005

9. RECEIPT AND OPENING OF TENDERS

9.01. Contractors must be informed that their tenders will only be considered if they are:

- a) sent in a plain envelope or parcel with a label on which is printed the word "Tender" followed by the subject of the contract; and
- b) contained in a sealed envelope or parcel which does not show the identity of the tenderer in any way; and
- c) delivered to the place and by the time stated in the tender invitation.

9.02. Tenders which do not meet the requirements of Contract Standing Order 9.01 may only be considered if the other tenders have not yet been opened and:

- a) failure to comply is the Council's fault; or
- b) a tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time.

9.03. Tenders must be kept safe until the time for their opening by an officer given this duty by the Director responsible for the tendering process.

- ~~a) Director for contracts with an estimated value of £150,000 (one hundred and fifty thousand) or less, and~~
- ~~b) Head of Legal Services for all other contracts.~~

Records of the time and date of receipt of all unopened tenders must be kept by that Officer.

9.04 Tenders for a particular contract must be opened at the same time in the presence of two officers who ~~have not been~~ are employed in teams not involved in the tendering process. ~~and who~~ These officers are responsible for properly recording ~~receipt~~ the price, duration of works and all other relevant details of each opened tender.

- 9.05 The Head of Procurement must approve the training and seniority of all officers employed to open tenders and also the arrangements in each Directorate for ensuring the independence of such officers from the teams involved in the tendering process.
- 9.06 Tenders may be received electronically with the prior approval of, and in accordance with, a procedure specified by the Head of Procurement.

OPTIONS FOR TENDER OPENING PROCEDURES CONSIDERED BY CHIEF EXECUTIVE'S MANAGEMENT BOARD ON 26 OCTOBER 2005

Option 1

Original Proposals but comply with the views of General Purposes Committee and have all tenders opened by a different Directorate from that commissioning the tender process

Advantages: (i) Saving on costs of using lawyers
(ii) Uniformity and perceived independence of process

Disadvantages: (i) Significant extra expense, difficulty and delay as compared to existing process because of the need to move tenders between Directorates
(ii) Problem of equalising burdens between Directorates i.e. some Directorates (notably Housing and the Children's Service) have more tenders to open than others

Option 2

Fresh Proposal to Centralise all tender opening away from all the Directorates that commission tendering

Details: (i) This would require the establishment of an "independent" officer team which would be difficult unless the task were outsourced away from all existing Council Directorates

Advantages: (i) Potential saving on staff costs, if outsourced
(ii) Uniformity and perceived independence of process, if outsourced

Disadvantages: (i) Hard to manage and assure quality control from a distance, if outsourced
(ii) Risks of additional delays, if outsourced

- (iii) If not outsourced, then a new “independent” team would be hard to accommodate within the Legal Service. The space requirement for extra staff and paper-work would be expensive and would add to existing acute pressures at Alexandra House or River Park House.

Option 3

Fresh Proposal to Outsource High Value (over £150,000) Tender Opening only

- Advantages:
- (i) Potential saving on staff costs
 - (ii) Perceived independence of outsourced part of tender process
- Disadvantages (i) and (ii)
- (i) Perpetuates a differential treatment of high and low value tenders that is not obviously logical
 - (ii) As for disadvantages (i) and (ii) under Option 2.

Option 4

Status Quo i.e. Legal Service Continues to Open High Value (over £150,000) Tenders

- Advantages (i)
- (i) No change to existing practice
- Disadvantages (i) and (ii)
- (i) Perpetuates a differential treatment of high and low value tenders that is not obviously logical
 - (ii) Continues the expensive use of commercial lawyers. There is no spare capacity and little scope for using existing administrative/clerical staff for these tasks.

Option 5

Status Quo but Increase Limit for High Value Tenders to be Opened by Legal Services from £150,000 to £500,000

- Advantages (i)
- (i) Limited change to existing practices

(ii) Some savings in staff costs

Disadvantages 4 As for disadvantages (i) and (ii) under Option

Option 6

Original Proposals but Persuade General Purposes Committee that their Concerns about Independence can be met

Advantages (i) Saving on costs of using lawyers
(ii) Uniformity of process

Disadvantages (i) Requires further meetings in the short term.

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APPENDIX 4

1. TENDER RECEIPT AND OPENING PROCEDURE DRAFT

- 1.1 The Director must designate a Contract Officer who will be responsible for keeping tenders safe (usually the business unit lead contract officer). The Director must also select two Tender Opening Officers from the Authorised Officer list to conduct the tender opening exercise.
- 1.2 All tenders should be kept in the same place, in a suitable lockable cupboard or drawer. The Contract Officer must obtain the approval of the Director as to the place where the tenders are to be kept.
- 1.3 Officers considering electronic tendering must seek prior advice and approval from the Head of Procurement.
- 1.4 Contractors must be informed that their tenders will only be considered if they are:
 - (a) sent in a plain envelope or parcel with a label on which is printed the word 'Tender' followed by the subject of the contract; and
 - (b) contained in a sealed envelope or parcel which does not show the identity of the tenderer in any way; and
 - (c) delivered to the place and by the time stated in the tender invitation.
- 1.5 The invitation to tender that you include in your tender documentation must contain a statement as to these requirements in the above format.
- 1.6 You must clearly state in the invitation to tender the details of the place and time at which tenders are to be received.
- 1.7 When compiling the tender pack, you must include a green sticker with the correct delivery address and the words TENDER DOCUMENTS DO NOT OPEN.
- 1.8 The address should be:
 - The Director of [appropriate service], at the physical and postal address of the person who has been allocated the duty of keeping the tenders safe until opening.
- 1.9 Tenders which do not meet the above requirements (*please refer to section 1.4*) may only be considered if the other tenders have not yet been opened and:
 - (a) Failure to comply is the Council's fault; or

- (b) A tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time.

- 1.10 If the other tenders have already been opened, then a tender which does not comply with the requirements is invalid (*please refer to section 1.4*).
- 1.11 If other tenders have not been opened, then a tender which does not comply with the requirements (*please refer to section 1.4*) may be opened and considered if:
- failure to comply is the Council's fault e.g. the wording in the invitation to tender was unclear as to the time or place for submission; or
 - it was late but would have been expected to arrive on time e.g. it was sent by first class post but took 3 days to arrive.
- 1.12 Where you are in any doubt as to what to do with a late tender you should contact the Corporate Procurement Unit for advice.

2. Contract Officer – Responsibilities (the person managing the procurement process)

- 2.1 The person nominated to receive the tenders should not be an Opening Officer.
- 2.2 It is the responsibility of the Contract Officer to arrange a date / time / venue for the opening of tenders.
- 2.3 The Contract Officer **must** ensure that any post room or reception area at which tender documents are likely to be received knows:
- not to open the envelopes, and
 - to call the Contract Officer to advise of receipt as soon as the envelope is received.
- 2.4 There is a standard Tender Return Form within the procurement code of practice which the Contract Officer completes (*please refer to the procurement manual on Harinet, to access template click on link below: http://harinet.haringey.gov.uk/appendix_b_procurement_code_of_practice_final.pdf*). The Contract Officer should include details of the project and list the names of the Tender Opening Officers. The Contract Officer must also complete on the form, the date and time the tenders are due for return as well as the estimated value of the project (*please refer to Ref. 1*).

- 2.5 As tenders are received at the appointed place, the Contract Officer must record (either by ink stamp or handwritten) the date and time of receipt and initial this on the green sticker on the original envelope. A tender receipt is issued to the tenderer/courier delivering the tender. All tender envelopes must remain sealed and securely stored pending the formal opening exercise.
- 2.6 At the appointed time and venue, the Contract Officer will make available all tender envelopes that have been received (before or after the deadline) and any that may have been received damaged. The Contract Officer must also make available the completed Tender Return Form for the Tender Opening Officers to complete.
- 2.7 The Contract Officer must leave the room or immediate vicinity during the opening exercise.
- 2.8 Once all tenders have been opened, duly recorded by the Tender Opening Officers and the exercise completed, the Contract Officer will take back all the tender documentation for safe keeping or for returning to bidders with a covering letter explaining in those cases where tenders were invalid or non accepted.

3. Tender Opening Officer – Responsibilities

- 3.1 The Tender Opening Officers must attend at the appointed date/time/venue for the tender opening exercise.
- 3.2 The Tender Opening Officers must jointly conduct the recording exercise; no other person(s) should be in the room or close vicinity.
- 3.3 One tender opening record should be completed fully and signed by BOTH Tender Opening Officers for each contract to be let (*please refer to Ref. 2*).
- 3.4 When the tenders are ready to be opened, one of the Tender Opening Officers completes the Tender Opening Record (*please refer to Ref. 2*) and the second Tender Opening Officer stamps the tender documents.
- 3.5 The second Tender Opening Officer stamping the documents reads out the price quoted on the form of tender and the other Officer writes this information on the Tender Opening Record.
- 3.6 The Tender Opening Officer filling in the Tender Opening Record must complete details of the price and, if required by the commissioning department, confirmation that bills of quantities and method statement has been received.
- 3.7 The Tender Opening Officer stamping the documents must stamp the signature page of the form of tender and the summary page of any

bills. Both Tender Opening Officers must sign the form of tender and the summary page of any bills. Any duplicate documents should be stamped in the same way.

- 3.8 There is a separate section on the Tender Opening Record to record tenders received after the deadline (*please refer to Ref. 3*). The form of tender and (if applicable) the stamped summary page of the bills should then be signed, witnessed and dated by both officers.
- 3.9 When all the tenders for a project have been opened and details recorded, both officers must complete the declaration and sign the completed form.
- 3.10 A copy of the completed form must be handed to the Contract Officer responsible for the contract, together with the tender documents. The original form must be kept in the commissioning departments contract register.
- 3.11 The commissioning department must ensure all forms are stored for audit purposes.
- 3.12 The information supplied by bidders is commercially confidential and no details (NOT EVEN THE NAMES OF BIDDERS) must be communicated to any party outside the Contracts Team.
- 3.13 Managers must ensure spot checks are carried out that can be audited.

Tender Return Form

Ref. 1

Name of Contract: _____

Contract Reg. No: _____

Contract Officer: _____

Tender Opening Officers: _____

Business Unit: _____ Location: _____

Estimated Total Value: _____ Period: _____ Years

Deadline for receipt of tenders: Date: ____/____/____ Time: _____

Opening /Date: ____/____/____ Time Opened: _____

Venue for opening: _____

No: of tenders received before the deadline: _____

No: of tenders received after the deadline: _____

(The above detail is completed by the Contracts Officer)

Tender Opening Record

Ref. 2

(The following information is recorded by the Tender Opening Officer)

- a) List the bidders name and address of **VALID** tenders

Name and Address	Date Received	Time Received	Bid Price	Any Qualifications

Ref. 3

c) List of bidders name and address of tenders received AFTER the deadline and are **NOT ACCEPTED.**

Name and Address	Date Received	Time Received

Declaration by Tender Opening Officers

- We are not involved in the Contract Letting process of this particular contract, other than opening and recording of tender details.

Any subsequent interests are recorded below: as a consequence of opening the Tenders.

Name: _____ Declared Interest: _____ _____ _____

- We are aware that a breach of this procedure will be regarded as a serious dereliction of duty and could result in disciplinary action and possible dismissal.

NAME: (Print) _____ NAME: (Print) _____
 SIGNATURE: _____ SIGNATURE: _____
 DATE: _____ DATE: _____

Opened tender passed to: _____ Date/Time: _____

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General Purposes Committee On 2 March 2006

Report title: A Review of Trade Union Time-Off and Facilities Arrangements

Report of: Assistant Chief Executive, Organisational Development

1. Purpose

This paper seeks to establish terms of reference for a review of trade union time off arrangements, facilities arrangements and consultation framework.

2. Recommendations

2.1 That Members approve the terms of reference for reviewing trade union time off outlined in paragraph 7.2

2.2 That Members agree to receive recommended changes to the trade union time off provision to the Committee in June 2006.

Report authorised by: **Chief Executive**

Contact officer: Stuart Young, Head of Personnel

Telephone: 020 8489 3174

3. Policy summary

Current time off provision is calculated using a formula of one full time block release for every 1000 members plus three hours a week shop stewards allowance for every 50 members. Allowances can be consolidated to increase the block release. The formula has not been updated or reapplied for some years.

4. Access to information:

Local Government (Access to Information) Act 1985.

No documents that require to be listed were used in the preparation of this report.

5. Introduction

This report proposes terms of reference for a review the current trade union time off arrangements and seeks comment on the trade union facilities and way in which we engage and consult with staff.

6. Background

- 6.1 Part of our HR Strategy recognises the need to have effective engagement and consultation with staff on matters that affect them.
- 6.2 Whilst there are formal systems of communication in place with trade unions, e.g. directorate consultative committees, it must be acknowledged that the unions represent approx. 53% of the workforce.
- 6.3 We are reviewing the current consultation machinery to ensure an effective dialogue with the staff. The review of trade union time off is linked to this.
- 6.4 The Council's arrangements for time-off for trade union activities were agreed at the Personnel Sub-Committee on 27th January 1992. The agreement provides a formula for the calculation of full time and steward release as follows.
- One full time official release for every 1000 members.
 - Three hours a week shop stewards allowance for every 50 members – can be consolidated to increase the block release.
- 6.5 This report does not address time-off for teaching unions. That will be subject to further review.

7. Proposals for Review

7.1 Time Off for Trade Union duties

- 7.1.1 In accordance with the Council time off arrangements trade unions are granted the following levels of time off at present.

Union	Membership numbers using check off figures	Branch Officers	Amount of additional TU time off based on 3 hrs per week per 50 members
UNISON	3394	4 FTE	5.5 Full time equivalent
GMB	349	1 FTE	
TGWU	85	1 FTE	
Craft unions	160	1 FTE	

- 7.1.2 In addition to the above up to 4 days per week time off is granted to the Employee Side Secretary, who is a UNISON member and also represents UNISON members.
- 7.1.3 Benchmarking with other London boroughs highlights that Haringey is more generous in giving trade union time off than most other London boroughs. We are 2nd in the league table of London boroughs in terms of number of union members per seconded trade union official. See table attached at Appendix A. However, it should also be noted that in terms of union membership compared to the numbers of staff we are also one of the highest ranked boroughs at No. 7 in the list.
- 7.1.4 We are particularly generous in giving time off to UNISON. At present we allow time off for 9.5 full time equivalent officials for UNISON. This is generous compared to other London boroughs who tend to grant on average time off for 3 full time equivalent officials for UNISON. Appendix B shows how the council ranks compared to other boroughs. Haringey is ranked 2nd in terms of UNISON membership density and the council is ranked 4th in terms of UNISON members per FTE officials.
- 7.1.5 Most of the UNISON time off derives from the consolidated shop steward calculation contained in the current agreement. This provides that we allow 3 hours per week per steward per 50 members for general trade union work. This does not include time off to represent people in cases or in consultation/negotiation meetings with management, which is granted in addition to the 3 hours per week. The shop steward allowance can be consolidated to increase block release in stewards time off and this is what UNISON have done to claim time off for an additional 5.5 full time equivalent officials.

7.2 Terms of Reference for Review

- 7.2.1 It is proposed that the Head of Personnel enter into discussions with the Employee Side Secretary of the Joint Consultative Committee and representatives of Unison, GMB, and TGWU with a view to reducing the current time off provision. It is proposed that this discussion follow the terms of reference below.
- i. To analyse current application of the trade union time off formula in Haringey Council.
 - ii. To benchmark the provision in other London boroughs
 - iii. To review the use of the current formula for trade union time off with a view to placing the Council close to the median of provision compared with other London boroughs.
 - iv. To actively consult the respective unions with a view to reaching agreement on the proposed changes
 - v. To limit consultation to a period of three months or until the meeting of General purposes in June 2006.
 - vi. To report back to General Purposes Committee in June 2006 with the recommendations from the review, ideally agreed with the union stakeholders, but not dependent upon such agreement.

- vii. To identify implementation arrangements for any changes arising from the review also to be recommended at the General purposes Committee in June 2006.
- viii. To discuss the implications of paragraph 7.2 below about staff communication with the unions.

7.3 Communication and Consultation arrangements

- 7.3.1 At present the Trade Unions have two distinct functions; they act as advocates representing individual members, and they act together to deal with “collective” matters such as a reorganisation, terms and conditions, etc.
- 7.3.2 There are arrangements in place at Directorate and Corporate level for officers to meet with trade union officials to discuss matters affecting staff within directorates or across the council.
- 7.3.3 Members on behalf of the Council meet formally with the Employee Side (trade unions acting on behalf of the whole workforce) at the Haringey Council and Employee Joint Consultative Committee
- 7.3.4 These arrangements satisfy the Council’s obligations with regard to the legislative requirements contained in the Information and Consultation Regulations 2004.
- 7.3.5 Within the Council structure the responsibility for determining the terms and conditions of staff and the conduct of IR lies with General Purposes Committee including Health & Safety, Pensions, appointing senior officers (Deputy Chief Officers and above). Any functions that do not reside under General Purposes Committee fall under the relevant portfolio functions of the appropriate Executive Member – e.g. OD and Performance, which covers, improvement and performance, organisational development and learning.
- 7.3.6 In more general terms managers will consult directly with them individually, or with trade union representatives, or with groups of staff through correspondence, notices or meetings.
- 7.3.7 However, we want to develop a wider base of consultation than the current arrangements and therefore we will seek to engage a wider audience where practicable through development of more inclusive channels of communication. For example, through greater utilisation of team brief and the Harinet intranet website.

7.4 Trade union facilities

- 7.4.1 Trade union accommodation was until very recently based at 48 Grand Parade. It is in need of general improvement. Occupants complain of poor telephone connection, internal repair needs, ant infestation, and carbon monoxide poisoning. The lease on the accommodation was due for renewal in 2004.

- 7.4.2 As part of the Accommodation strategy Unison have been moved to 14a Willoughby Road. The remaining unions will be located in 38 Station Road. These buildings are much better in comparison with the unions previous accommodation. The trade unions are generally happy with their new accommodation.
- 7.4.3 The Council recognises that it is beneficial to provide the unions with reasonable facilities to further good industrial relations. It therefore proposes to provide appropriate accommodation to allow trade union business to be conducted and permit access to Harinet, but not the email facility of the council.
- 7.4.4 It will be the responsibility of the unions to provide their own information and communications technology. Representations for support and advice may be granted to the smaller unions, at the discretion of the Head of Personnel.

8. Legal Implications

The Head of Legal Services has been consulted on the content of this report and makes the comments set out below.

Sections 168 and 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 provide that union officials have the statutory right to reasonable paid time off to carry out union duties and to undertake training. The union duties to which this right applies are set out in the 1992 Act and include a range of collective bargaining and representation matters for which the union is recognised and the receipt of information and consultation concerning TUPE and redundancy matters. The determination of what constitutes reasonable time by a local government employer should take into account the need for the authority to carry out its functions and its fiduciary responsibility in relation to its council tax payers as well as the requirements for the union duties to be undertaken.

From March 2005 employees undertaking the roles of either negotiating representatives or information and consultation representatives, within the meaning of the Information and Consultation of Employees Regulations 2004, will be entitled to reasonable time off during working hours to perform their functions. The scope of the regulations encompasses the whole of the Council's workforce.

Section 179(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 provides that a collective agreement shall be conclusively presumed not to have been intended to be a legally enforceable contract unless the agreement is in writing and contains a provision that states that the parties intend that it shall be a legally enforceable contract. A collective agreement concerning the facilities for trade union officials comes within this statutory presumption. Thus the previous arrangements arrived at in 1992 will not constitute a legally enforceable contract unless they meet the requirements of Section 179(1) of the 1992 Act.

9. Financial Implications

To be reported to General Purposes Committee in June 2006 based upon the recommendations of the trade union time off review.

10. Equality Implications

The recommendations are compliant with the Council's equal opportunities policies.

ALG – Trade union time-off survey of London Boroughs 2005

Table 1 - Rank of union members compared to employee numbers using adjusted union membership figures. Table 2 - Rank of union members per FTE trade union official.

Table 1

<i>Rank</i>	<i>Borough</i>	<i>Total staff</i>	<i>Total TU Mbrs</i>	<i>Union Ratio</i>
1	Tower Hamlets	8334	6244	75%
2	Greenwich	9726	5741	59%
3	Hammersmith & Fulham	4422	2604	59%
4	Merton	2726	1566	57%
5	Barking & Dagenham	6119	3359	55%
6	Camden	6661	3651	55%
7	Haringey	7565	3988	53%
8	Waltham Forest	4500	2345	52%
9	Lewisham	6525	3395	52%
10	Westminster	4,000	2061	52%
11	Hillingdon	3388	1708	50%
12	Croydon	7516	3706	49%
13	Hackney	3713	1825	49%
14	Newham	9007	4341	48%
15	Lambeth	4883	2331	48%
16	Southwark	5200	2399	46%
17	Islington	2891	1267	44%
18	Barnet	6563	2826	43%
19	Ealing	6200	2646	43%
20	Sutton	3500	1485	42%
21	Redbridge	4500	1897	42%
22	Havering	6214	2452	39%
23	Harrow	4626	1778	38%
24	Wandsworth	5672	1957	35%
25	Brent	5744	1872	33%
26	Enfield	10487	3396	32%
27	Hounslow	5584	1779	32%
28	Bexley	6068	1726	28%
29	Kensington & Chelsea	3712	1015	27%
30	Richmond	3470	817	24%
31	Bromley	3827	825	22%
32	Kingston upon Thames	4133	783	19%

Table 2

<i>Rank</i>	<i>Borough</i>	<i>Total TU FTE</i>	<i>Total TU Mbrs</i>	<i>Union Mbrs per FTE official</i>
1	Hammersmith & Fulham	12.7	2604	205
2	Kensington & Chelsea	3.2	1015	317
3	Haringey	12.5	3988	319
4	Lambeth	7.2	2331	324
5	Islington	3.7	1267	342
6	Harrow	5.0	1778	356
7	Croydon	9.0	3706	412
8	Southwark	5.6	2399	428
9	Waltham Forest	5.0	2345	469
10	Camden	7.5	3651	487
11	Brent	3.7	1872	506
12	Newham	8.5	4341	511
13	Barking & Dagenham	6.5	3359	517
14	Greenwich	10.4	5741	552
15	Barnet	5.1	2826	554
16	Hackney	3.0	1825	608
17	Hillingdon	2.5	1708	683
18	Lewisham	4.8	3395	707
19	Sutton	2.0	1485	743
20	Ealing	3.5	2646	756
21	Kingston upon Thames	1.0	783	783
22	Merton	2.0	1566	783
23	Wandsworth	2.2	1957	890
24	Tower Hamlets	6.4	6244	976
25	Westminster	1.8	2061	1145
26	Bexley	1.3	1726	1328
27	Enfield	2.1	3396	1617
28	Bromley	0.5	825	1650
29	Havering	0.8	2452	3065
30	Richmond	1.5	817	n/a
31	Hounslow	1.0	1779	n/a
32	Redbridge	no info	1897	n/a

ALG – Trade union time-off survey of London Boroughs 2005

Table 1 - Rank of UNISON members compared to employee numbers using adjusted union membership figures. Table 2 - Rank of UNISON members per FTE trade union official.

Table 1

Rnk	Borough	Total staff	UNISON Mbrs	UNISON Ratio
1	Tower Hamlets	8334	3770	45%
2	Haringey	7565	3394	45%
3	Camden	6661	2863	43%
4	Waltham Forest	4500	1810	40%
5	Hillingdon	3388	1331	39%
6	Westminster	4,000	1561	39%
7	Sutton	3500	1347	38%
8	Southwark	5200	1937	37%
9	Harrow	4626	1714	37%
10	Lewisham	6525	2355	36%
11	Hackney	3713	1316	35%
12	Hammersmith & Fulham	4422	1565	35%
13	Islington	2891	947	33%
14	Merton	2726	892	33%
15	Lambeth	4883	1556	32%
16	Havering	6214	1942	31%
17	Croydon	7516	2183	29%
18	Ealing	6200	1794	29%
19	Newham	9007	2585	29%
20	Hounslow	5584	1497	27%
21	Greenwich	9726	2530	26%
22	Redbridge	4500	1141	25%
23	Wandsworth	5672	1430	25%
24	Barnet	6563	1623	25%
25	Brent	5744	1203	21%
26	Enfield	10487	2140	20%
27	Bromley	3827	761	20%
28	Kensington & Chelsea	3712	685	18%
29	Richmond	3470	631	18%
30	Bexley	6068	927	15%
31	Kingston upon Thames	4133	624	15%
32	Barking & Dagenham	6119	666	11%

Table 2

Rk	Borough	Unis on FTE	Unison mbrs	Unison Mbrs per FTE official
1	Hammersmith & Fulham	8.2	1565	191
2	Lambeth	5.2	1556	299
3	Croydon	7.0	2183	312
4	Harrow	5.0	1714	343
5	Haringey	9.5	3394	357
6	Islington	2.5	947	379
7	Kensington & Chelsea	1.6	685	428
8	Camden	6.4	2863	447
9	Brent	2.5	1203	481
10	Southwark	3.8	1937	510
11	Barnet	3.1	1623	524
12	Greenwich	4.4	2530	575
13	Waltham Forest	3.0	1810	603
14	Kingston upon Thames	1.0	624	624
15	Barking & Dagenham	1.0	666	666
16	Bexley	1.3	927	713
17	Lewisham	3.3	2355	714
18	Hillingdon	1.8	1331	739
19	Merton	1.0	892	892
20	Ealing	2.0	1794	897
21	Tower Hamlets	3.0	3770	1257
22	Newham	2.0	2585	1293
23	Westminster	1.2	1561	1301
24	Hackney	1.0	1316	1316
25	Sutton	1.0	1347	1347
26	Bromley	0.5	761	1522
27	Enfield	1.4	2140	1529
28	Wandsworth	0.7	1430	2043
29	Havering	0.5	1942	3884
30	Richmond	0.0	631	n/a
31	Hounslow	0.0	1497	n/a
32	Redbridge	no info	1141	n/a

General Purposes committee On 2 March 2006

Report title: Preparing for Age Discrimination Legislation

Report of Head of Personnel

1. Purpose

To outline potential affects on council policy as a result of new Age Legislation due to commence 1 October 2006 and propose adoption of notice arrangements and appeal arrangements for Age 65 employees.

2. Recommendations

- a. Note potential affects on council policy of new Age legislation.
- b. Agree process for notifying Age 65 employees and providing appeal arrangements from 1 April 2006. (see section 4.1 for details)

Report authorised by:

Contact officer: **Stuart Young, Head of Personnel**
Telephone: **3174**

3. Access to information:

Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report.

4. Background

Age discrimination legislation is due to come into effect from 1 October 2006.

The main proposals contained in the legislation are:

- to set a national default retirement age of 65
- an employer must give at least six months' notice to an employee before their intended age retirement date and inform the employee of their right to appeal against that retirement
- pension schemes in most respects will be exempt from the legislation.
- no upper age limit for unfair dismissal (but a dismissal on grounds of retirement will still be fair if it is at or after 65 years and in accordance with the new procedural requirements for planned retirement)
- no direct age criteria will apply to redundancy rights
- to permit as far as possible the use of a length of service criterion in pay and non pay benefits

5. Implications for Council policy

The council ruled out discrimination in terms of age within its equalities policy many years ago, and our recruitment and training policies are already compliant with the age regulations. So we are well placed to deal with the new legislation.

However, we will need to review the processes for retiring people and we will need to look at service related benefits, such as long service awards and annual leave. We also need to ensure there is no age criterion in our pay and benefits.

5.1 Retirement processes

The legislation says that employers need to notify employees of their age retirement date (council policy is 65 years of age) at least six months in advance. At the same time we also need to inform the employee of their right to request to work longer.

If the employee makes a request to work longer the manager has a duty to consider it, at the latest six weeks before the retirement date.

Management will have to hold a meeting with the employee to discuss the request and then inform the employee of the decision within two weeks. The employment will continue until this is done, even if it is after the intended retirement date.

The employee has a right of appeal against the employer's decision within two weeks of receiving it. If the employee does appeal, the appeal meeting can be held after the retirement has taken effect.

It is proposed to adopt the above process with effect from 1 April 2006. This is so that we can properly notify and consider those employees whose age retirement date are 1 October or later.

It is further proposed to add into the process that the employee must provide reasons and benefits for themselves and the organisation of wanting to work longer. This will help management consider the merits of the case and it will assist the employee if management refuse the request because reasons why the case is not approved will need to be given.

The managers decision will need to be copied to the Head of Personnel for monitoring purposes.

If the employee appeals this will be considered by the Head or Deputy Head of Personnel in liaison with the employees Assistant Director/ Director.

If an extension is granted this should be for a fixed period of at least six months. It is important that a new planned retirement date is set to comply with the legislation and allow for a fair dismissal at the later date.

If a new retirement date is set we have to give the employee the same notification and duty to consider working longer rights as outlined above. Therefore a minimum six month fixed term extension is necessary for practical reasons.

5.2 Service related benefits

In many cases employers require a certain length of service before a benefit is given or increased, for example sick pay entitlement increases as an employee gets more service. This will often amount to indirect age discrimination because some age groups are more likely to have completed the required length of service than others.

Following consultation with employers the government recognise that such benefits are desirable and therefore the Age regulations will contain two specific exemptions for length of service benefits.

- Any length of service requirement of five years or less will be exempt.
- Any length of service requirement that mirrors a similar requirement in a statutory benefit will also be exempt.

It will be possible to justify length of service requirements longer than this but the onus is on the employer to justify this. The test for this justification is

- Awarding or increasing a benefit an employee to reflect higher level experience, or reward loyalty, or increase/ maintain motivation.
- There is a business benefit resulting from the award as outlined above.

- The criterion is applied similarly to other employees in similar situations.

Most of the councils benefits fall within the five year exemption rule e.g. sick pay entitlement or maternity pay qualification.

However the Council's Annual Leave provisions give additional leave after 10 years local government service and the Long Service Award is given to staff with 25 years local government service.

Both these provisions should be revised to ensure they comply with the Age regulations. This will require negotiation with the trade unions.

Incremental pay progression also requires review as it is currently based solely on length of service for staff (chief officers, senior managers and former manual workers excluded).

Since the council is considering elements of the pay and benefits package under the Equal Pay and Conditions review (this also covers Single Status issues for former manual and officer staff) it is proposed to include any proposed revisions with these negotiations.

6. Staff seminar

We will be running lunchtime seminars for staff during February on 1st and 21st to outline how the Age legislation may affect them. A speaker from the Employers Forum on Age will be attending.

7. Legal Services Comments

The final version of the Employment Equality (Age) Regulations 2006 has not yet been published. The comments on this report are therefore made in the light of the content of the draft regulations published last year. The final draft of the regulations is expected in April 2006 and the Council's policies and procedures will need to be assessed in relation to any substantial changes in the legislation.

Much of the overall effect of the draft legislation is set out in the report and requires no further legal comment. However, there are two aspects of the legislation which should be borne in mind when the Council is reviewing its arrangements: -

- The draft Regulations do not set out any statutory criteria for an employer's consideration of an employee's request to work beyond retirement age. The provisions in the legislation are purely procedural. In the circumstances it is open to an employer to determine its own criteria for the application of the procedure, provided that the criteria chosen are fair, objective and non-discriminatory. The proposal that any employee requesting that they work beyond retirement age should set out

a business case for the request is a reasonable criterion for the Authority to adopt, provided that it retains its discretion to consider any case on its own merits.

- Age related service benefits are subject to the two specific exemptions referred to in the report. In addition it should be noted that the legislation does provide for an employer being able to justify direct discrimination on the grounds of age in relation to any particular action or provision if that employer can show that it meets a legitimate business aim and the means chosen to achieve that aim is proportionate.

8. Financial Implications

The rise in life expectancy is one of a number of significant factors affecting the cost of pension liabilities. Encouraging staff to delay retirement beyond age 65 reduces the long term pension liability which in turn impacts on employer contribution rates.

9. Equalities implications

This is a key piece of discrimination legislation and many of the councils policies already comply with proposed the proposed Age regulations and work is well under way to address any shortfalls.

Personnel are working closely with Equalities team and OD & Learning colleagues to ensure that the council fully complies with the proposed legislation.

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Agenda Item

General Purposes Committee on 2 March 2006

Report title: **Review of Car allowances criteria and Car Park allocation arrangements**

Report of: **Head of Personnel**

1. Purpose: To review criteria for allocating car allowances and council allocated car parking spaces.

2. Recommendations

- 2.1 Approve new criteria for determining when posts attract car allowances as outlined in appendix A.
- 2.2 Agree that existing staff with a car allowance will retain this entitlement for as long as their current job remains the same or until the individual leaves the post.
- 2.3 Agree to cease the arrangement whereby staff can consolidate mileage payments after six months of claims with effect from 1 April 2006.
- 2.4 Approve new criteria for determining the allocation of car parking spaces within the borough.
- 2.5 Agree that those existing staff with car park spaces who do not satisfy car park allocation criteria 1 – 4 be given 6 months notice from 1 July 2006 of their car park arrangement ending.

Report authorised by:

Contact officer: **Stuart Young, Head of Personnel**
Telephone: **3174**

3. Access to information:

Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report.

4 Background

- 4.1 The Council has supported the development of a staff travel plan since 1997 in support of the council's green travel plan. The plan seeks to
- encourage cycling – by giving an annual allowance of a maximum of £250 for cyclists using cycles in the course of work, and providing cycle parking/ storage at the main Council offices.
 - encourage the use of public transport
 - reduce car use – through establishment of a car sharing scheme, and reviewing the need for posts to have car allowances.
 - change travel habits – through a system of allocating car parking spaces within Council car parks to priority staff and introducing a parking charge for the remaining spaces
- 4.2 Implementation of the council's green travel plan is an ongoing work programme. Whilst many of the above initiatives have been implemented a review of car allowances and car parking arrangements is overdue, which is the purpose of this report. However, it is important to note that future green travel arrangements will include consideration of pool car arrangements with vehicles using alternative fuel sources to petrol, and a taxi cab policy to encourage employees to share cabs when visiting other sites. These initiatives will be worked on by the Head of Personnel and Director of Environment.
- 4.3 In terms of car allowance criteria these were last reviewed on 8 July 1993 by Human Resources Committee.
- 4.4 In addition to the initiatives outlined within the Staff Travel plan the council's accommodation strategy outlines that car parking for staff within the Wood Green campus area will be at a premium very soon. Once the Civic Centre car park is lost (likely during 2007) there will be 100 less car park spaces and insufficient space for office staff with existing car parking spaces in the Wood Green Campus area.
- 4.5 Additional car parking within Bury Road car park and Clarendon Rd./ Western Rd. has been acquired but without a review of the current car parking arrangements and the criteria by which staff get a car parking space there will be problems in accommodating new staff moving into the Wood Green campus area.
- 4.6 Car parking charges are apportioned on a standard rate regardless of which car park is utilised and charged back to services according to the number of staff they have with a car park space.

5 Issues

- 5.1 Clearly staff car parking is a potentially emotive issue since many staff have enjoyed use of a car parking space for a number of years and proposals to change arrangements many have staff retention

implications. Therefore any criteria for reviewing car parking spaces will need to take into account transitional arrangements for existing staff as well as new staff coming into the area.

- 5.2 There are approx. 850 staff in with an Essential Car user allowance and the average payment is £830 (see attached appendix C for details). Many of these staff have been granted an essential car user allowance in lieu of a recruitment and retention payment and have been in receipt of an allowance for years. This has to be recognised and acknowledged. It would have a negative impact on the morale and possible retention of staff to cease these allowances and therefore any proposal to review the status of car user allowances needs to take account of this.

6 Proposals

- 6.1 Car allowance criteria – see table in appendix A with current criteria and proposed.
- 6.2 It is proposed that existing staff with a car allowance will retain this entitlement for as long as their current job remains the same or until the individual leaves the post. However, an offer of purchase of a London Transport Travel Card for zones 2 to 4 at an Annual cost of £736 (2006 rates) could be made as an alternative to the car allowance. If this option is taken up there would be a net saving per person of approx. £100.
- 6.3 Under the existing criteria it is possible to consolidate mileage payments into a regular monthly amount following six months of claims. This is potentially open to abuse and provides no benefit to the council in terms of administration processing. Therefore it is proposed to delete this option in the new criteria. For those staff currently in receipt of a consolidated mileage payment their arrangement will cease with effect from 1 April 2006 and they will have to submit monthly mileage claims in the normal way.
- 6.4 Car parking space allocation criteria – see table in appendix B for proposed criteria.
- 6.5 It is recommended that transitional arrangements be implemented to allow for period of adjustment for staff who currently enjoy a parking space and might lose it under the new car parking allocation criteria.
- 6.6 It is recommended that a review of existing car parking allocations be completed by the end of June 2006 by Head of Personnel and Head of Facilities Management to determine whether those staff that currently have a parking space would retain it under the new criteria.
- 6.7 It is proposed that those existing staff with car park spaces who do not satisfy car park allocation criteria 1 – 4 be given 6 months notice of their car park arrangement ending. This notice period may be extended to up

to 12 months by the Director in agreement with the Head of Personnel and Head of Facilities Management.

7. Legal comments

- 7.1 The allocation of car parking spaces to employees is a matter concerning the operation of a discretionary policy on the part of the Council as an employer. In considering the criteria for allocation an employer should take into account its duty to consider reasonable adjustments to working arrangements which detrimentally affect any employee with a disability as defined by the Disability Discrimination Act 1995.
- 7.2 The receipt of a car allowance by an employee constitutes a term of that employee's contract of employment and therefore can only be subject to variation by lawful means such as through agreement to that variation. The agreement of a new contract of employment when an employee changes their job within the Council is also capable of varying the entitlement to a car allowance. Thus the proposal to allow employees to retain their current entitlement on a personal basis until they leave the Council's employment or change their jobs would allow for lawful variation of their contracts of employment.

8. Financial implications

- 8.1 The proposed new car allowance criteria will reduce the number of staff that qualify for payment of essential and casual user allowances. However proposed protection arrangements will mean it will take a number of years (approximately 8 years given turnover rates) for those staff currently receiving essential user payments to leave.
- 8.2 The new criteria are more stringent and it is estimated that of the current 850 staff in receipt of an essential user allowance only approx 120 will qualify. This means there could be potential savings of £600k per annum in the future (following protection arrangements) on the essential lump sum payments.
- 8.3 There are no payroll admin implications by ceasing the arrangement for consolidated mileage allowances because under SAP these consolidated amounts have to be entered each month as a adjustment in any event.

9. Equal opportunities implications

- 9.1 Equalities issues for staff with disabilities have been taken account of within the criteria for allocating car park spaces to staff.

Appendix A

Car Allowances

Ordinary font – existing criteria retained

Italics – deleted criteria

Bold font – new criteria

Current – since 1993	Proposed
<p>Essential Car Users</p> <ol style="list-style-type: none"> 1. Employee cannot physically carry out the duties of the job without a car. 2. Nationally agreed allowances paid up to maximum engine size level of 1000 – 1199cc 3. <i>After six months claims, the mileage may be consolidated.</i> 4. <i>Where bulky equipment needs to be regularly transported by the employee and other transport is not available the Director may approve a higher rate of allowance than 1000 – 1199cc.</i> 	<p>Essential Car Users</p> <ol style="list-style-type: none"> 1. Employee cannot physically carry out the duties of the job without a car. AND 2. Minimum of 2000 miles anticipated travel per annum (approx 50 miles per week) OR in excess of 10 visits per week by car to locations away from normal places of work. <p>Nationally agreed allowances paid at maximum level of 1000 – 1199cc</p> <p>These criteria to be applied to new staff only. Existing staff will retain their allowances until such time as their current job ceases or they leave their job OR as an alternative they take up the offer of a Travel Card for zone 2-4. However, arrangements for consolidated mileage payments will cease immediately and those staff will have to resume making monthly mileage claims.</p>
<p>Casual Car Users</p> <ol style="list-style-type: none"> 1. <i>Employees whose duties are such that it is desirable for them to have a car available for their duties.</i> 2. Nationally agreed allowances paid up to maximum engine size level of 1000 – 1199cc. 3. <i>After six months claims, the mileage may be consolidated.</i> 4. Director will review casual car user allowance allocation annually. 	<p>Casual Car Users</p> <ol style="list-style-type: none"> 1. Employee cannot physically carry out the duties of the job without a car. AND 2. Anticipated travel per annum is less than 2000 miles per annum (approx 50 miles per week) OR less than excess of 10 visits per week by car to locations away from normal places of work. <p>Nationally agreed allowances paid up to maximum engine size level of 1000 – 1199cc.</p> <p>The Director may review casual car user allowance allocation annually.</p> <p>These criteria to be applied to new staff only. Existing staff will retain their allowances until such time as they leave their job OR as an alternative they take up the offer of a Travel Card for zone 2-4.</p>

Car Parking Allocation Criteria

The following criteria must be followed sequentially when allocating spaces. So those meeting criteria 1 should be allocated spaces first, followed by those meeting criteria 2, and so on. Application of the criteria will be by the Head of Personnel with Head of Facilities Management (in consultation with Chief Executive).

Car Park Space priority allocation list

1	Staff with disabilities – ‘Blue Badge’ holders that have to use a car to get to work.
2	Council vehicles
3	Employees required to work long and onerous hours til late at night to fulfil their job requirements and Council Members. Note – It is anticipated spaces that are allocated to these groups will be mostly at times at the end of the working day when pressure on car parking is not as intense and more spaces are available.
4	Essential Car Users
5	Special considerations - Employees requiring temporary car parking arrangements for safety reasons, or to enable them to fulfil job duties for a temporary period, or for medical reasons. Applications must be supported by Service Manager in consultation with Head of Property and Head of Personnel. Appropriate reports must also be attached e.g. health and safety report, GP letter for medical reasons. Application must also state how long parking will be required.
6	Car sharers
7	Casual Car Users
8	Electric or other zero emission vehicles

A review of existing staff with car park spaces will be conducted by the end of June 2006. Those staff who do not satisfy car park allocation criteria 1 – 4 will be given 6 months notice of their car park arrangement ending. This notice period may be extended to up to 12 months by the Director in agreement with the Head of Personnel and Head of Facilities Management.

Car Allowance payments during Financial Year 2005/06

Directorates	No. Users Lump sum	Total Lump sum full year	Ave Lump sum payment	No. Essential User mileage claims	Total Ess Mileage Full year payments	Ave Ess Mileage payment	Estimate of those claiming more than 2000 miles per year	No Casual users	Total Cas mileage full year payments	Ave Casual User mileage payment
Access	13	£11,152	£858	6	£767	£128	0	8	£2,100	£262
Children's Service Directorate	209	£167,163	£800	119	£47,444	£399	15	87	£25,173	£289
Environmental Services Directorate	150	£130,099	£867	106	£71,308	£673	51	36	£11,362	£316
Finance Services Directorate	48	£39,956	£832	32	£15,516	£485	10	13	£1,739	£134
Housing Services Directorate	220	£191,724	£871	102	£39,966	£392	23	30	£16,973	£566
Legal Services	1	£339	£339	0	£0	£0	0	0	£0	£0
Organisational Development	24	£18,021	£751	12	£5,657	£471	2	10	£840	£84
Social Services Directorate	163	£130,105	£798	97	£31,784	£328	15	79	£28,711	£363
Strategy	24	£18,703	£779	9	£1,364	£152	0	8	£898	£112
Grand Total	853	£708,038	£830	483	£213,807	£443	116	272	£87,846	£323

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Agenda item

General Purposes Committee on 2 March 2006

Report Title: **Smoking at Work**

Report of: **Head of Personnel**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose

1.1 To review the operation of the Council's smoking policy.

2. Recommendations

Committee is recommended to agree that:

- 2.1 Support is offered to staff wishing to stop smoking through the health promotion activities planned for 2006/7.
- 2.2 The attached revised policy at Appendix A is approved.
- 2.3 A staff publicity campaign is organised to raise awareness of the above.

Report Authorised by:

Contact Officer: **Stuart Young, Head of Personnel, ext 3174**

3. Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report.

4. Background

- 4.1 The Haringey Strategic Partnership has adopted a Healthier Haringey strategy to improve health and reduce inequalities in the borough for its residents to help meet public service agreement targets by 2010. Key elements of the strategy aim to
- Reduce the prevalence of smoking
 - Ensure homes support health
 - Improve access to healthy food and nutrition
 - Work with partners to improve access to health services
 - Increase opportunities for education and employment
 - Improve mental health and emotional wellbeing
 - Increase physical activity.
- 4.2 A key element of the strategy is to reduce the prevalence of smoking and therefore it is deemed appropriate to revise the council's 'No Smoking' policy to ensure it supports this wider agenda.
- 4.3 It should be noted that the government has already published plans in its public health white paper – 'Choosing Health' to ban smoking in most public places. Therefore account will need to be taken of this when the paper becomes law and the policy may require further revision including proposing total ban on smoking. Until then the revisions contained in the new policy attached should be sufficient.
- 4.4 The Council's current policy on No Smoking came into effect in 1995. Since that time it has been policy that all Council premises should be smoke free. The ban extends to Council vehicles, and temporary structures such as kiosks, greenhouses. It also applies in client homes and other workplaces except with permission where such areas are not smoke free.
- 4.5 The policy is well established and it is the norm that offices and general Council premises remain smoke free. Employees who wish to smoke currently do so outside. However, this brings a number of issues. Firstly, it creates a poor image of the Council. Staff are easily identified by their name badges/general attire. Groups of staff standing outside the front entrance of buildings are not a welcoming feature to many visitors. Secondly, it does not accord with the promotion of a healthy lifestyle for residents many of who are employees or see our employees smoking.

5. Proposed Actions

- 5.1 The policy has been reviewed to ban smoking from outside office buildings. It is proposed that staff and Members be informed that the public/main entrances of Council offices should not be used as smoking areas. It is proposed that staff and Members wishing to

smoke use non-public areas away from Council buildings away from public view.

- 5.2 The Council recently reviewed the operation of its occupational health services using a Business Process Review. Some of the actions currently being implemented from that review include health promotion. More support has been given to staff to encourage them to give up smoking. We are currently running a quit smoking campaign and sessions for staff. We have also relaunched our Healthy Lifestyle programmes. Some 300 people have already been through the programme and we are promoting a new programme at present. It includes a lifestyle awareness programme that provides a learning tool for any individual that wants to create a platform to improve their fitness, diet and exercise. Such initiatives support the Government White Paper on 'Choosing Health'.
- 5.3 It is proposed that a publicity campaign raise awareness of the support available for smoking cessation, and the ban on smoking in public/main access points to Council buildings. The details of the campaign to be generated by the Head of Personnel working with the Head of Communications.

6. Legal comments

As an employer the Council has a duty under common law and a duty under the provisions of the Health and Safety at Work Act 1974 to ensure that employees work in a safe environment. The review of the Council's smoking policy set out in this report will assist the Authority in complying with these duties. In this context the arrangements recommended in the report concerning "smoking breaks", including their duration, are ones which the Authority is entitled to make.

7. Financial Implications Comments

- 7.1 Health lifestyle and quit smoking initiatives/ campaigns will be contained within existing occupational health budgets.

8. Equalities Implications

- 8.1 The promotion of healthier lifestyles and control of smoking has benefits for all staff and users regardless of their status or background.

HARINGEY COUNCIL

NO SMOKING POLICY

POLICY AND IMPLEMENTATION GUIDANCE

January 2006

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POLICY STATEMENT & SUMMARY

Haringey Council is committed to improving health and reducing inequalities for all in the borough – as part of its Healthier Haringey initiative. A key element of this initiative is to reduce smoking because it recognises the right of Employees and Service Users to a smoke-free environment. Consequently 'no smoking' will be the normal practice in all Council controlled buildings and grounds.

Summary

All Council premises are designated as smoke free. Smoking whilst on duty will only be allowed during designated breaks away from Council premises.

Indoor areas

All enclosed areas will be smoke free. This includes offices and other work areas, lifts, corridors, stairways, rest rooms, eating areas, kitchens, meeting rooms, toilets, reception areas, temporary structures (e.g. portacabins, greenhouses and kiosks) and any other enclosed spaces.

All visitors to council premises will be expected to abide by the no smoking rule.

Outdoor areas

- Council staff¹, when taking a smoking break, will not smoke where they can be potentially identified as Council employees and seen by members of the public or in any place that could cause a threat to safety.
- Council staff will not smoke near entrances and exits to buildings nor in car parks
- Smoking is not permitted at all in playgrounds and other outdoor areas mainly used by children and young people under the age of 16, or in sports grounds and other locations in part used for promoting and maintaining fitness and health

Vehicles

All Council vehicles including vehicles on loan, hire or leased to the Council and used for the purpose of work, will be smoke-free

Smoking Breaks

- All council staff who smoke may take up to a maximum of four breaks to smoke during each seven hour twelve minute working day pro-rata (an extra break being allowed for every additional two hours). Smoking breaks can only be taken with the prior

¹ Council staff are defined as employees, council contractors and workers, agency workers

agreement of the manager and are subject to exigencies of the service. It is important to note asking to take a smoking break is a request not an entitlement. Appropriate account should be taken of smoking breaks on time sheets and flexitime sheets (a minimum of 15 minutes each normal working day).

- Smoking breaks must be taken away from Council buildings, including entrances and exits. Smokers must ensure that they are not identifiable as council employees.

General Principles

This No Smoking policy seeks to guarantee non-smokers the right to work, live and visit in Council premises in air free of tobacco smoke, whilst also taking into account the needs of those who smoke.

All Council premises are designated as smoke free. Smoking whilst on duty will only be allowed during designated breaks away from Council premises.

All managers and staff have a responsibility to implement and abide by the No Smoking Policy.

Employer

The Health and Safety at Work Act 1974 places a duty on employers to “provide and maintain a safe working environment which is, so far as it reasonably practical, safe, without risk to health and adequate as regards to facilities and arrangements for welfare at work”

Employees

Under the Health and Safety at Work Act 1974, employees have duties to take reasonable care for the health and safety of themselves and others and to co-operate with the employer as far as is necessary to enable the employer to comply with the requirements of the Health and Safety at Work Act

Implementation

Staff

This Policy will apply to all council staff (employees, council contractors and workers, agency workers), without exception, regardless of where they work.

Visitors

This Policy will apply to all visitors to premises which are Council work places and which are **enclosed spaces**. They will not apply to **visitors** to outdoor premises unless prescribed in Government legislation.

Indoor areas

All enclosed areas will be smoke free. This includes offices and other work areas, lifts, corridors, stairways, rest rooms, eating areas, kitchens, meeting rooms, toilets, reception areas, temporary structures (e.g. portacabins, greenhouses and kiosks) and any other enclosed spaces.

Shared buildings with other organisations

Where the Council shares premises with other organisations it will approach these other organisations to adopt a similar policy as the council toward smoking prevention, unless a total smoking ban is already enforced within these organisations.

Service users' homes and workplaces

Council employees may not endanger the health and well-being of service users and may not smoke in their homes or workplaces, even when others present are smoking. Employees concerned about the risks to themselves of service users smoking may politely request that the service user refrain from smoking when they are present.

Residential services

The Council recognises that residential care facilities are the homes of the service users and some employees.

The Council remains responsible for safeguarding the health and safety of residents by protecting them from fire hazards and from passive smoking.

The Council will ensure that each residential establishment conducts an annual review to put in place arrangements that safeguard the interests of non-smokers. Smoke detectors should be fitted as appropriate.

Outdoor areas

It is recognised that:

- Smoking can be an irritant for some people (e.g. people with asthma) when in close personal contact with someone smoking, even outside
- Smoking can be a serious threat to safety when near highly flammable or explosive substances, regardless of whether the person smoking is indoors or outside
- The risks associated with exposure to certain pollutants, such as asbestos, are known to be considerably increased amongst people who smoke
- It is important to create an equitable environment for staff, regardless of the job they do.
- It is important that the Council's image as an employer with a 'No Smoking' Policy be upheld, especially in areas used by children and young people under 16.

The following restrictions will therefore apply:

- All employees, whilst on duty, will not smoke unless taking a recognised smoking break
- Employees, when taking a smoking break, will not smoke where they can be potentially identified as Council employees and seen by members of the public or in any place that could cause a threat to safety.
- Employees will not smoke near entrances and exits to buildings nor in car parks
- Smoking is not permitted at all in playgrounds and other outdoor areas mainly used by children and young people under the age of 16, or in sports grounds and other locations in part used for promoting and maintaining fitness and health

Vehicles

It is recognised that:

- Traffic pollutants, such as lead and carbon monoxide, are particularly dangerous when combined with tobacco smoke
- Open windows provide insufficient ventilation
- Smoking whilst driving can be dangerous
- It is important to maintain an equitable environment for staff, regardless of the job they do
- It is important that the Council's image as an employer with a 'No Smoking Policy' be upheld

All Council vehicles, therefore, including vehicles on loan, hire or leased to the Council and used for the purpose of work, will be smoke-free

Smoking Breaks

- All employees who smoke may take up to a maximum of four breaks to smoke during each seven hour working day pro-rata (an extra break being allowed for every additional two hours). that Smoking breaks can only be taken with the prior agreement of the manager and are subject to exigencies of the service. It is important to note asking to take a smoking break is a request not an entitlement. The smoking breaks are **not additional** to other usual breaks. It is therefore important that smokers make up their lost time. Appropriate account should be taken of smoking breaks on time sheets and flexitime sheets (a minimum of 15 minutes each normal working day).
- Smoking breaks must be taken away from Council buildings, including entrances and exits. Smokers must ensure that they are not identifiable as council employees.

Enforcement of the Policy

Staff

Breaches of this policy will be subject to the normal disciplinary procedures

Public

Responsibility for ensuring compliance by members of the public lies initially with security officers, porters, reception staff and other Council employees dealing directly with them. It is the duty of the site or premises manager to deal with members of the public who persist in breaching the Council's policy.

Contractors and their employees

All contractors and their employees, whilst on Council business should be subject to the same restrictions on smoking at work as Haringey employees. This policy applies when contractors and their employees are delivering goods or undertaking work in Council occupied workplaces, or when working on behalf of the Council in service users' homes or workplaces. All contractors should be provided with a copy of the policy and expected to comply. Compliance with this policy should be included in contracts as part of the health and safety requirements.

Complaints

Complaints will be dealt with through the Council's normal Complaints Procedures and/or its normal Disciplinary Procedures, whichever is appropriate.

Roles

Legal

- Ensure that the framework for contracts entered into by or on behalf of the Council take account of the Policy
- Provide guidance to Members, managers and staff as appropriate

Procurement

- Ensure that compliance with this policy is included in contracts as part of the health and safety requirements
- Ensure that all contractors are provided with a copy of the policy and that they are aware they are expected to comply

Human Resources

- Ensure that recruitment policy takes account of the No Smoking Policy
- Ensure that disciplinary and grievance procedures take account of the Policy
- Offer guidance and support to managers and staff as appropriate
- Offer support from time to time, through the Council or its partners, to give up smoking and promote a healthier lifestyle
- Ensure staff are aware of any support available to them
- Ensure that all staff are aware of the requirements of the Policy
- Include the policy requirements in induction training
- Monitor and review the policy and consult on any proposed changes to it

Facilities Management

- Erect clear signs in relevant languages at entrances to all Council buildings which indicate that the building, including its entrances and exits, is a smoke free area.
- Where the Council shares the occupation of a building with other organisations or companies, the site manager should seek to reach an agreement with the other occupants to declare the whole building, together with its entrances and exits, smoke-free. If unsuccessful, the site manager should seek to reach agreement on declaring communal areas (entrance, stairs, lifts, etc.) smoke-free. In any case, the policy will apply to all areas in sole occupation by the Council and to all Council staff.

Trades Unions

- Take part in any formal reviews of the policy

Managers

- Ensure that they are fully briefed about the requirements of the policy
- Monitor and implement the working of the policy in their area of responsibility
- Investigate complaints promptly
- Take remedial or disciplinary action where appropriate
- Ensure that all employees are aware of help and support offered by the Council at various times to give up smoking and promote a healthier lifestyle
- Refer staff in need of support to Occupational Health where appropriate

Staff

- Implement and abide by the No Smoking Policy

Useful sources of information

www.ash.org.uk – Action on Smoking and Health: information on all aspects of smoking including Local Authority issues

www.tuc.org.uk – Trades Union Congress: information on workplace smoking issues

www.nhsdirect.nhs.uk: information and advice on the effects of smoking and giving up and on other health issues

www.quitsmoking.uk.com: help and advice to give up

www.dh.gov.uk

Specific documents:

Local Authority Smoking Policies in England and Wales, ASH
Smoking in the Workplace, ASH, November 2002

Smoke Screen, TUC sponsored study, April 2003

Second Hand Smoke Kills, Chief Medical Officer's Annual Report, 2002

Achieving Smoke Freedom Tool Kit: a guide for local decision makers, CIEH/ASH

Effect of Smoke-free Workplaces on Smoking Behaviour. Fichtenberg CM, Glantz SA, systematic review. *BMJ* 2002;325;188.

Legislation:

The Health and Safety at Work Act 1974

The Workplace (Health, Safety and Welfare) Regulations 1992

Employment Tribunals and the Employment Rights Act 1996

The Human Rights Act 1998

The management of Health and Safety at Work Regulations 1999

The Disability Discrimination Act 1995

The Care Standards Act 2000 (and associated Standards and Regulations)

The Health and Social Care Act 2003

'Smoking Kills' (White Paper), Department of Health 1998

'Choosing Health' (White Paper) Department of Health 2004

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General Purposes committee On 2 March 2006

Report title: Acting Up & Secondment Policies

Report of Head of Personnel

1. Purpose

To introduce policies that capture best practice without placing undue burden to the process of temporary changes to duties. The Council currently has no written policies on either additional duties or secondment.

2. Recommendations

a. Agree adoption of the attached policies for Additional Duties and Secondments.

Report authorised by:

Contact officer: **Stuart Young, Head of Personnel**
Telephone: **3174**

3. Access to information:

Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report.

4. Background

The Council currently has no written policies on either additional duties or secondment.

The need for written advice on the allocation of additional duties and on secondments has been requested from several sources.

The attached drafts aim to provide a set of principles, process for application, basis for reward, and terms of agreement for both additional duties and secondment.

5. Implementation

The policies will be implemented utilising a number of media and communication channels including

- Senior Managers Seminar
- Team Brief
- Management communications

The application and use of secondments and acting up policies will be monitored to ensure that principles outlined within the policies are adhered to and that discriminatory or biased practices are not adopted. To this end secondment and acting up arrangements must be reported to the Head of Personnel.

6. Legal Services Comments

6.1 Acting Up. The provisions set out in the report will meet the Council's duties as an employer in respect of equalities and discrimination legislation and provide a fair and transparent process to allow employees to take on additional duties within their existing posts.

6.2 Secondment. In essence a secondment agreement is a combination of the terms of two agreements giving contractual effect to those terms between the three parties involved. The three parties concerned are the employing organisation, the receiving organisation and the employee concerned. Clearly where the secondment is taking place within the Council's own organisation the agreement only has contractual effect in relation to the Council as the employer and the employee. Where a secondment is proposed to a body outside of the Council's organisation, the terms of that secondment would normally be proposed by that receiving organisation and be subject to negotiation and agreement with the Council and the employee concerned. Consequently, while the model external secondment agreement at Appendix B is useful guidance on the way in which secondment should be considered, a flexible approach will need to be taken in response to the circumstances of any particular case. The model external secondment agreement should indicate the residual role played by the Council as employer in relation to disciplinary matters and grievances involving seconded employees.

7. Financial Implications

There are no anticipated financial implications arising out of the adoption of these policies. Acting up payments or secondment arrangements are contained within existing establishment and cash limited budgets.

8. Equalities implications

The adoption of policies for additional duties and secondment will ensure that consistent practice is applied to staff so that all relevant staff are aware of opportunities to take on additional duties and for secondments thus limiting the potential for discrimination.

Policy on Additional Duties

1. Scope

1.1 This policy applies to all permanent Haringey staff excluding those teachers employed under financial delegation to school governing bodies for whom separate arrangements apply. A separate set of arrangements is provided for secondments. Additional duties will tend to take place close to the functional area of the employee whilst secondments be they internal or beyond the Council may involve greater difference between current post and secondment opportunity.

2. Application

2.1 The responsibility for applying this policy rests with managers. Advice on application is available from Personnel Services. The application of the policy will be monitored and reported regularly as a part of the Council's general workforce management reporting.

3. Principles

3.1 The Council recognises the following elements as fundamental to a successful policy on additional duties and secondment:

- a) The provision of services is the paramount consideration for the Council.
- b) Changes to service demand, reorganisations, vacancies and other such opportunities should be used wherever practicable to afford development for staff.
- c) A transparent process for the allocation of additional duties is a mandatory requirement for managers.
- d) The Council is keen to reflect the diversity of its communities at all levels of its workforce. The Council recognises that it is underrepresented at senior levels and wishes to redress this in its development policies.
- e) The allocation of additional duties and associated allowances should be seen to be open, transparent, fair and objectively based upon service need and ability to fulfil need. Such opportunities should be notified to relevant groups of staff.
- f) Where more than one candidate expresses an interest, selection should be based upon criteria for the position/project to be covered, assessment of candidate skills, and general effect on service provision of the change.

4 Process

The following process should be followed by managers:

4.1 The service requirement should be identified and measured using the Council's competency framework, and other job-related objective criteria. If the requirement that only a proportion of a vacant post need be covered, managers should be careful to ensure that only that part of the existing job description and candidate specification are applied.

4.2 The employing manager should identify a ringfence for publicising the opportunity ensuring that the ringfence provides sufficient experience, skills and expertise to fulfil the service requirement; that the ringfence is balanced by gender and ethnicity; and that the overall effects of staff movement within the ringfence can be managed.

4.3 The employing manager should be able to objectively justify the limits of the ringfence.

4.4 Advice must be sought from Personnel Services in advance of publicising the additional duties opportunity.

4.5 Depending on the number of expressions of interest, the employing manager should meet the candidate(s), assess their skills and ability to provide the required cover, and keep a note of the assessment. Where large numbers make it impracticable to interview all a shortlisting exercise should be undertaken to determine a practical number of interview.

4.6 Unsuccessful candidates interviewed for the position should be provided with feedback. Notification also needs to be given to employees who may be unsuccessful in being shortlisted for interview.

4.7 The terms of the temporary change to duties should be discussed and agreed with the employee undertaking them. Confirmation should be provided including:

- The additional duties & responsibilities
- The duration of the requirement
- The remuneration
- The support & development that will be afforded during the period of additional duties
- The management arrangements

4.8 A copy of the letter of confirmation should be acknowledged by the employee and kept on the employees personnel file.

4.9 The Performance appraisal scheme should be included in the recording of the additional duties and reference should be made to them at the appraisal review.

5. Remuneration

5.1 Remuneration for the additional duties should be calculated with reference to the difference between the value of the additional duties and the current pay of the employee. Calculating the value of the additional duties may be achieved by:

- a) Specifying the proportion of a vacant post that is to be covered, eg 100% of PO7 post to be covered = 100% of difference between PO7 and current pay of employee undertaking additional duties. Or 50% of PO7 to be covered = 50% of difference in pay.
- b) 100% of the post is paid at the actual rate of the job. Any part payment is paid as an 'Honoraria' payment.
- c) Evaluating the size and therefore appropriate grade value for a project or piece of work should the additional duties not comprise a vacant post. Applying the principle above to determine the proportion of that project to be undertaken by the employee.
- d) In all cases advice from Personnel Services must be sought before the employee is communicated with about reward.

5.2 Payment for additional duties must be made as soon as possible following completion of the additional duties and within 6 months at the latest. This is to prevent unreasonable backdating claims.

5.3 It will be possible to specify that payment for additional duties is subject to satisfactory completion of the job. This would be useful in situations where specific projects/ tasks are allocated to the individual to perform. Where such a 'payment by result' measure is undertaken it will be by the agreement of both parties. If agreement cannot be reached, the additional duties will not be performed or paid for.

6. Documentation

6.1 Managers should ensure that they produce and copy to Personnel Services:

- a) A description of the additional duties required including a specification of the skills which may be described using the Council's competency framework.
- b) A notice to employees in the ringfence publicising the additional duties opportunity
- c) Notes of the assessment of candidates including reason for appointment or non-appointment
- d) The terms of the additional duties including duration, remuneration, development & managerial support in the form of a letter to the employee.
- e) Confirmation that the appointed employee's appraisal has been updated to reflect the additional duties.

7. Reporting & Evaluation

7.1 Personnel Services will monitor the application of this policy. Workforce reports will include statistical analysis of the frequency, cost and equalities elements of the application of the policy.

Secondment Policy

1. Secondment – Definition

A secondment may be defined as a mutually agreed temporary move of an employee to another section/division or externally to another organisation.

This is different to an arrangement whereby employees are required to work flexibly within their job or role and the manager expects such a degree of flexibility to be exercised e.g. undertaking discreet projects within the remit of the role. Directors must ensure that flexibility is exercised appropriately.

2. Policy Statement

The Council recognises the value of secondments in supporting the development of employees. Secondments are an opportunity for employees to gain valuable experience in different work areas and develop an individual's skills and competencies, either within their normal place of work or in another organisation.

3. Purpose of Policy and Procedure

The purpose of this policy and procedure is to set out the arrangements for Council employees and individuals external to the Council who wish to take up a secondment opportunity and to ensure good management practice is followed when developing and deploying staff.

4. Scope of the policy

This policy is applicable at all levels within the organisation. The length of a secondment may range from 3 months to a maximum of 2 years. Secondment opportunities are open to employees who have completed one year's service with the Council. An employee should be back in their substantive post for a minimum of one year before they can apply for a further period of secondment

5. Benefits of Secondment

5.1 Organisation

Secondments can be a valuable tool for developing an employee's knowledge and skills and improving workforce motivation, morale and employee retention. Secondments can also help with raising performance and for allowing the cross fertilisation of ideas, techniques and approaches between sections, divisions and organisations.

Secondment opportunities can meet the needs of the organisation in filling temporary vacancies.

By developing partnerships with external organisations, secondments offer the possibility of “seconding-in” a diverse range of individuals with different experiences, which will benefit the Council.

5.2 Individual

A secondment gives the individual an opportunity to gain wider experience and acquire new skills and to develop or consolidate their experience, skills, knowledge and abilities, perhaps in such a way that is unavailable to them within their current post.

Secondments can be used as part of a career development programme for staff and give them exposure to different work settings and enable them to develop.

5.3 Equalities

Secondments can be a useful way for groups who under represented at particular levels of the organisation to gain experience and development opportunities.

6. Identifying Secondment Opportunities

Jobs or roles, which may be particularly suitable for secondment opportunities within the Council, include the following: -

- (i) Project assignments, introduce new initiatives or move forward an important area of policy;
- (ii) Assignments to carry-out a specific item of work, which might be of limited duration;
- (iii) A new or vacant post, where initially a short-term appointment may be needed whilst the post is filled on a permanent basis;
- (iv) To provide cover for employees who are absent, e.g. maternity leave;
- (v) Rotation of work areas so staff can gain a better understanding of the work of colleagues and help with motivation and morale;
- (vi) Where an individual in a permanent post is seconded, management may wish to consider that the individual's vacant post is also filled by a secondment.

7. Length of Secondment

7.1 The length of a secondment is open to negotiation taking into account the requirements of the individual and management.

7.2 Any extension to the secondment would need to be agreed between the individual and both home and host divisions/organisations. Any extension should be based on an assessment of the operational needs

of the home division/organisation and an evaluation of how far the learning and development objectives of the secondment have been achieved in the original period, together with the needs of the individual.

- 7.3 It is important to determine the possible duration of the secondment at the outset so that a structured programme can be set up as part of the employee's personal development, for example, planning the induction process, setting targets and devising a development plan.
8. Procedure for Managing Secondment Opportunities

The process for dealing with secondment opportunities is detailed in the following procedures and is in 3 sections; -

Section 1 – Secondments within the Council

Section2 – Secondments into the Council

Section3 – Secondments out from the Council

Procedure for Managing Secondment Opportunities

Section 1 – Secondments within the Council

1. **Advertisement**

Divisions should advise Personnel if they have a secondment opportunity to be advertised, giving details of the grade/salary and length of the secondment. Consideration should be given to whether the secondment is open to part-time working, job-share, etc. The Council's recruitment and selection procedures will be followed in that short-listing will take place and interviews conducted.

However, in circumstances where there is an urgent need and the secondment opportunity is envisaged to be no more than 3 months it will be possible to operate a ringfence opportunity within the service area. Post approval forms must still be completed and Personnel informed as soon as possible of this course of action.

2. **Responding to a Secondment Advertisement**

- 2.1 Firstly, staff should discuss the secondment opportunity with their manager and/or Director and express their interest in applying for the post. Managers should be open to listening to requests from their employees for secondment opportunities and should also consider secondments alongside other developmental tools at individual employees' appraisal.
- 2.2 Employees should ideally have completed one year's service before being released on secondment to another division. It is important to note at this stage that the employee may only be released with the prior agreement of their manager and/or Director. Where a manager does not agree the secondment, reasons must be given in writing.
- 2.3 Possible reasons may be the secondment is not a development opportunity, there are not sufficient resources to release the employee or agreement has not been sought before making the application.
- 2.4 There may be instances where a secondment is planned for a particular individual in order to give them experience that will enhance performance in their own job, which is of a very specific nature and relates directly to the individual's work, for example specific project work opportunities.

3. **Conditions of Secondment**

- 3.1 When a member of staff is successfully appointed to a secondment, a letter will be sent by Personnel detailing the amendment to the main terms and conditions of employment. This will include details of the

post, salary, length of secondment and confirm that the employee will return to their substantive post or to a suitable alternative post at the end of the secondment. The expectation is that no permanent appointment will be made to the substantive post of the employee during secondment but there may be occasions when a suitable alternative post is sought for the person to return to in redundancy situations. Employees must be kept aware of any changes in their substantive work area. Where the substantive post has been made redundant, the employee retains the same rights as if they had not been on secondment. The secondment will be on pay and conditions no less favourable than they would have received had the secondment arrangement not taken place.

- 3.2 Before the secondment commences, the employee should meet with their new manager to discuss work areas, specific responsibilities and a secondment review date. The manager is responsible for providing induction training, identify training needs, agree a training plan and date for appraisal. The manager will also be responsible for identifying new reporting lines, e.g. absence reporting, requesting annual leave, etc.
- 3.3 The manager of the substantive post will be responsible for keeping the employee in touch with any developments in the division while they are away, and consult with them on any changes, for example, policy changes, structural changes, promotion opportunities, etc.

4. **Review Meeting/Early Termination**

- 4.1 Review meetings should be held approximately every 6 weeks after the commencement of the secondment. The purpose of these is to discuss how both the employee and manager feel the secondment is progressing, any training needs, areas of development or areas of concern, etc.
- 4.2 Where the secondment is deemed not to be working either the secondee or manager of the secondment post can bring the arrangement to an end giving the appropriate notice. This will be detailed in the secondment agreement. Either party should give full details, in writing, of why the secondment is deemed not to be working and the reason for termination. Either party should raise any areas of concern prior to this meeting and try to resolve any problems before termination is considered.

The manager of the substantive post should be involved in these discussions at an early stage as it may have repercussions on the cover arrangements.

If the secondment is terminated, arrangements should be made to assist the secondee back into their substantive post.

5. **Appraisal**

Dependant on when the secondment commences, it may be appropriate for both the manager of the secondment post and the manager of the substantive post to be involved in the appraisal process in order for the previous years targets to be assessed and new ones to be set. However, a formal review should be undertaken after the first anniversary of the secondment.

6. **Returning to the Substantive Post**

6.1 Approximately 6 weeks prior to the employee returning to their substantive post, both managers should conduct a meeting with the secondee to discuss skills and learning gained during the secondment and to plan if these can be implemented in the duties of the substantive post.

6.2 A brief meeting to update the employee on developments during the period of secondment should also be held.

6.3 In some circumstances it may be possible for the secondment to be extended, however, it will be essential for all parties to agree to this and for there to be the necessary budgetary provision available.

7.0 **Model Documents**

A secondment application form and model internal/ external agreements are attached at Appendices A, B and C respectively. These are models only and additional clauses may need to be added/amended to suit the secondment.

Section 2 – Secondments into the Council

1. **Advertisement**

Services should advise Personnel if they have a secondment opportunity to be advertised, giving details of the grade/salary and length of the secondment. Consideration should be given to whether the secondment is open to part-time working, job-share, etc. The Council's recruitment and selection procedures will be followed in that short-listing will take place and interviews conducted. It will also be expected that references and medical clearance will be taken up prior to the secondment being confirmed.

2. **Conditions of Secondment**

- 2.1 Following receipt of satisfactory references and medical clearance, a secondment contract will be issued, usually by the substantive employer. This needs to be signed by the secondee, the secondee's substantive employer and the Council. The contract should cover areas such as salary, length of secondment, termination clause, review dates, reporting lines, procedures to be followed including disciplinary, grievance, etc, hours of work, liability, health and safety and confidentiality. Personnel will check all secondment contracts and take advice if necessary.
- 2.2 The secondee will remain an employee of the substantive employer and not the Council, this will be detailed in the secondment contract. At the end of the secondment, the secondee will return to their substantive employer.
- 2.3 Before the secondment commences, the employee should meet with their new manager to discuss work areas, specific responsibilities and a secondment review date. The manager is responsible for providing induction training, identify training needs, agree a training plan and date for appraisal. The manager will also be responsible for identifying new reporting lines, e.g. absence reporting, requesting annual leave, etc.

3. **Appraisal Process**

- 3.1 Unless otherwise agreed in the secondment contract, for those secondments whose length is one year or more, the Council appraisal scheme should be used. For those secondments that are less than one year, regular meetings should be held with the secondee to agree work targets, set and review objectives, etc.
- 3.2 The substantive employer may request progress reports and/or request that their own appraisal scheme be applied, e.g. if they operate a

performance related pay scheme. Managers should contact Personnel if they have any queries.

4. Review Meeting/Early Termination

4.1 Review meetings should be held approximately every 6 weeks after the commencement of the secondment. The purpose of these is to discuss how both the employee and manager feel the secondment is progressing, any training needs, areas of development or areas of concern, etc.

4.2 Where the secondment is deemed not to be working either the secondee or manager of the secondment post can bring the arrangement to an end giving the appropriate notice. This will be detailed in the secondment agreement. Either party should give full details, in writing, of why the secondment is deemed not to be working and the reason for termination. Either party should raise any areas of concern prior to this meeting and try to resolve any problems before termination is considered.

The manager of the substantive post should be involved in these discussions at an early stage as it may have repercussions on the cover arrangements.

If the secondment is terminated, arrangements should be made to assist the secondee back into their substantive post.

5. Returning to the Substantive Post

5.1 Approximately 6 weeks prior to the employee returning to their substantive post, both managers should conduct a meeting with the secondee to discuss skills and learning gained during the secondment and to plan if these can be implemented in the duties of the substantive post.

5.2 In some circumstances it may be possible for the secondment to be extended, however, it will be essential for all parties to agree to this and for there to be the necessary budgetary provision available.

Section 3 – Secondments out of the Council

1 Responding to a Secondment Opportunity

- 1.1 Firstly, staff should discuss the secondment opportunity with their manager and/or Director and express their interest in applying for the post. Managers should be open to listening to requests from their employees for secondment opportunities and should also consider secondments alongside other developmental tools at individual employees' appraisal. If the secondment has not been advertised in the normal way but an employee has been approached, then the individual should discuss this with their line manager as soon as possible.
- 1.2 Employees should ideally have completed one year's service before being released on secondment to another organisation. It is important to note at this stage that the employee may only be released with the prior agreement of their manager and/or Director. Where a manager does not agree the secondment, reasons must be given in writing.
- 1.3 Possible reasons may be the secondment is not a development opportunity, there are not sufficient resources to release the employee or agreement has not been sought prior to the external application.

2 Conditions of Secondment

- 2.1 Following a member of staff formally being offered a secondment opportunity, Personnel will issue the secondment contract. This will cover areas such as salary, length of secondment, termination clause, review dates, reporting lines, procedures to be followed including disciplinary and grievance, hours of work, liability, health and safety and confidentiality. Relevant Haringey pay and conditions should continue to apply. It is important to ensure that the organisation taking the employee is recharged in full for the budget costs of the individual e.g. salary plus pension and national insurance on costs.
- 2.2 An employee should be released to commence their secondment as soon as is practical, this should be no longer than the appropriate notice period for their grade.
- 2.3 In some circumstances the secondment employer may wish the Council employee to work to their policies and procedures, e.g. disciplinary procedure, grievance procedure, appraisal scheme, etc. In this instance Personnel will arrange to view the policies and discuss them with the employee.
- 2.4 The member of staff will remain an employee of the Council and will return to their substantive post or to a suitable alternative post at the end of the secondment. This will be on pay and conditions no less

favourable than they would have received had the secondment arrangement not taken place. Employees must be kept aware of any changes in their substantive work area. Where the substantive post has been made redundant, the employee retains the same rights as if they had not been on secondment.

- 2.5 Before the secondment commences, the employee should meet with their new manager to discuss work areas, specific responsibilities and a secondment review date. The manager is responsible for providing induction training, identify training needs, agree a training plan and date for appraisal. The manager will also be responsible for identifying new reporting lines, e.g. absence reporting, requesting annual leave, etc.
- 2.6 The manager of the substantive post will be responsible for keeping the employee in touch with any developments in the division while they are away, and consult with them on any changes, for example, policy changes, structural changes, promotion opportunities, etc

3 Review Meeting/Early Termination

- 3.1 Review meetings should be held approximately every 6 weeks after the commencement of the secondment. The purpose of these is to discuss how both the employee and manager feel the secondment is progressing, any training needs, areas of development or areas of concern, etc.
- 3.2 Where the secondment is deemed not to be working either the secondee or manager of the secondment post can bring the arrangement to an end giving the appropriate notice. This will be detailed in the secondment agreement. Either party should give full details, in writing, of why the secondment is deemed not to be working and the reason for termination. Either party should raise any areas of concern prior to this meeting and try to resolve any problems before termination is considered.

The manager of the substantive post should be involved in these discussions at an early stage as it may have repercussions on the cover arrangements.

If the secondment is terminated, arrangements should be made to assist the secondee back into their substantive post.

4. Returning to the Substantive Post

- 4.1 Approximately 6 weeks prior to the employee returning to their substantive post, both managers should conduct a meeting with the secondee to discuss skills and learning gained during the secondment and to plan if these can be implemented in the duties of the substantive

post.

4.2 Provide support on their return to the division/organisation and make sure they are properly briefed.

4.3 In some circumstances it may be possible for the secondment to be extended, however, it will be essential for all parties to agree to this and for their to be the necessary budgetary provision available.

5. **Consent Form**

A secondment application form is attached at Appendix A. This is a model only and additional clauses may need to be added/amended to suit the secondment.

SECONDMENT APPLICATION CONSENT FORM

Position applied for:

Length of secondment:

Starting date (if known):

Name:

Post Title/Division:

Signature..... Date.....

Name of Manager:

Post Title:

I confirm that has discussed their application for secondment to the post of and I support/ do not support this application.

My reason/s for not supporting this application are as follows:

.....
.....
.....

Signature..... Date.....

THE LONDON BOROUGH OF HARINGEY

External Secondment Agreement

THIS AGREEMENT is made BETWEEN:

- (1) Haringey Council, Alexandra House, 10 Station Road, London N22 ('The Council')
- (2) name and address('The Receiving Organisation')
- (3) Employee's name and address ('The Secondee')

1. Term of the Secondment

- 1.1. The Secondee will be seconded from the Council to the Receiving Organisation to the post of xx from date for a period of xx months.
- 1.2. At the end of the secondment period, the Secondee will return to their substantive post of, except in the case of redundancy or reorganisation. In this case, the Secondee will be consulted in line with the Council's redundancy or reorganisation consultation process.

2. Early termination of the Secondment

- 2.1. The Secondment may be terminated for any reason by any party to this Agreement giving one month's notice in writing.
- 2.2. Notice of termination will normally result in discussion between the parties to resolve the issue and/or to make alternative arrangements.

3. Secondment Fee

- 3.1 The Receiving Organisation shall pay to the Council a Secondment Fee during the term of the secondment.

The Secondment Fee will be based on an annual fee of £ plus on costs payable monthly on 15th of each month. The Secondment Fee will be adjusted to take account of the relevant annual or any other pay award having effect during the period of the Secondment.

4. Employer

- 4.1. During the term of the Secondment, the Secondee will remain an employee of Haringey Council.

5. Terms and Conditions

- 5.1. Except as provided in this agreement, during the term of the Secondment the Secondee will continue to be subject to the terms and conditions relating to his/her contract of employment with the Council.
- 5.2. The Receiving Organisation will make the Secondee aware of any rules and procedures applicable to the Secondment and the Secondee agrees to have regard to these rules and procedures during the term of the Secondment.
- 5.3. The Receiving Organisation shall have regard to the health, safety and welfare of the Secondee during the term of the Secondment
- 5.4. The Secondee will work under the day to day supervision of (insert post) for the Receiving Organisation. However, if there are any concerns about the Secondee's conduct, performance or attendance during the term of the Secondment the Receiving Organisation shall immediately notify the Council's designated contact officer.
- 5.5. Performance appraisals should be conducted at 6-month intervals, with supervision sessions held at least quarterly, by the Council's designated contact officer in accordance with Council guidelines. Such meetings may be held jointly with the appropriate manager for the Receiving Organisation.

6. Pay

- 6.1. **Haringey Council, as the employer of the Secondee, will continue to pay the Secondee during the Secondment in accordance with this and any other relevant agreements, including where appropriate under the relevant pension scheme.**

7. Annual Leave

- 7.1. The Secondee's annual leave entitlement under his/her contract of employment with the Council will remain unchanged. He/She will agree the taking of leave with the Receiving Organisation as it relates to the time worked with them. As far as is reasonably possible the leave to be taken by the Secondee during the Secondment should amount to the Secondee's pro rata leave entitlement for the period of the Secondment.

8. Sickness Absence

- 8.1. In the event of any sickness absence by the Secondee, the terms of the Secondee's contract of employment with the Council will apply.
- 8.2. **In addition to the rules of notification of sickness contained in the Secondee's contract of employment, the Secondee will also report sickness absence to the nominated officer at the Receiving Organisation.**
- 8.3. Unacceptable levels of absence, including long term sickness absence (in excess of one month), may result in the Secondment being reviewed.

9. Hours of Work

- 9.1. The Secondee's contractual hours of work for the Council will continue at the Receiving Organisation. Any additional hours which are not deemed to be part of normal requirements for the secondment should be reimbursed directly by the Receiving Organisation on an hourly basis appropriate to the work undertaken.

10. Performance Reports

- 10.1. Performance reports on the Secondee may be required by the Council during the period term of the secondment. If this is necessary, then the Receiving Organisation will send reports direct to the Council's designated contact officer.

11. Duties and Work Location

- 11.1. During the Secondment period the Secondee shall devote the whole of his/her time, attention and skill to his/her duties for the Receiving Organisation. The Secondee will be expected to spend his/her whole week working at the Receiving Organisation during the period of the Secondment.
- 11.2. The Secondee accepts that during the period of Secondment he/she may receive confidential information concerning the Receiving Organisation and its clients. The Secondee agrees to treat such information as secret and confidential and not to disclose such information without the express permission of the Receiving Organisation.
- 11.3. Upon termination of this Agreement the Secondee shall deliver all documents and other property of the Receiving Organisation to the nominee of the Receiving Organisation.

11.4. Any requirement of the Receiving Organisation for the Secondee to access computer facilities during the period of the Secondment will be arranged by the Receiving Organisation.

12. Expenses

12.1. The Receiving Organisation will pay to the Secondee any reasonable expenses incurred by her in or about the performance of her duties during the term of the Secondment.

13. Liability

13.1. The Receiving Organisation hereby agrees to indemnify and keep indemnified the Council in respect of any actions or claims by the Secondee in connection with the Secondment.

13.2. The parties agree the Secondee shall not be liable to the Receiving Organisation or any third party in respect of any duties carried out, advice or information given or used by the Secondee during the term of the Secondment and the Receiving Organisation hereby indemnifies the Council and the Secondee in respect of any claims made by a third party.

13.3. The Receiving Organisation will ensure the Secondee is covered by its professional indemnity insurance during the term of the Secondment.

14. Contact Point

14.1. The designated contact point at the Receiving Organisation is: (name and post)

14.2. The designated contact officer at Haringey Council is:

Signed Date.....
Secondee

Signed Date.....
For Haringey Council

Signed..... Date.....
For Receiving Organisation

**THE LONDON BOROUGH OF HARINGEY
Internal Secondment Agreement**

THIS AGREEMENT is made BETWEEN:

XX Directorate (The Seconding Directorate)

YY Directorate (The Receiving Directorate)

Employee's name and address ('The Secondee')

1. Term of the Secondment

- a. The Secondment is to the post of xx, on the grade of xx, with effect from xx for a period of xx months. The contractual hours of work during the period of the Secondment will be xx. During the term of the Secondment, the Secondee will remain the employee of the Seconding Directorate
- b. At the end of the secondment period, the Secondee will return to their substantive post of, except in the case of redundancy or reorganisation. In this case, the Secondee will be consulted in line with the Council's redundancy or reorganisation consultation process.

2. Early termination of the Secondment

- a. The Secondment may be terminated for any reason by any party to this Agreement giving one month's notice in writing.
- b. Notice of termination will normally result in discussion between the parties to resolve the issue and/or to make alternative arrangements.

3. Secondment Fee

- 3.1 The Receiving Directorate shall pay the salary and any other associated costs of the Secondee during the term of the secondment.

4. Terms and Conditions

- a. The Receiving Directorate will make the Secondee aware of any rules and procedures applicable to the Secondment and the Secondee

agrees to have regard to these rules and procedures during the term of the Secondment.

- b. The Secondee will work under the day to day supervision of (insert post) for the Receiving Directorate. However, if there are any concerns about the Secondee's conduct, performance or attendance during the term of the Secondment the Receiving Directorate shall immediately notify the Seconding Directorate's designated contact officer.
- c. The Receiving Directorate shall have regard to the health, safety and welfare of the Secondee during the term of the Secondment.
- d. Arrangement for Performance Appraisals should be agreed at the start of the Secondment and it may be appropriate for some meetings to be held jointly with the Seconding manager, the Receiving manager and the Secondee.
- e. All other terms and conditions remain the same.

5. Annual Leave

- a. The Secondee will agree the taking of leave with the Receiving Directorate as it relates to the time worked with them. As far as is reasonably possible the leave to be taken by the Secondee during the Secondment should amount to the Secondee's pro rata leave entitlement for the period of the Secondment.

6. Sickness Absence

- a. **The Secondee will report sickness absence to the nominated officer at the Receiving Directorate.**
- b. Unacceptable levels of absence, including long term sickness absence (in excess of one month), may result in the Secondment being reviewed.

7. Performance Reports

- a. Performance reports on the Secondee may be required by the Seconding Directorate during the period term of the secondment. If this is necessary, then the Receiving Directorate will send reports direct to the designated contact officer in Seconding Directorate.

8. Duties and Work Location

- a. During the Secondment period the Secondee shall devote the whole of his/her time, attention and skill to his/her duties for the Receiving Directorate. The Secondee will be expected to spend his/her

whole working week working at the Receiving Directorate during the period of the Secondment.

- b. The Secondee accepts that during the period of Secondment he/she may receive confidential information concerning the Receiving Directorate and its clients. The Secondee agrees to treat such information as secret and confidential and not to disclose such information without the express permission of the Receiving Directorate.
- c. Upon termination of this Agreement the Secondee shall deliver all documents and other property of the Receiving Directorate to the nominee of the Receiving Directorate.
- d. Any requirement of the Receiving Directorate for the Secondee to access computer facilities during the period of the Secondment will be arranged by the Receiving Organisation.

9. Contact Point

- a. The designated contact point at the Receiving Directorate is:
(name and post)
- b. The designated contact officer at the Seconding Directorate is:
(name and post)

Signed Date.....
Secondee

Signed Date.....
Seconding Manager

Signed..... Date.....
Receiving Manager

General Purposes Committee on 2nd March 2006

Title: HR Policies for the engagement of consultants and agency staffing resources	
Report of: Head of Personnel	
Wards(s) affected: all	Item for: Decision
Consultation (list those consulted): [click here to type]	
<p>1. Purpose</p> <p>1.1 To propose HR policies for the engagement of consultants and agency staffing resources. This report complements the decisions of General Purposes and Procurement Committees on the award of an agency supply contract. It also accommodates the recommendations of a Member Working Group into consultants, agency and Improver staff.</p>	
<p>2. Recommendations</p> <p>It is recommended that:</p> <p>2.1 The employment policies for consultant use attached at Appendix 1 are adopted. That business processes to support the policies be introduced, including robust authorisation and monitoring arrangements.</p> <p>3.5 The reason for use, cost, benefit and duration of consultant use should be reported to General Purposes Committee on a frequency to be agreed by the Committee.</p> <p>3.6 Members note the progress to date on the award of a contract for the provision of temporary staff. Members may wish to meet with the managed service provider at a future date.</p> <p>3.7 Employment policies and a business process for agency staff based on those attached at Appendix 2 should be adopted.</p>	
Authorised by: [Designation of Chief Officer (Include signature here)]	
Contact Officer: Stuart Young, Head of Personnel, 020 8489 3174	
3. Executive Summary	

General Purposes Committee and Procurement Committee have previously considered the award of a contract for the supply of agency temporary staffing resources. General Purposes Committee has discussed the associated HR policies to support the contract. In addition a Member Working Group established by the Executive explored the effectiveness of the use of consultants, agency staff, and the Improvers Scheme. This report proposes the resultant HR policies or adoption by Committee.

4. Reasons for any change in policy or for new policy development (if applicable)

4.1 To improve the deployment of agency, and consultant staffing resources.

5. Local Government (Access to Information) Act 1985

6. Background

6.1 General Purposes Committee and Procurement Committee have previously considered the award of a contract for the supply of agency temporary staffing resources. General Purposes Committee has discussed the associated HR policies to support the contract. In addition a Member Working Group established by the Executive explored the effectiveness of the use of consultants, agency staff, and the Improvers Scheme. This report proposes the resultant HR policies or adoption by Committee.

7. Consultants

7.1 Survey

7.1.1 A survey of the use of consultants was carried out in May 2005 on behalf of the Member Group established by the Executive. The survey collected data about the reason for usage, duration of engagement, cost, and benefits derived from consultants.

7.1.2 The survey defined a consultant as, “ all freelance and company provided individuals typically charged at hourly, daily, or weekly rates for senior and specialist positions costing £250 or more per day.” The survey aimed to capture data about consultants engaged with the Council on a single day, 27th April 2005. The survey definition excluded junior positions typically resourced through high street employment agencies, and consultants engaged following a procurement exercise.

7.1.3 The survey found that on the survey date 82 consultants were engaged with the Council meeting the definition above. Of those, the predominant reasons for use were:

To provide skills/experience unavailable within the Council	28 consultants
To resource a finite project	24 consultants
To provide added capacity/peak of work	12 consultants
To cover a vacancy during recruitment	9 consultants
Other	9 consultants

7.1.4 The duration of engagement ranged from 2 days through to long term engagements of more than one year. 75% of consultants were used between 23 and 52 weeks; with an average duration of 38 weeks. It should be noted that the duration of engagement was varied.

7.1.5 Various analyses were carried out on the costs to the Council of consultant use. Consultant day rate charges were compared to salaried costs so as to compare against jobs within the Council. Once on-costs were accounted the comparison was broadly equitable. A comparison was also conducted with the market by contacting various employment agencies to tests their charges for comparable occupations. Again, Haringey consultant rates were comparable to employment agency costs when expressed as salaried charges.

7.2 Conclusions

7.2.1 There is a need to introduce & monitor employment policies for the use of consultants. The policies should be supported by business processes for the authorisation and control of the use of consultants. Maximum duration of consultant use should be limited in general to 3 months, any extension beyond this period to be the subject of a business case.

7.2.2 Data should be collated to monitor the use of consultants, costs, benefits, and reasons for use.

7.2.3 The use of consultants should form a part of the general reporting of staff (see agency staffing below) to Members. Members should be involved in the appointment of consultants either in the selection for Chief/deputy chief officer equivalents; or in their Member role overseeing the provision of services for assignments below this level.

8 Agency Staffing

8.1 The Executive Member Working Group scrutinised the work to date on agency staffing. The Group noted that General Purposes Committee had received reports about the agency procurement. Also that an analysis of agency employment, spend, duration and reason for use had been undertaken. Models of delivering an improved service had been developed and tested to demonstrate their potential for increasing control and reducing expenditure on agency staff. The Group noted that employment policies and a robust business process would be required to ensure that the preferred model of operation was maintained, and that General Purposes committee would be considering the matter.

10.2 The Member Group supported the procurement of a contract for the provision of temporary staff by the Procurement Committee.

10.3 Procurement Committee considered the matter at its meeting in April 2005 and agreed that an advert and procurement should proceed. Hays have been approved by Procurement Committee as the preferred supplier subject to agreeing contract terms. The council is currently in a period of due diligence and implementation of three months, delivering an expected go-live date in April 2005.

10.4 The contract is being let so as to enable other boroughs to join. Interest has been expressed from a number of other London boroughs. Members may note that the project therefore also delivers benefits against the broader efficiency agenda for Councils.

12. Financial Comments

12.1 Savings will be generated mainly from supply agency margins and secondly from internal Council efficiencies by removing a large portion of the recruitment burden from line managers. The Council anticipates annual cashable savings of £800K from the agency contract.

13. Legal Comments

13.1 The agency supply contract has been tendered in the EU, using the restricted procedure under the Public Services Contracts Regulations 1993. As the contract value exceeds £250,000 the proposed award was approved by Members pursuant to CSO 11.3. at the Procurement Committee on 6th December 2005.

DRAFT POLICY FOR USE OF CONSULTANTS

Introduction

The Council recognises that the use of consultants can enable the smooth running of Council Services by providing an element of flexibility within the workforce. It is, however, Council policy to ensure non-permanent workers are used within corporate frameworks, which reflect the Council's values and at those times when service delivery would be adversely affected without the additional cover and resource they can provide. The Council policy is also for hiring Managers to ensure the transferral of skills/knowledge from Consultants to Haringey Employees in order to reduce future requirements.

CONSULTANTS

Definition

For the purpose of this document the term 'consultant' relates to those people who are either freelance or supplied by a company, to work on a temporary basis for the Council. Such consultants are normally charged at hourly, daily or weekly rates for senior and/or specialist positions, i.e. costing £250 or more per day.

Exclusions;

- Consultants engaged following procurement exercises e.g. Logica for Managed IT service provision.

RESOURCE CENTRE

Definition

For the purpose of this document the term 'Resource Centre ' relates to the office contracted by Haringey Council to manage the service delivering the Council's temporary agency staff and consultant requirements. The Resource Centre is the link between the recruiting managers and the approved agencies / Consultants and will deal with all agency / Consultant enquiries and vacancies.

MANAGERS' RESPONSIBILITY

It is the responsibility of managers to:

- work within corporate frameworks
- ensure a business case is submitted to the appropriate director for all consultant requirements and involve Members where appropriate
- ensure that all consultant requirements are correctly entered on XXXsystem and then placed with the Resource Centre
- ensure that all consultants are provided with suitable induction
- provide information on the use of consultants as required for monitoring purposes
- supply the Resource Centre with and retain a copy of any authorised Business Case forms for monitoring purposes where e-forms are unavailable
- keep the use of consultants under regular review
- ensure that the maximum duration of any booking is three months

AUTHORISATION LEVELS

- System will allow only authorised officers to place orders for consultants
- Member involvement mandatory for Senior Positions both when the project scope is agreed and during the recruitment stages.
- Only Directors or Heads of Service may authorise extensions to contracts and use of consultants to fill permanent vacancies.
- The budget holder is responsible for ensuring that sufficient funds are available to cover expenditure and that accurate records on use and payment are maintained.

USE OF CONSULTANTS

All consultant requirements are to be fed through the Resource Centre.

Consultants can be requested/booked up to a maximum duration of 3 months.

Consultants should only be used in circumstances where:

- (a) the need for the work is expected to be temporary e.g. meeting peak workloads, seasonal requirements, where the duration of the work is limited by finance available, where redundancies / re-organisations are pending or where there is a particular skills gap; or
- (b) the need for a particular individual to do the job is temporary e.g. covering for sickness, maternity, acting up, secondment etc or while a vacancy is being filled; **and** there is no possibility of
 - covering the workload using existing employees
 - appointing a redeployee
 - arranging for an existing worker to 'act up'
 - recruiting through the New Start Scheme

Authorisation of exceptions;

In such cases where the consultant is required for longer than a 3 month period or to temporarily fill a vacant permanent post, authorisation must be given by a Director or Head of Service using the e-form, or when unavailable; the Consultant Authorisation Form, see *Consultant Authorisation Form, Appendix A*.

The recruiting Manager must send any original, signed paper forms to the Resource Centre *before* the consultant is hired.

In the event of an existing consultant requiring an extension, the e-form or paper form must be received, *before* the end of each 3 month period.

Copies of any paper authorisation forms are to be retained by the recruiting Manager for monitoring purposes. E-forms are automatically retained.

A Member must be involved for Senior Positions both when the project scope is agreed and during the recruitment stages.

BOOKING A CONSULTANT

All consultant requirements are to be fed through the Resource Centre.

- Managers must submit a business case form for each consultant required. Once authorised, a copy must be sent to the Resource Centre and a copy be retained by the recruiting Manager. The Executive Member of the employing service must be involved for Senior Positions both when the project scope is agreed and during the recruitment stages.
- Managers are responsible for entering the correct vacancy requirements into XXXSystem. Including essential and desirable criteria. The job description template must also be completed. The maximum duration of a booking is three months. All required fields must be entered to place order.
- For exceptions where a longer duration is essential or when a consultant is used to temporarily fill a permanent vacancy, Managers must obtain a signed Consultant Authorisation form / authorised e-form. The original must be sent to the Resource Centre and a copy retained by the recruiting Manager, see *Consultant Authorisation Form, Appendix A*
- The vacancy is automatically sent to the Resource Centre who in turn contacts the Approved agencies or individual consultant on the Manager's behalf.
- In line with Best Value principles of quality and competitive prices, the Council has entered into a number of fixed term contracts with three tiers of agencies. Consultants/ Consultancy firms exist within these tiers.
- In the event that a specific individual is required, then this should be explained on the business case form. The individual will be subject to vetting from the Resource Centre to ensure that they meet the Council's recruitment and procurement standards. They will then be added to the appropriate tier in case of future use. The recruiting manager will be informed should the individual not meet the minimum required standard.

Response Times

The Resource Centre will respond to the Manager placing the vacancy within the following time scales with a pre-screened CVs via e-mail.

Assignment Start Date	CV Response Time	Shortlist by Council (a further:)
Same day	1 hour	2 hours
Next business day	4 hours	2 hours
1-2 business days	4 hours	4 hours
3-6 business days	1 working day	1 working day
7+ business days	2 working days	2 working days

Cancellations

The Manager is responsible for ensuring that the Resource Centre is informed of any cancellation of a booking no less than 90 minutes before the assignment is due to begin. This must be via e-form or where unavailable by telephone, to enable the Resource Centre to inform the appropriate agency or individual consultant immediately.

Day to Day Operational Issues

The Manager is to inform the Resource Centre Account Manager of any day to day operational issues. Escalations must be directed to the relevant Business Services Manager and thereafter to a Director each within 1 business day.

Induction and Performance Management

Managers using consultants are responsible for the performance of service delivery by the consultants, including an appropriate level of induction. As a minimum, all consultants must be taken through the induction checklist as set out in the attached Induction Checklist, Appendix A2

Where the consultant does not perform to the required standard, the manager should terminate the individual within one working week and inform the Resource Centre immediately. Add in procedure for those working over 1yr.

Monitoring

The Council's Personnel Service and the Resource Centre will monitor the use of consultants in line with principles established for financial monitoring.

Authorised officers must retain a copy of all authorised Business Case forms and Consultant Authorisation forms. These will be used during audits for matching against orders and invoices. Steps taken to employ alternative recruitment options will also need to be shown when audited.

ADDITIONAL INFORMATION SHEETS - (please see Appendix B)

Appendix B outlines further areas recruiting Managers must take into account when recruiting temporary agency staff or consultants.

Information covered:

- Equality and Diversity including the Equal Opportunities Statement
- Criminal Records Bureau (CRB) Disclosures
- Records and Data Protection
- Monitoring and Audits
- Recruitment Mission Statement.

DRAFT POLICY FOR USE OF AGENCY WORKERS

Introduction

The Council recognises that the use of non-permanent workers can enable the smooth running of Council Services by providing an element of flexibility within the workforce. It is, however, Council policy to ensure non-permanent workers are used within corporate frameworks, which reflect the Council's values and at those times when service delivery would be adversely affected without the additional cover and resource they can provide.

AGENCY WORKERS

Definition

For the purpose of this document the term 'agency worker' or 'agency staff' relates to those people who are managed and in some instances employed by an agency to work on a temporary basis for the Council.

RESOURCE CENTRE

Definition

For the purpose of this document the term 'Resource Centre ' relates to the office contracted by Haringey Council to manage the service delivering the Council's temporary staff requirements. The Resource Centre is the link between the recruiting managers and the approved agencies and will deal with all agency enquiries and vacancies.

MANAGERS' RESPONSIBILITY

It is the responsibility of managers to:

- work within corporate frameworks
- ensure all agency requirements are correctly entered on SAP and then placed with the Resource Centre
- ensure that any non-permanent worker is provided with suitable induction
- provide information of the use of non-permanent workers as required for monitoring purposes
- keep the use of non-permanent workers under regular review
- ensure that the maximum duration of any booking is three months

Only authorised officers may place orders for agency workers.

The budget holder is responsible for ensuring that sufficient funds are available to cover expenditure and that accurate records on use and payment are maintained

USE OF AGENCY WORKERS

All agency requirements are to be fed through the Resource Centre.

Agency workers should only be used in circumstances where:

- (c) the need for the work is expected to be temporary e.g. meeting peak workloads, seasonal requirements, where the duration of the work is limited by finance available, where redundancies / re-organisations are pending or where there is a particular skills gap; or
- (d) the need for a particular individual to do the job is temporary e.g. covering for sickness, maternity, acting up, secondment etc or while a vacancy is being filled; **and** there is no possibility of
 - covering the workload using existing employees
 - appointing a redeployee
 - arranging for an existing employee to 'act up'
 - recruiting through the New Start Scheme

In such cases where the agency worker is required to temporarily fill a vacant permanent post, authorisation is required by a Director using an authorisation e-form or where unavailable; an Agency Worker Authorisation Form as set out in the attached *Agency Worker Authorisation Form, Appendix A1*

BOOKING AN AGENCY WORKER

All agency requirements are to be fed through the Resource Centre.

- Managers are responsible for entering the correct vacancy requirements into XXXsystem. The maximum duration of a booking is three months.
- The vacancy is automatically sent to the Resource Centre who in turn contacts the Approved agencies on the Manager's behalf.
- In line with Best Value principles of quality and competitive prices, the Council has entered into a number of fixed term contracts with three tiers of agencies. The tiers consist of Primary Vendors, Secondary Tier and 3rd Tier.
- The Resource Centre will offer 50% of all vacancies to the Primary Vendors in their areas of expertise. There is a Primary Vendor for the following areas: Care, General, Schools and Professional.
- The Resource Centre will offer the remaining 50% competitively to the Second Tier of agencies.
- In the event that neither the Prime Vendor nor the Second Tier can provide the appropriate resource then the Resource Centre will pass the requirement to the 3rd Tier. Only approved agencies will supply workers.

Response Times

The Resource Centre will respond to the Manager placing the vacancy within the following time scales with named workers or CVs when requested.

Assignment Start Date	CV Response Time	Shortlist by Council (a further:)
Same day	1 hour	2 hours
Next business day	4 hours	2 hours
1-2 business days	4 hours	4 hours
3-6 business days	1 working day	1 working day
7+ business days	2 working days	2 working days

Cancellations

The Manager is responsible for ensuring that the Resource Centre is informed of any cancellation of a booking no less than 90 minutes before the assignment is due to begin. This must be via telephone to enable the Resource Centre to inform the appropriate agency immediately.

Day to Day Operational Issues

The Manager is to inform the Resource Centre Account Manager of any day to day operational issues. Escalations must be directed to the relevant Business Services Manager and thereafter to a Director each within 1 business day.

Induction and Performance Management

Managers using agency workers are responsible for the performance of service delivery by the agency workers including an appropriate level of induction. As a minimum, all agency workers must be taken through the induction checklist as set out in the attached Induction Checklist, Appendix A2

Where the agency worker does not perform to the required standard, the manager should terminate the individual with immediate effect and inform the Resource Centre immediately.

Monitoring

The Council's Human Resources Group and the Resource Centre will monitor the use of agency workers in line with principles established for financial monitoring.

Agenda item

General Purposes Committee on 2 March 2006

Report Title: Key workforce data - April 2005 – September 2005	
Report of: Head of Personnel	
Wards(s) affected: All	Report for: Non-Key Decision
<p>1. Purpose</p> <p>1.1 The attached report provides key workforce information on sickness, disciplinary and dismissal rates in the council between April to September 2005.</p>	
<p>2. Recommendations</p> <p>Committee is asked to note the report.</p>	
Report Authorised by:	
Contact Officer: Stuart Young, Head of Personnel, ext 3174	
<p>3. Local Government (Access to Information) Act 1985</p> <p>No documents that require to be listed were used in the preparation of this report.</p>	

4. Legal comments

4.1 The Head of Legal Services has been consulted on this report and has no comments

5. Financial Implications

5.1 There are no financial implications arising out of this report.

6. Equalities Implications

6.1 The report does not include information about the gender or ethnicity of the workforce. It is planned to present a more comprehensive report of the workforce including gender and ethnicity information for the financial year 2005/06 later in the year.

Haringey Council – Key Workforce Data

April to September 2005

Sickness Absence Data

The Sickness Absence Target set by the Council and reported to the Audit Commission is **8.80** days per person.

The table below tracks the progress of the 'average days sick per employee' figure between April 2005 to September 2005, for a rolling 12 month period.

The overall absence rate of 9.6 days is favourable compared to the average absence rate in London boroughs of 10.6 days (source - Association of London Government survey 2004/05).

Average Days Sick per Employee (Rolling Year), by Directorate for the Last 6 Months							
DIRECTORATE	APR 05	MAY 05	JUN 05	*JUL 05	AUG 05	SEP 05	Average Increase / Decrease per Month
Access (AC)	10.85	10.8	10.59	9.83	9.69	9.07	-0.30
Children's (CH)	7.31	7.45	7.99	11.27	11.31	11.15	0.64
Children's – Schools (CH-SC)	4.76	4.66	4.59	6.61	7.14	6.37	0.27
Environment (EN)	12.35	12.43	12.70	12.40	12.41	12.23	-0.02
Finance (FI)	12.22	12.47	12.15	11.45	11.56	11.55	-0.11
Housing (HO)	10.88	10.89	10.82	11.06	11.06	11.07	0.03
Legal Services (LE)	13.08	13.30	12.26	11.70	10.38	9.52	-0.59
Organisational Development (OD)	8.41	8.34	7.87	7.40	6.75	6.18	-0.37
Social Services (SS)	13.42	14.09	14.45	14.63	14.46	14.39	0.16
Strategy (ST)	7.08	7.99	8.28	6.72	6.66	6.45	-0.11
HARINGEY COUNCIL	8.53	8.64	8.71	9.57	9.81	9.36	0.14

* = Figures from July 2005 onwards, may appear to have drastically increased or decreased. This is due to improved reporting of late sickness absence. This is more prominent within Children's Services, where schools data is periodically entered late.

Sickness Absence Control

The council has some work to do to achieve its target of 8.8 days per person. We are looking to improve this through a combination of

- Improved absence monitoring
- Targeting the resolution of long-term sickness absence – in the first instance
- Improved employee and management support in dealing with sickness cases through better Occupational health services
- Promoting an ongoing health and well being agenda with the workforce through initiatives such as Health for Life training, staff Health Fair, Health checks for staff.

The table below shows the numbers of cases by Directorate by each category of sickness under the formal sickness monitoring procedure. The period is 1 April to 30 September 2005.

Sickness Monitoring Cases by Category & Directorate				
DIRECTORATE	COMBINATION OF SHORT/ LONG TERM	FREQUENT SHORT-TERM	LONG TERM	ALL EMPLOYEES
Access (AC)	17	29	7	53
Children's (CH)	0	0	0	0
Children's – Schools (CH-SC)	0	0	0	0
Environment (EN)	1	0	0	1
Finance (FI)	4	11	9	24
Housing (HO)	14	5	8	27
Legal Services (LE)	0	1	0	1
Organisational Development (OD)	0	0	0	0
Social Services (SS)	6	9	18	33
Strategy (ST)	0	0	1	1
HARINGEY COUNCIL	42	55	43	140

Sickness Absence Control (continued)

The following table shows the total number cases by Directorate being dealt with at the different stages of the sickness absence monitoring procedure. The period is 1 April to 30 September 2005.

Sickness Monitoring Cases by Stage & Directorate									
DIRECTORATE	SICK ATTEND REVIEW	SICK 1ST FORMAL	SICK INTER-MEDIATE	SICK REFERRED TO OHU	SICKNESS MEDIATION	SICK FINAL	SICK APPEAL	SICK ET	ALL EMPLOYEES
Access (AC)	3	16	11	18	1	4	0	0	53
Children's (CH)	0	0	0	0	0	0	0	0	0
Children's – Schools (CH-SC)	0	0	0	0	0	0	0	0	0
Environment (EN)	0	1	0	0	0	0	0	0	1
Finance (FI)	0	19	5	0	0	0	0	0	24
Housing (HO)	6	6	14	0	0	1	0	0	27
Legal Services (LE)	0	1	0	0	0	0	0	0	1
Organisational Development (OD)	0	0	0	0	0	0	0	0	0
Social Services (SS)	0	5	4	19	0	5	0	0	33
Strategy (ST)	0	0	0	0	0	1	0	0	1
HARINGEY COUNCIL	9	48	34	37	1	11	0	0	140

Disciplinary Cases

This section examines cases of formal disciplinary action taken against employees during the period of 01 April 2005 – 30 September 2005 in Haringey Council.

Housing Services have the highest percentage (29%) of disciplinary cases in this period.

Disciplinary Cases by Directorate				
DIRECTORATE	NEW CASES	ONGOING CASES	TOTAL	%
Access (AC)	8	2	10	16
Children's (CH)	6	7	13	21
Environment (EN)	2	4	6	10
Finance (FI)	1	0	1	2
Housing (HO)	9	9	18	29
Legal Services (LE)	0	0	0	0
Organisational Development (OD)	0	0	0	0
Social Services (SS)	5	8	13	21
Strategy (ST)	2	0	2	3
HARINGEY COUNCIL	33	30	63	100

* = Please note that Children's Services - Schools do not enter Formal Procedures data into SAP.

Disciplinary Cases (continued)

This table displays identifies reasons for Disciplinary action against employees within the 01 April 2005 – 30 September 2005 period.

The highest percentage of disciplinary action was due to behaviour (22%).

Ongoing cases are those cases that carried over from the period before April 2005.

Reasons for Disciplinary Cases				
REASON	NEW CASES	ONGOING CASES	TOTAL	%
ASSAULT	0	1	1	2
BEHAVIOUR	7	7	14	22
COUNCIL PROCEDURES	1	4	5	8
DISHONESTY	4	1	5	8
FALSE CLAIMS	2	0	2	3
FRAUD	0	2	2	3
GROSS NEGLIGENCE	1	2	3	5
HOUSING BENEFIT FRAUD	1	0	1	2
MISUSE OF E-MAIL	1	1	2	3
MISUSE OF RESOURCES	2	0	2	3
NEGLIGENCE	6	0	6	10
NOT COMPLYING WITH MGT INSTR.	1	0	1	2
OTHER	2	4	6	10
PERSONAL GAIN	0	1	1	2
PRIVATE WORK	0	3	3	5
RACIST ACTIONS	0	1	1	2
SEXUAL MISCONDUCT	1		1	2
TIMEKEEPING	1	2	3	5
UNAUTHORISED ABSENCE	3	1	4	6
TOTAL	33	30	63	100

Disciplinary Cases (continued)

This following tables summarise the stages and status of Disciplinary cases between 01 April 2005 – 30 September 2005 period.

Summary of Disciplinary Cases by Stage			
STAGE	NEW CASES	ONGOING CASES	TOTAL
DIS. INVEST SUSP	22	17	39
DIS. INVEST NOT SUSP	11	12	23
DIS. APPEAL	0	1	1
DIS. ET	0	0	0
TOTAL	33	30	63

The table below shows the number of cases being closed (completed) during April to September and the number of cases remaining open (still being investigated or awaiting a hearing). Ongoing cases are those cases that carried over from the period before April 2005.

Summary of Disciplinary Cases by Status			
CASE STATUS	NEW CASES	ONGOING CASES	TOTAL
CASE OPEN	11	4	15
CASE CLOSED	22	26	48
TOTAL	33	30	63

Employment Tribunal Cases

Summary of Employment Tribunal cases heard, finished or started during the period 1 April 2005 to 30 September 2005.

<i>Directorate</i>	<i>New Case</i>	<i>Won</i>	<i>Withdrawn</i>	<i>Settled</i>	<i>Lost</i>	<i>Total</i>
Corporate Services (including OD, Legal, Access, Strategy)	2	1	0	1	0	4
Children's	0	0	0	1	0	1
Environment	4	0	0	3	1	8
Housing	2	0	1	3	0	6
Social Services	0	3	1	3	0	7
TOTAL	8	4	2	11	1	26

Employee Turnover - Reasons for leaving

The table below shows summary reasons for leaving and turnover rates for the period 1 April 2005 – 30 September 2005 in Haringey Council.

Reasons for leaving – Turnover rates based on a total employee figure of 7193

<i>Reasons</i>	<i>Number</i>	<i>%</i>
Resignations	362	5.0%
Retirements	49	0.7%
Dismissals	26	0.4%
Redundancies	9	0.1%
TUPE Transfers	110	1.5%
Other	113	1.6%
Total	669	9.3%

The table below shows information from the Association of London Government Survey of Turnover in London Boroughs. In comparative terms it can be seen that the councils turnover rates are lower than the average in London boroughs.

It can also be seen that our redundancy rates are considerably lower but that other reasons for leaving including dismissal rates are proportionately similar.

Employee turnover - London boroughs - 1998-2005 (financial years)

	London Boroughs					
	98/99	00/01	01/02	02/03	03/04	04/05
Resignations	10.2%	11.0%	11.6%	10.5%	8.3%	9.1%
Retirements	1.5%	1.7%	1.6%	1.4%	1.5%	1.3%
Dismissals	0.5%	0.5%	0.6%	0.6%	0.7%	0.8%
Redundancies	0.9%	0.8%	0.9%	0.5%	0.5%	0.7%
TUPE Transfers	N/A	0.6%	1.2%	1.9%	0.6%	0.8%
Other	2.0%	1.3%	2.7%	2.0%	2.3%	2.4%
Total	15.2%	15.9%	18.6%	16.8%	14.0%	15.1%

Source: ALG Employee Turnover Surveys (1) Figures exclude school-based staff

General Purposes Committee on 2nd March 2006

Title: Action Plan for Occupational Health, Safety and Welfare	
Item of: Head of Personnel	
Wards(s) affected: N/A	Item for: Discussion
Consultation (list those consulted): Chief Executive's Management Board Executive Advisory Board	
1. Purpose 1.1 To advise of and agree Draft Action Plan for improvements to Council's Health and Safety Management System for submission to Health and Safety Executive (HSE) by 28/2/06.	
2. Introduction by Executive Member 2.1 The Health and Safety Executive have requested that the Council submit an Action Plan by 28 th February 2006 to further develop their existing health and safety management systems	
3. Recommendations 3.1 Members comment and agree action plan for formal submission to the HSE. (Appendix 1) 3.2 Members note findings of the Health and Safety Executive Inspection Report (Appendix 2) 3.3 Members affirm their commitment to fully support all elements of the draft action plan. 3.4 All Directors identify and commit appropriate resources as defined in the Action Plan in order to ensure all defined targets are addressed	

- 3.5 Members note additional costs related to the implementation of the Action Plan and ask the Head of Personnel to agree additional budgetary provision with the Director of Finance once estimates are Finalised
- 3.6 Members note that The Corporate Health and Safety Team will offer additional services beyond their core functions to directorate services who require this to achieve compliance with the proposed action plan.

Authorised by: Chief Executive's Management Board

Contact Officer: Stuart Young, Head of Personnel

4. Executive Summary

- 4.1 During their presentation to CEMB on 21st December 2005, the inspection, the Health and Safety Executive (HSE) recognised many examples of good practice within individual Council services but also highlighted areas requiring further development.
- 4.2 The HSE have requested that the Council submit an action plan that details strategies that will assist the Council in further developing a health and safety management system that reflects their own strategic targets for work related accident and ill-health reduction.
- 4.3 The main body of this report summarises the Inspection findings and identifies areas that the Council will seek to strengthen through its action plan

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

5.2 N/A

6 Local Government (Access to Information) Act 1985

6.2 The Inspection of the Health and Safety Executive, November 2005

6.3 N/A

7 For Executive Advisory Board to Consider

7.1 Please see recommendations.

8 Background

- 8.1 A team from the Health and Safety Executive carried out a snapshot inspection of this Council's health and safety management systems during November 2005.
- 8.2 The scope of the inspection was small but examined both corporate systems and individual services such as Parking, Housing Management, Schools, Social Care, Construction Procurement, Occupational Health, Back Care Training for Carers and Health and Safety Advice. Evidence was prepared based on interviews with the Chief Executive, Directors, Assistant Directors, The Leader of the Council, Lead Member for Organisational Development, Head of Personnel, Service Managers, staff and Trade Union representatives. Interviews and inspections also focussed on a number of cross-cutting themes such as: work-related sickness absence, violence at work, stress management, slips trips and falls, musculo-skeletal injuries and management of contractors (based on the implications of the recent Crowland School Fire)
- 8.3 The HSE presented their basic findings to CEMB on 21st December 2005.
- 8.4 A formal detailed report has now been submitted to the Chief Executive. A copy is attached as Appendix to this report.
- 8.5 At Management Board on 21st December it was agreed that a formal action plan would be submitted to the HSE by 28th February 2006 to address areas needing further development as highlighted in the inspection

9 Present position

- 9.1 Training** Both strengths and weaknesses of the Council's Health and Safety management systems were identified within the findings. The overall picture did highlight many individual examples of good practice.
- 9.2 However, there were also services where a lack of knowledge about management and staff roles and responsibilities in relation to health and safety provision was clearly evident.
- 9.3 These concerns can be effectively addressed by:

- (i) reviewing the content and improving current methods of corporate training delivery within the courses already on offer
 - (ii) making these courses mandatory for service managers and team leaders through directorate business plans
- 9.4 **Systems and Procedures** The Council already has systems that will effectively drive good health, safety and welfare management i.e. Business Planning, People Plans, Corporate and Service Induction, Performance Appraisal Targets, One to ones, Team Briefing etc.
- 9.5 For this reason, much of the action plan will focus on further integrating health, safety and welfare priorities into these systems with a “build-in” rather than “bolt-on” approach.
- 9.6 **Corporate Policy.** The inspection findings also remarked that the implementation of the new corporate health and safety policy was not progressing within an acceptable time frame. This is largely due to a failure in agreement about how building and service health and safety responsibilities will be split between landlord and tenant.
- 9.7 **Communication** The Inspectorate felt that the failure to maintain an effective Safety Liaison Officer Forum was impeding both effective cross- Council and directorate health and safety communication. They also emphasised that the SLO role itself needed to be carried out by an officer at a suitable senior level but with access to the time and resources necessary in order to give it appropriate priority. Whilst this has always been the intention of this particular role, changes to the Council’s directorate structure mean that its now requires redefinition and a revitalisation.
- 9.8 There was also no consistent picture in relation to directorate health and safety forums.
- 9.9 **Contractor Monitoring and Management** The circumstances of the Crowland School Fire were also discussed with relevant officers during the course of the inspection. With the subsequent receipt of the Fire Officer report into its causes, the HSE have clearly stated that the Action Plan will also need to address further development of systems to improve contractor and sub-contractor monitoring on site. They have also requested that they have input into any review.
- 9.10 **Data reporting and Analysis** The Inspectors welcomed the Council’s systems reporting of accident and sickness absence statistical information but felt that the capture of data and also the identification and analysis of trends could be taken much further in driving proactive strategies. They also commented that the current corporate accident reporting pro-forma is too heavily weighted towards insurance purposes.

- 9.11 **Stress Management** Inspectors acknowledged both the existence of the Council's Stress Policy and examples of good practice demonstrated in individual services.
- 9.12 However, the HSE were concerned that there is no mainstream approach to the management of stress across the Council. An effective way forward is for the Council to become one of the "willing 100" organisations who will commit to the implementation of the HSE's defined stress management's standards. This strategy is based on 6 themes: Demands, Control, Support, Relationships, Roles and Change. The methodology required to implement standards merely comprises an initial exercise to capture and analyse organisational data and then follows the 5 basic steps of risk assessment as applied to all work related hazards.
- 9.13 This commitment allows the organisation to receive agreed areas of support and advice from the HSE itself during the implementation period. At CEMB on 21st December an undertaking was given by the Council to participate in this strategy.
- 9.14 **Advisory Resources** The Inspectors were impressed by the standards of medical competence demonstrated in an improving Occupational Health Service. and welcomed the various health promotional initiatives already underway However, they did comment that the ratio of Occupational Health Nursing and doctor provision to Council workforce numbers was insufficient. They also commented that the Corporate Health and Safety Unit is not resourced sufficiently to allow them to carry out any significant cross Council auditing function. This service would greatly benefit from additional self generated funding to improve the quality and scope of its services.
- 9.15 Inspectors did also acknowledge that other health and safety advisory teams were deployed in both Children's Services and one particular housing service area.

10 Long term strategy

- 10.1 The Action Plan identified in Appendix 1 to this report identifies developments that will strengthen the Council's Health and Safety Management Systems and demonstrate its commitment towards achieving the HSE's targets for the reduction of work related sickness and accident absence

11 Recommended action

- 11.1 That Executive Advisory Board note the recommendations to this report.

12 Financial Implications

- 12.1 Any specific additional budgetary provision will be agreed with the Director of Finance once estimates are agreed.

13 Comments of the Director of Finance

13.1 Please see 12.1

14 Comments of the Head of Legal Services

14.1 The adoption of this report and, particularly, the action plan attached, will assist the Council in complying with its duties under the Health and Safety at Work Act 1974, and associated Regulations, as a public authority and employer.

15 Conclusion

15.1 The Executive Advisory Board is asked to support the action plan which focus on the following themes:

- (i) Strengthening existing training provision and introducing improved methods of delivery
- (ii) Fast-tracking the roll out of the new corporate health and safety policy
- (iii) Introducing the HSE Stress Management standards as a corporate strategy
- (iv) Revitalising corporate and directorate communication of health and safety issues
- (v) Improving methods of monitoring contractor/sub-contractor activity on site
- (vi) Reviewing and updating the Council's procedures for reporting and analysing work related sickness and accidents.
- (vii) Strengthening the links between Corporate Occupational Health and Health and Safety practitioner teams and improving service delivery

General Purposes Committee
on 2 March 2006

Report Title: Amendments to the Constitution Consequent upon the Housing ALMO	
Report of: The Head of Legal Services and Monitoring Officer	
Wards affected: All	Report for: Recommendation to Council
<p>1. Purpose</p> <p>1.1 To approve changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations that follow from the decisions to establish the Housing ALMO (Arms Length Management Organisation) with effect from 1 April</p>	
<p>2. Recommendations</p> <p>2.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations, set out in Appendices 1, 2, 3, 4, 5 and 6 to this report, to have effect as amendments to Parts F.7, G.2, K.1 and K.5 of the Council's Constitution</p>	
<p>Report authorised by:</p> <p>Davina Fiore Head of Legal Services and Monitoring Officer</p>	
<p>Contact Officer: Terence Mitchison, Senior Project lawyer, Corporate Telephone 8489 5936 E-Mail terence.mitchison@haringey.gov</p>	
<p>3.1 Executive Summary and Reasons for Change</p> <p>This report explains the changes to the Council's Constitution that need to follow from the decision to establish the Housing ALMO (Homes for Haringey) with effect from 1 April 2006.</p>	
<p>4. Access to information:</p>	

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:

- (i) Legal Service file on this matter.
- (ii) The Council's Constitution

5. Background

- 5.1 Members of this Committee at their last meeting on 30 January approved a report on the background to the Housing ALMO (Arms Length Management Organisation), the restructure of Housing Management and related staffing issues. The report outlined decisions already taken by The Executive about the scope of the transfer to the ALMO and the Council retained functions.
- 5.2 Subject to ODPM's approval of the Council's ALMO bid, the ALMO will formally come into operation on 1 April 2006. The ALMO will be a separate legal entity from the Council notwithstanding that the Council is the sole shareholder. Statutory functions exercised exclusively by the ALMO should be removed from the scheme of delegation to the Council's officers. From 1 April the ALMO will be accountable to the Council for its performance through the Management Agreement.
- 5.3 Inevitably, there will be areas of "overlap" in functions between the ALMO and the Council's remaining Housing Service. One example is "Right-to-Buy" (RTB) administration. Wherever there is a possibility that the Council's own officers will be involved in exercising a statutory function, it has been left within the Scheme of Delegation for Housing Functions in Appendix 1 to this report.

6. The Council's Retained Housing Service

- 6.1 As Members are aware, the current Director of Housing will become the Chief Executive of the ALMO. The current Assistant Directors for (1) Housing Management and (2) Haringey Home and Building Services will transfer to become Directors of the ALMO covering functions broadly equivalent to those within their existing Services.
- 6.2 The Executive has agreed that the Assistant Director Housing Strategy and Needs (ADHS&N) and the functions undertaken by his Service will remain within the Council. Most of these are duties relating to homelessness and the allocation of accommodation. Appendix 1 shows these functions retained under the Housing Act 1996. There are related powers to make provision for vulnerable adults under the National Assistance Act 1948. There are also management powers in other Statutes relating to temporary accommodation and other retained accommodation.
- 6.3 The ADHS&N will in future report to the Director of Social Services (DSS). The ADHS&N's post will be re-titled as Head of Housing (HH). The HH will be assisted by the Head of Housing Needs (HHN) and Head of Housing Supply (HHS). The

HHN needs to have delegated powers to make decisions in relation to allocations and homelessness.

- 6.4 These have been proposed as interim measures pending further consideration of the whole structure of the retained Housing Service after the Council Elections and the arrival of the new Chief Executive.
- 6.5 The DSS and HH will take on responsibility for “client side” monitoring of performance by the ALMO under the Management Agreement and taking any necessary action in accordance with policy agreed by Executive Members.
- 6.6 There are powers relating to acquisitions and capital works under sections 9 and 12-18 of the Housing Act 1985 which will be retained. Council officers will keep their existing powers relating to disposals and repayment of RTB discounts under sections 32-42 of that Act.
- 6.7 The ALMO will have a role in the administration of RTB sales but, because the Council retains the ownership of all its housing stock, the formal authorisation of RTB and Council mortgage provision functions will pass to the HH.

7. Anti-Social Behaviour

- 7.1 The Executive has agreed that all enforcement action against anti-social behaviour should remain under the direct control of the Council since this is not simply a concern within the Housing context. The logical place for administering these functions in the immediate future is the Community Safety Team under the Head of the Safer Communities Unit (HSCU) who reports to the Assistant Chief Executive, Strategy (ACE-S).
- 7.2 Appendix 2 shows these powers, under the Housing Act 1996 and the Crime and Disorder Act 1998, added to the delegated powers of the ACE-S and also granted to the HSCU who would have day-to-day management responsibility. Appendix 2 shows powers, formerly within the Youth Offending Service in the Social Services Directorate, which have already moved to the HSCU under the ACE-S.
- 7.3 The deletion of the “Youth Offending” powers from the Social Services Directorate is shown in Appendix 3. Appendix 3 only shows the amended Social Services functions not the Housing powers temporarily to be exercised by the DSS.
- 7.4 Authorisation of surveillance action for detecting crime under the Regulation of Investigatory Powers Act 2000 is a very serious matter which should be delegated at Chief Officer level, both in respect of anti-social behaviour (ACE-S in Appendix 2) and other Council retained functions (DSS in Appendix 1).

8. ALMO Functions

- 8.1 The main statutory functions that will transfer completely to the ALMO are Housing Management under the Housing Act 1985, powers relating to introductory tenancies under the Housing Act 1996 Part V Chapter 1 and provision of services to RTB leaseholders under the Landlord and Tenant Act 1985. These functions are all shown as deleted in Appendix 1 to this report.
- 8.2 The opportunity has been taken to delete certain obsolete powers under

Schedules 18 and 19 of the Housing Act 1985 which are shown in Appendix 1.

9. The Officer Structure

- 9.1 As a consequence of the decision to establish the ALMO and the decisions now recommended concerning the scheme of delegation, certain changes need to follow in the “broad brush” description of the Council’s officer structure. These are set out in Appendix 5 (Part K.1 – Officers Article) and Appendix 6 (Part K.5 – Management Structure).

10. Financial Regulations and Writing Off Housing Rent Debts

- 10.1 The ALMO will affect the procedures for writing off housing rent arrears that are considered not recoverable. It is recommended that this be treated in similar fashion to other debts with decisions under £1,000 delegated to the Director of Finance and decisions at or over this figure requiring the authority of the Executive Member for Finance. There are specific provisions on the same lines for other income administered by the ALMO.
- 10.2 The necessary amendments to Financial Regulation 4.11 in Part G.2 of the Constitution are shown in Appendix 4 to this report.

11. Recommendations

- 11.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations, set out in Appendices 1, 2, 3, 4, 5 and 6 to this report, to have effect as amendments to Parts F.7, G.2, K.1 and K.5 of the Council’s Constitution.

12. Equalities Considerations

- 12.1 There are no specific equalities implications.

13. Comments of the Director of Finance

- 13.1 There are no financial implications arising from the recommendation in this report. Revisions to the Financial Regulations in terms of write offs for irrecoverable income are proposed to retain those decisions within the Council.

14. Comments of the Head of Legal Service

- 14.1 The legal and constitutional implications are set out in the main part of the report.

15. Use of Appendices

- 15.1 Appendix 1 shows the recommended amendments to Part F.7 at section 6 which is the Scheme of Delegation to Officers for Housing Functions.
- 15.2 Appendix 2 shows the recommended amendments to Part F.7 at section 2 which is the Scheme of Delegation to Officers for the Chief Executive's Service.
- 15.3 Appendix 3 shows the recommended amendments to Part F.7 at section 7 which is the Scheme of Delegation to Officers for Social Services.
- 15.4 Appendix 4 shows the recommended amendments to Part G.2 which is the Financial Regulations (Finance Procedure Rules)
- 15.5 Appendix 5 shows the recommended amendments to Part K.1 which is the Officers Article.
- 15.6 Appendix 6 shows the recommended amendments to Part K.5 which is the Management Structure.

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APPENDIX 1

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

Section 6 – Housing Functions

[this extract starts at page 117 of Part F.7 in the version of the Constitution updated in June 2005]

Section 6. Housing Services <u>Functions</u> – Scheme of Delegation
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To the Director of Housing- Social Services

All Housing Services functions ~~of~~ *retained by* the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council. Included in this delegation are the statutory and non-statutory functions also delegated to the designated officers as listed below

Schedule of abbreviations used in the Schemes of Delegation for Housing

Director of Housing- Social Services	DH <u>DSS</u>
Assistant Director – Housing Strategy & Needs	AD – HS&N
<i>Head of Housing</i>	<u>HH</u>
Assistant Director – Housing Management	AD – HM
Assistant Director – Haringey Home and Building Services	AD – HH&BS
<i>Head of Housing Needs</i>	<u>HHN</u>
<i>Head of Housing Supply</i>	<u>HHS</u>

Non-statutory delegations

<i>Power to monitor performance of the ALMO under the Management Agreement and to take any action in the interests of the Council's "client side"</i> <i>Housing functions in accordance with policies</i>	<u>DSS</u>
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<i>agreed by The Executive</i>	
Power to accept properties for temporary accommodation.	AD – HS&N <u>HH HHS</u>
Power to alter levels of arrears tracing and collection as costs and circumstances dictate <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Power to negotiate and complete agreements for the temporary re-housing of private sector tenants to facilitate house renovation	AD – HS&N <u>HH</u>
Power to authorise all action to enforce provisions of right-to-buy leases and to authorise Court proceedings for enforcement	AD – HS&N <u>HH</u>
Power to authorise service of Notice to Quit for all non-secure tenancies	AD – HS&N <u>HH</u>
Power to determine requests for access to personal files <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Authority to waive the requirement for an owner to have lived in a property for three years prior to applying for a House Renovation Grant.	AD – HS&N <u>HH</u>
<i>Power to provide services for travellers in accordance with policies agreed by The Executive</i>	<u>HH</u>

Statutory Delegations

National Assistance Act 1948		
Section 21	Power to provide accommodation for persons in need	AD – HS&N <u>HH</u>
Section 22	Power to make charges for such accommodation in accordance with persons income	AD – HS&N <u>HH</u>
Section 23	Power to make rules in respect of the management of premises in which accommodation is provided	AD – HS&N <u>HH</u>
Section 24	Power to provide residential accommodation for any person subject to provisions under this Act.	AD – HS&N <u>HH</u>
Section 26	Power to provide accommodation in premises maintained by voluntary organisations	AD – HM
Section 29	Power to make welfare arrangements for people with disabilities	AD – HS&N

Section 32	Power to make financial adjustments between Authority providing accommodation etc. and Local Authority area of residence	DH <u>HH</u>
Section 43	Power to recover cost of assistance from persons liable for maintenance	AD – HS&N <u>HH</u>
Section 48	Power to provide temporary protection for property of persons admitted to hospital etc.	AD – HS&N <u>HH</u>
Section 55	Powers of entry <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Section 56	Power to recover sums due summarily as a civil debt <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Land Compensation Act 1973		
Section 39	Power to re-house residential occupiers displaced pursuant to certain compulsory acquisition or housing powers	AD – HS&N <u>HH</u> <u>HHN</u>
Section 40	Power to re-house caravan dwellers displaced by Council as above	AD – HS&N <u>HH</u> <u>HHN</u>
Rent Act 1977		
Section 68	Power to apply to the rent officer for consideration of a fair rent	AD – HM <u>HH</u> <u>HHN</u>
Criminal Law Act 1977		
Section 12A(6)(d)	Power to sign and issue a certificate to a protected intending occupier	AD – HM <u>HH</u> <u>HHN</u>
Housing Act 1980		
Section 81	Power to consult tenants on improvements	AD – HHBS
Section 82	Power to give statement for refusal of Section 81 to consult	AD – HM
Housing Act 1985		
Section 9	Power to provide accommodation by the erection, conversion, acquisition, altering, enlarging, repairing or improving of houses	AD – HHBS <u>HH</u>
Section 10	Power to provide furniture in respect of	AD – HS&N

	any house acquired etc. under S.92	<u>HH</u>
Section 11	Power to provide board and laundry facilities in connection with housing accommodation already provided	AD – HS&N <u>HH</u>
Section 12 & 15	Power to provide buildings or land connected with providing accommodation	AD – HM <u>HH</u>
Section 13	Power a) to lay out public streets, and open spaces when developing housing land; b) to contribute to expenses of laying out streets etc when selling land for housing purposes	AD – HM <u>HH</u>
Section 14	Power to execute works in connection with housing operation outside own area	AD – HM <u>HH</u>
Section 18	Power to deal with land acquired or appropriated for provision of accommodation	AD – HM <u>HH</u> <u>HHS</u>
Section 21	Power to manage, regulate and control local authority houses	AD – HM
Section 26	Power to make financial assistance available towards tenant's removal expenses	AD – HM
Section 32-42	Powers in relation to disposals of any housing land including repayment of discounts	AD – HM <u>HH</u>
Section 48	Duty to provide information on service charges	AD – HM
Section 82	Power to decide to apply to Court for Order determining secure tenancy	AD – HM
Section 83	Power to serve notice terminating secure tenancy	AD – HM
Section 89	Functions in relation to succession to periodic tenancies	AD – HM
Section 92	Consent to assignment of tenancies by way of exchange	AD – HM
Sections 93 & 94	Functions relating to consent to sub letting of secure tenancy of dwelling house	AD – HM
Section 96	Functions under tenants' right to repairs	AD – HM
Section 97	Power to consent to tenant's improvements	AD – HM

Section 98	Power to give statement of reasons for refusal of Section 97 consent	AD – HM
Section 100	Power to reimburse cost of tenant's improvements	AD – HM
Section 102	Power to vary terms of secure tenancy upon service of appropriate notice	AD – HM
Section 104	Power to provide information about secure tenancy	AD – HM
Section 105	Power to consult secure tenant over matters of housing management	AD – HM
Section 106	Power to provide information about housing allocation of secure tenancies	AD – HM HH HHN
Section 118	Power to determine whether conditions giving right to buy are satisfied	AD – HM HH
Section 121A	Power to apply for Court Order suspending the right to buy in cases of anti-social behaviour etc.	AD – HM HH
Section 124	Power to serve Notice admitting/denying right to buy	AD – HM HH
Section 125	Power to serve Notice on tenant in relation to purchase price and mortgage advance	AD – HM HH
Sections 126, 127 & 129	Power to determine purchase price and discount	AD – HM HH
Section 128	Power to exercise the right of landlord to require re-determination of price by DV	AD – HM HH
Section 128	Power to serve Notice informing tenant of re-determination	AD – HM HH
Section 132 and 133	Power to determine right to and minimum amount of mortgage	AD – HM HH
Section 134	Power to extend period in which tenant can claim right to mortgage	AD – HM HH
Section 135	Power to serve Notice as to amount of mortgage	AD – HM HH
Section 136	Power to serve Notice on new tenant of right to purchase and obtain mortgage (after former tenant has given notification of desire to buy and obtain mortgage)	AD – HM HH
Section 138	Power to complete sale	AD – HM

		<u>HH</u>
Section 138(2)	Power to exercise discretion not to complete if more than four weeks' rent outstanding	AD – HM <u>HH</u>
Section 138A & Schedule 5A	Power to serve initial demolition notice on secure tenant claiming right to buy	AD – HM <u>HH</u>
Section 138B & Schedule 5	Power to serve final demolition notice	AD – HM <u>HH</u>
Section 139	Power to determine terms of mortgage deed	AD – HM <u>HH</u>
Section 140	Power to serve completion notice	AD – HM <u>HH</u>
Section 141	Power to extend period in which tenant can serve notice claiming deferral of completion	AD – HM <u>HH</u>
Sections 144 & 146	Power to serve the notice of admission or denial of tenant's right to acquire on shared ownership terms	AD – HM <u>HH</u>
Section 147	Power to serve notice of initial contribution.	AD – HM <u>HH</u>
Section 150	Power to grant shared ownership lease.	AD – HM <u>HH</u>
Section 151 and Schedule 9	Power to serve notice on tenant of entitlement to further advance.	AD – HM <u>HH</u>
Section 152	Power to serve pre-completion notice.	AD – HM <u>HH</u>
Section 153	Power to serve completion notice.	AD – HM <u>HH</u>
Section 154	Power to give certificate as to title	AD – HM <u>HH</u>
Sections 155, 155A, 155B & 155C	Powers to determine and demand repayment of discount on early disposals	AD – HM <u>HH</u>
Section 156	Power by written notice to postpone the change taking effect in favour of a legal charge advanced by a specified body	AD – HM <u>HH</u>
Section 178	Power to charge tenant Council's legal costs of mortgage, in accordance with scheme as laid down from time to time by the Council	AD – HM <u>HH</u>
Section 184	Power to decide whether inclusion of land with dwelling house is reasonable	AD – HM <u>HH</u>
Section 197, 222,	Power to authorise entry for inspection	AD – HM

260, 319 & 395	etc. for various purposes	<u>HH</u>
Section 428	Power to borrow for purposes of Act	<u>AD – HM</u> <u>HH</u>
Section 435-440	Powers to make advances etc	<u>AD – HM</u> <u>HH</u>
Section 438	Power to waive or reduce interest to a person acquiring a house in need of repair	<u>AD – HM</u> <u>HH</u>
Section 438 and Sch 16	Power to alter certain mortgage interest rates to the higher of standard national rate or applicable local average rate	<u>AD – HM</u> <u>HH</u>
Section 438 and Sch 16	Power to charge the higher of the standard national rate or the applicable local average rate upon Council mortgages	<u>AD – HM</u> <u>HH</u>
Section 438 and Sch 16	Power to declare at six-monthly intervals the rate of interest applicable to certain advantages, transfers and monies left outstanding as described in Section 110(1)	<u>AD – HM</u> <u>HH</u>
Section 438 and Sch 16	Power to serve Notice of variation of mortgage rate	<u>AD – HM</u> <u>HH</u>
Section 442	Power to indemnify Building Societies in respect of mortgage advances, where the Council has obtained the Secretary of State's agreement to a Scheme	<u>AD – HM</u> <u>HH</u>
Section 442 and 444	Power to indemnify recognised bodies, with the approval of the Secretary of State	<u>AD – HM</u> <u>HH</u>
Section 443	Power to make contributions towards mortgage costs incurred.	<u>AD – HM</u> <u>HH</u>
Section 449	Power to approve loans and bonuses in accordance with the directions of the Secretary of State	<u>AD – HM</u> <u>HH</u>
Section 452	Power of Council to vest mortgage property in itself where it is entitled to exercise power of sale	<u>AD – HM</u> <u>HH</u>
Section 452 and Sch 17	Power to vest in the Council with leave of the County Court.	<u>AD – HM</u> <u>HH</u>
Section 452. and Sch 17	Power to set up fund equal to value of property, and interest from date of vesting.	<u>AD – HM</u> <u>HH</u>
Section 523	Power to assist in provision of separate service pipes for houses	<u>AD – HM</u> <u>HH</u>
Section 536	Power to give notice in writing of determination.	<u>AD – HM</u> <u>HH</u>

Section 537	Power to determine whether assistance in respect to a defective dwelling be by way of reinstatement grant or by way of repurchase.	AD – HM HH
Section 540	Power to give notice in writing as to form of assistance.	AD – HM HH
Section 547 and Sch 20	Power to serve notice specifying proposed terms and conditions of acquisition.	AD – HM HH
Section 547 and Sch 20	Power to extend period for request or notification.	AD – HM HH
Section 562	Power to publish notification in local newspaper of effect of designation or valuation	AD – HM HH
Section 582	Power to notify persons that compulsory purchase order not confirmed	AD – HM HH
Section 583	Power to authorise continuance of tenancies of houses compulsorily acquired and to be used for housing purposes	AD – HM HH
Section 610	Power to apply to Court to modify covenants relating to converting of houses into several tenements	AD – HM HH
Schedule 6 Part I	Power to require reservation of easements on disposal of secure tenancy	AD – HM HH
Schedule 6 Part I	Power to seek indemnities in respect of restrictive covenants on disposal	AD – HM HH
Sch 17 Para 3	Power to determine compensation and accounting provisions arising upon vesting under Section 112	AD – HM HH
Sch 18 Para 1	Power to advance money to residents for the purchase of houses	AD – HM
Sch 18 Paras 2,4,5	Power to take possession or order the sale of houses	AD – HM HH
Para 7	Duty to provide information as to cost of service charges	AD – HM HH
Sch 18 Para 3	Power to allow proprietors to permit occupation as a furnished house	AD – HM
Schedule 19, Paras 2-6	Power to obtain estimates and consult tenants before undertaking certain works (to be recharged to tenant as part of service charge)	AD – HH & BS
Para 7	Duty to provide information as to cost of service charges	AD – HH & BS

Schedule 21 Para 5	Power to determine whether designation <u>relating to defective dwelling is</u> to be disregarded and give notice accordingly.	AD – HM HH
Schedule 21 Para 6	Power to give appropriate notice when s.13(4) <u>new designation of defective dwelling is</u> applicable.	AD – HM HH
Housing Associations Act 1985		
Sections 34 & 58	Power to promote and assist housing associations	AD – HS&N HH
Section 61	Power to sell furniture to persons housed by housing associations	AD – HM HH
Landlord & Tenant Act 1985		
Sections 20 & 20ZA and Regulations made under these sections	Power to: — provide details of proposed works or agreements to tenants or to recognised tenants' associations representing them; — to obtain estimates for the proposed works; — to invite tenants or the recognised tenants' association to propose the name of persons from whom the landlord should try to obtain estimates; — to have regard to observations made by tenants or the recognised tenants' association in relation to proposed works or agreements and estimates; — to give reasons for carrying out works or entering into agreements	AD – HH & BS
Section 20B	Power to issue notices to leaseholders that relevant costs have been incurred	AD – HH & BS
Section 21	Power to provide summaries of costs	AD – HH & BS
Section 22	Duties in relation to inspection of documents by leaseholders	AD – HH & BS
Section 23	Duties in relation to information held by superior landlords	AD – HH & BS

Housing and Planning Act 1986		
Section 4	Power to write off losses due to estimates of service charges and rechargeable works given to leaseholders proving to be inadequate	HP
The Leasehold Reform, Housing and Urban Development Act 1993		
Sections 104-107	Power to amend the Council's Voluntary Sales Scheme.	AD – HM HH
Section 108-120	Power to administer the Rents to Mortgages Scheme	AD – HM HH
Housing Act 1996		
<i>Part V Chapter I – Introductory Tenancies</i>		
Section 124	Functions relating to introductory tenancies	AD – HM
Section 125	Duration of introductory tenancies	AD – HM
Section 125A	Power to serve notice extending trial period of introductory tenancy	AD-HM
Section 125B	Power to arrange a review, by a different senior officer, of a decision under s.125A	AD-HM
Section 127	Authorising proceedings for possession	AD – HM
Section 128	Service of notice of proceedings for possession	AD – HM
Section 129	Authority to review decision to seek possession	AD – HM
Section 133	Functions in relation to succession to introductory tenant	AD – HM
Section 136	Provision of information about tenancies	AD – HM
Section 137	Consultation on matters of housing management	AD – HM
<i>Part V Chapter III – Injunctions against anti-social behaviour</i>		

Section 152	Power to apply for injunctions against anti-social behaviour	AD – HM
Sections 153 – 157	Functions in relation to powers of arrest and injunctions	AD – HM
<i>Part VI – Allocation of housing accommodation</i>		
Section 159-160A	Functions in relation to allocation of housing accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 166	Functions in relation to applications for housing accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 167	Functions in relation to allocation scheme	AD – HS&N <u>HH</u> <u>HHN</u>
Section 168	Publication of information about allocation scheme	AD – HS&N <u>HH</u> <u>HHN</u>
Section 170	Making requests to registered social landlords about accommodating persons with priority under the allocation scheme.	AD – HS&N <u>HH</u> <u>HHN</u>
Section 171	Authorising prosecutions for false statements and withholding information	AD – HS&N <u>HH</u>
<i>Part VII - Homelessness</i>		
Section 177	Determining whether it is reasonable to continue to occupy accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 179	Duties of local housing authority to provide advisory services	AD – HS&N <u>HH</u> <u>HHN</u>
Sections 180-181	Power to assist voluntary organisations	AD – HS&N <u>HH</u>
Section 184	Duties relating to inquiry into cases of homelessness or threatened homelessness	AD – HS&N <u>HH</u> <u>HHN</u>
Section 187	Making requests for information to Secretary of State about persons from abroad	AD – HS&N <u>HH</u>
Section 188	Interim duties to accommodate in case of apparent priority need	AD – HS&N <u>HH</u>

		<u>HHN</u>
Section 190	Duties to persons becoming homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 191	Determining whether persons are homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 192	Duties to persons not in priority need who are not homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 193	Duties to persons with priority need who are not homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 195	Duties in case of threatened homelessness	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 196	Determining whether persons are threatened with homelessness intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 198	Powers to refer case to another local housing authority	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 200	Duties to applicant whose case is considered for referral or referred	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 202	Power to review decisions on request	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 203	Functions relating to procedure on review	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Sections 204 & 204A	Functions relating to provision of accommodation during appeals	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 206	Functions relating to discharge of functions by local housing authorities	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 208	Functions relating to discharge of functions by out of area placements	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 209	Functions relating to discharge of functions by arrangements with private landlord	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 210	Functions relating to suitability of accommodation	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>

Sections 211 & 212	Duties to protect property of homeless persons and persons threatened with homelessness	AD – HS&N <u>HH</u> <u>HHN</u>
Section 213	Duties relating to co-operation between relevant housing authorities and other bodies	AD – HS&N <u>HH</u> <u>HHN</u>
Section 214	Action in relation to false statements withholding information and failure to disclose changes in circumstances	AD – HS&N <u>HH</u> <u>HHN</u>
Crime and Disorder Act 1998		
Section 1	Power to apply for anti-social behaviour orders	AD-HS&N
Regulation of Investigatory Powers Act 2000		
Part II	Authorisation of all action related to surveillance for the detection of crime	<u>DH</u> <u>DSS</u>

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APPENDIX 2

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

[this extract starts at page 8 of Part F.7 in the version of the Constitution updated in June 2005]

Section 2 Chief Executive's Service – Scheme of Delegation

To the Chief Executive

1. All the powers delegated to the other Senior Officers and shall be able to exercise those powers in the place of that Senior Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Senior Officer, the Chief Executive shall have the authority to determine which Senior Officer is to exercise that power.
2. Excluded from this delegation is the withdrawal or modification of public library facilities.
3. The corporate management of the Authority and specifically through the Chief Executive's Management Board
 - (a) Advice to the Council on the Policy Framework
 - (b) The preparation and consultation in 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 Executive shall determine
4. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
5. To be Head of the Paid Service.

6. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of a civil emergency.
7. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of a civil emergency.
8. In the event that all Members of the Executive are removed from office under **Article 15.05** (in **Part H**), to exercise all Executive functions in consultation with the Mayor until the Council shall appoint a new Executive.
9. Included in this delegation are the statutory and non-statutory functions also delegated to the designated officers listed below.

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

Chief Executive	CE
Assistant Chief Executive - Strategy	ACE-S
Assistant Chief Executive - Organisational Development	ACE-OD
Assistant Chief Executive - Access	ACE-A
Head of Legal Services	HLS
Head of Libraries	HL
Head of Information Technology	HIT
Head of Equalities	HE
Head of Communications	HC
Corporate Complaints Manager	CCM
Head of Personnel	HP
Head of Members and Democratic Services	HMDS
<i>Head of Safer Communities Unit</i>	<u>HSCU</u>

Non-statutory delegations

1. Power to grant a licence to display the Borough Coat of Arms to other organisations.	HMD S
2. Power to provide town maps by advertising companies.	HC

3. Power to provide official guides, street maps and similar publications.	HC
4. Power to authorise attendance by Members at conferences, seminars etc. which do not appear in the approved list of conferences in consultation with the Chief Whips of the Party Groups.	HMD S*
5. Power to authenticate any notice, order, assent, demand or other document which the Council are authorised or required by or under any Act and any instrument made thereunder to give make or issue.	HLS
6. Power to obtain particulars of occupiers of and other persons interested in land and of persons authorised to manage or to arrange for the letting of land.	HLS
7. Power to make minor boundary adjustments between adjoining parcels of Council owned land and to authorise the necessary Appropriation Orders and adjustments to accounts to be made.	HLS
8. Power to administer any charity of which the Council is trustee (except Alexandra Park and Palace and The Mayor's Charity).	HLS
9. Power to administer the Mayor's Charity in consultation with the Mayor	HMD S*
10. Power, notwithstanding the arrangements for the discharge of the function by the appropriate Designated Officer, to authorise, institute, defend, compromise or adjourn any form of legal proceedings or statutory procedure and to make any appeal or contend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests.	HLS
11. Power to authorise other officers to represent the Council in civil or criminal proceedings.	HLS
12. Power to issue or serve any statutory notice on instructions from a designated officer who has delegated power to issue or serve such a notice.	HLS
13. Power to take part in such schemes of co-operation between library authorities as will improve the library service.	HL
14. Power to permit groups from interested organisations to visit the library buildings at suitable times during the day and after closing hours when necessary.	HL
15. Power to approve the conditions for the display of works of historical, archaeological and artistic interest which are the responsibility of the Libraries and Community Information Department where it may be desirable to	HL

show them elsewhere than in Library premises.	
16. Power occasionally to vary library opening hours.	HL
17. Power to fix the number of items loaned per borrower and loan period.	HL
18. Power to adopt appropriate pricing policy for sale of withdrawn stock.	HL
19. Power to charge for copies of local studies material.	HL
20. Power to permit the use of library premises for adult literacy and English language classes.	HL
21. Power to determine the charges for the reproduction of Local Studies material required for commercial purposes having regard to the scales recommended by the Museums Association.	HL
22. Power to approve appropriate charges for events of an educational or cultural nature held on library premises.	HL
23. Power to approve charges for individual library or museums publications.	HL
24. Power to alter the library charge for copies produced from microforms to conform to that levied by the Planning Department.	HL
25. Power to introduce modifications to the employees' car leasing scheme which do not adversely affect the Council's financial position.	ACE -OD
26. Power (in consultation with the relevant Executive Member) to make exceptions to the Council's Policy to re-employ officers, craft or manual workers either as an individual consultant, or in temporary or permanent employment, who have left the Council's employment under the special early retirement/voluntary schemes	ACE -OD*
27. Power (in consultation with the relevant Executive Member) to implement discretionary elements of nationally negotiated agreements	ACE -OD*
28. Power to identify posts/jobs exempt from the Job Share Policy	HP
29. Power to agree special leave entitlements in the case of sick dependants leave	HP
30. Power to implement statutory or case law changes to employment issues where no exercise of discretion is required	HP
31. Power to implement nationally negotiated agreements affecting employees where no exercise of discretion is involved	HP
32. Power to authorise the 'certificate of opinion' for employees on SCP44 or above making application for exemption under the Local Government & Housing Act 1989 - Politically Restricted Posts	HP
33. Approval of time off for accredited Trade Union representatives to	HP

attend training courses or other approved activities in connection with their industrial duties	
34. Approval of time off for Special Branch Meetings	HP
35. Approval of payments made in respect of injury allowances within the scope of part L of the Superannuation Regulations	HP
36. Power to vary enhanced severance payments in individual cases, subject to appropriate statutory provisions	HP
37. Power to enter into and agree appropriate settlements for individuals at termination of employment or in legal proceedings including those reached by compromise agreement	HP
38. Power to implement scales of election expenses recommended by the Association of London Government.	CE
39. Duty and power in consultation with the relevant Executive Member to monitor the Council's compliance with: <ul style="list-style-type: none"> • the Disability Discrimination Act 1995 • the Race Relations Act 1976 and the Race Relations Amendment Act 2002 • Sex Discrimination Act 1974 	HE*

Statutory Delegations

Land Registration Rules 1925		
Rule 12	Power to sign instrument in form 53	HLS
Law of Property Act 1925		
Sections 115 & 120	Power to sign receipt on discharge	HLS
The Public Libraries and Museums Act 1964		
Section 12	Power to contribute to expenses of any person providing or maintaining or benefiting a museum or art gallery	HL
Section 15	Power to establish a fund for purchase of objects for exhibition	HL
Section 20	Power to allow use of library and museums premises for meetings etc of an educational or cultural nature	HL
<u>Children and Young Persons Act 1969</u>		<u>ACE-S</u>

		HSCU
<u>Section 9</u>	<u>Power to make investigation concerning the home surroundings, school record, health and character of any young person against whom proceedings for an offence are commenced by the Council and provide the court with such information</u>	
<u>Section 13</u>	<u>Power to select a supervisor where a Supervision Order is made</u>	
<u>Section 15</u>	<u>Power to apply for discharge or variation of Supervision Orders</u>	
<u>Section 23</u>	<u>Power to provide accommodation (including secure accommodation) for children and young persons remanded or committed by a court to local authority accommodation; to authorise any officer or other person to detain any person so remanded or committed; to apply to any court for conditions to be attached to any such remand or committal; and to seek the Secretary of State's consent to arrangements that the whole or part of any period of any such remand or committal should be in a secure training centre</u>	
<u>Section 23AA</u>	<u>Power to inform a court of the view of a youth offending team that an electronic monitoring condition is suitable in the case of the remand or committal of any person under section 23 of this Act and to exercise and perform all powers and duties conferred by any rules made by the Secretary of State under this section</u>	
<u>Section 30</u>	<u>Power to detain any person in a community home or controlled community home in accordance with directions given by the Secretary of State, and to recover from the Secretary of State any expenses reasonably incurred in discharging this duty</u>	
Attachment of Earnings Act 1971		
Section 3	Power to apply to Court for attachment of earnings order against debtors	HLS
Local Government Act 1972		
Section 222	Power to prosecute and defend, compromise or adjourn proceedings and power to authorise	HLS

	legal proceedings on recommendation by relevant Designated Officer	
Section 223	Power to authorise a Member or officer to appear in legal proceedings.	HLS
GLC (General Powers) Act 1974		
Section 16	Power to enter into agreements affecting land	HLS
Local Government Act 1974		
Section 28	Power to comment on any allegations contained in a complaint to the Local Government Ombudsman	CCM
Section 32(3)	Power to give notice to Local Government Ombudsman that disclosure of any document or information would be contrary to the public interest	CCM
Local Land Charges Act 1975	All functions	HLS
Local Government (Miscellaneous Provisions) Act 1976		
Section 16	Power to serve requisitions for information	HLS
Section 28	Power to apply for the repayment of unclaimed compensation paid into court	HLS
Section 32	Powers to execute works outside local area	HLS
Employment Protection (Consolidation) Act 1978		
Section 5	Power to exclude certain contracts in writing (from sections 1-4)	ACE-OD
Section 11	Power to refer certain questions (re. Section 1 or Section 4 or Section 8 Statements - or lack of) to industrial tribunals for determination	ACE-OD
Data Protection Act 1984		
Section 4	Power to register personal data	HIT
Housing Act 1985		

Section 73	Power to assist voluntary organisations	ACE-S
Local Government and Housing Act 1989		
Section 33	Steps to promote economic development	ACE-S
<u>Criminal Justice Act 1991</u>		<u>ACE-S</u> <u>HSCU</u>
<u>Section 61</u>	<i><u>Duty to secure that the Council is in a position to comply with any security requirement which may be imposed by a remand or committal to local authority accommodation by providing secure accommodation or by making arrangements with other local authorities or other organisations for the provision of such accommodation, and to comply with and exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section with regard to such accommodation</u></i>	
<u>Section 65</u>	<i><u>Power to appoint a social worker or member of a youth offending team to supervise a person under the age of 22 years who has been released from a term of detention in a young offender institution or under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000</u></i>	
Marriage Act 1994		
Section 1 and Regulations made thereunder	To recommend the scale of fees for applications for approval of premises for civil marriages and the attendance thereof of the Superintendent Registrar, Registrar of Marriage or their deputies, such scale to recover all of the Council's costs involved, and subject to approval by the relevant Executive Member	HLS*
<u>Housing Act 1996</u>		
<u>Sections 153A-E, 154, 155, 156 and 157</u>	<i><u>Functions in relation to powers of arrest and injunctions against anti-social behaviour</u></i>	<u>ACE-S</u> <u>HSCU</u>
<u>Crime and Disorder Act 1998</u>		<u>ACE-S</u>

		HSCU
<u>Section 1</u>	<u>Power to apply for an Anti-Social Behaviour Order</u>	
<u>Section 11</u>	<u>Power to apply for a Child Safety Order</u>	
<u>Section 12</u>	<u>Power to apply for the discharge or variation of a Child Safety Order</u>	
<u>Section 14</u>	<u>Power to make a local child curfew scheme, to consult before making such a scheme, to respond to consultation by the police where they intend to make such a scheme, to seek the Secretary of State's confirmation for such a scheme, and to publish a curfew notice given under such a scheme</u>	
<u>Section 38</u>	<u>Power to secure, in co-operation with the police and other authorities, that appropriate youth justice services are available in the Council's area, (including, but not limited to, the provision of appropriate adults, the assessment of children and young persons and the provision of rehabilitation programmes, the provision of support to such persons when remanded or committed on bail, the placement of such persons in accommodation, the provision of reports, the provision of responsible officers, and the supervision of children and young persons) and the making of payments towards expenditure incurred in the provision of such services</u>	
<u>Section 39</u>	<u>Power to establish a youth offending team as defined in this section, to make payments towards expenditure incurred by or for purposes connected with such a team, and to appoint any social worker to form part of such a team</u>	
<u>Section 40</u>	<u>Power to formulate and implement a youth justice plan as defined in this section, to submit such a plan to the Youth Justice Board, and to publish it in such manner as the Secretary of State may direct. (This delegation does not include the power to approve, adopt or revoke any such strategy or any modification or variation of it)</u>	
<u>Section 65</u>	<u>Power to act as an appropriate adult for an offender under the age of 17 when a reprimand or warning under this section is given</u>	
<u>Section 66</u>	<u>Power to assess a person referred to the youth</u>	

	<u>offending team under this section (following a reprimand or warning under section 65 of this Act), to arrange for him to participate in a rehabilitation programme, and to have regard to any guidance in relation to rehabilitation programmes issued by the Secretary of State under this section</u>	
<u>Powers of Criminal Courts (Sentencing) Act 2000</u>		<u>ACE-S HSCU</u>
<u>Section 21 & 22</u>	<u>Power to adjourn any meeting of a youth offender panel, to refer an offender back to the appropriate court, and to allow any person to attend a meeting of a youth offender panel</u>	
<u>Section 23</u>	<u>Power to seek to reach agreement with an offender on a programme of behaviour the aim of which is to prevent re-offending (a youth offender contract) and to record and sign any such agreement</u>	
<u>Section 25</u>	<u>Power to end an initial meeting with an offender without agreeing a youth offender contract, to resume consideration of such a contract at a further meeting, and to refer the offender back to the appropriate court</u>	
<u>Section 26</u>	<u>Power to request a youth offending team to arrange for the holding of a progress meeting in respect of any offender party to a youth offending contract, and to review any such contract at any meeting so arranged</u>	
<u>Section 27</u>	<u>Power to conduct a final meeting, to review a offender's compliance with a youth offending contract, to decide whether such compliance has been such as to justify the conclusion that any offender will have satisfactorily completed any youth offending contract by the end of the compliance period, to give written confirmation of any such decision, and to refer any offender back to the appropriate court</u>	
<u>Section 29</u>	<u>Power to arrange for the provision of administrative staff, accommodation and other facilities as are required by a youth offender panel, to make arrangements for supervising any offender's compliance with a youth offending contract, and to ensure that the member of any youth offender panel appointed by the youth offending team keeps</u>	

	<u>records of any offenders' compliance with such a contract</u>	
<u>Section 46</u>	<u>Power to appoint an appropriate officer to give information to a court as to the suitability of making a community punishment order</u>	
<u>Section 47 & 48</u>	<u>Power to appoint a member of a youth offending team to discharge the functions of a responsible officer with regard to the operation of a community punishment order and to exercise and perform the powers and duties in Schedule 3 of this Act</u>	
<u>Section 63 & 65</u>	<u>Power to act as a supervisor for any child or young person in relation to whom a supervision order has been made under this section and to exercise and perform the powers and duties in Schedule 7 of this Act</u>	
<u>Section 64</u>	<u>Power to agree to the designation of the Council as the supervisor of a child or young person under a supervision order made under section 63 of this Act, and to defray any expenditure incurred by a supervisor in compliance with directions or requirements given by virtue of the provisions of Schedule 6 of this Act</u>	
<u>Section 66</u>	<u>Power to make arrangements with other persons for the provision of facilities for enabling directions and requirements made under Schedule 6 of this Act to be carried out effectively, to consult with a local probation board about any such arrangements, to specify any such arrangements in a scheme, to provide copies of any such scheme to the chief executive of the Haringey petty sessions area and others, to keep a copy of any such scheme available for inspection by members of the public, and to make a further such scheme</u>	
<u>Section 69</u>	<u>Power to appoint a social worker to; act as a responsible officer for the purposes of an action plan order made under this section, and provide a written report prior to the making of such an order</u>	
<u>Section 71</u>	<u>Power to provide a further report to the court with regard to the effectiveness of an action plan order made under section 69 of this Act</u>	

<u>Section 70 & 72</u>	<u>Power to give directions under an action plan order made under section 69 of this Act and to and perform the powers and duties in Schedule 8 of this Act</u>	
<u>Section 73</u>	<u>Power to appoint a social worker to prepare a report for any court considering the making of a reparation order under this section</u>	
<u>Section 74 & 75</u>	<u>Power to appoint a social worker to act as a responsible officer for the purposes of a reparation order made under section 73 of this Act and to exercise and perform the powers and duties in Schedule 8 of this Act</u>	
<u>Section 103</u>	<u>Power to appoint a social worker to supervise an offender subject to a detention and training order</u>	
<u>Section 36 & 162</u>	<u>Power to appoint an appropriate officer to prepare any pre-sentence report</u>	
Local Government Act 2000		
Sections 2, 3 and 4	Steps to promote economic, social and environmental well-being	ACE-S

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APPENDIX 3

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

Part K.1**Officers Article****Article 18 – Officers****18.01. Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions. Legal Services. Representing the Council on partnership and external bodies (as required by statute or the Council).
Assistant Chief Executive – Access	IT, Customer Services, Libraries, Neighbourhoods Management, Access to Services.
Assistant Chief Executive – Organisational Development	Personnel; Organisational Development and Learning; Equalities; Improvement and Performance; Members' and Democratic Services.
Assistant Chief Executive – Strategy	Health, Safer Communities and Voluntary Sector; <u>Anti-Social Behaviour</u> ; Policy, Partnerships, and Consultation; Economic Regeneration; Communications.
Director of Finance	Finance, Procurement, Corporate Finance, Revenues and Benefits, Property Services.
Director of Children's Service	School Improvement and Inclusion, All Children's Services, Community and Lifelong Learning,

Post	Functions and areas of responsibility
	Resources and Planning.
Director of Housing	Housing Strategy and Needs; Housing Management; Technical and Building Services.
Director of Environment	Planning and Environmental control, Recreation Services, Streetscene.
Director of Social Services	Adults, Older People, <i>Homelessness and "client side" Housing functions.</i>

APPENDIX 4

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

PART G.2 of the Constitution – Finance Procedure Rules

Section 4 – Systems and Procedures

[this extract starts at page 19 of Part G.2 in the version of the Constitution updated in June 2005]

DEBT WRITE OFF

4.11 — ~~**Housing**~~ rents below £1,000 (one thousand) may be written off on — the authority of the Director of Housing who shall keep a record of — all sums written off. Housing rents above this sum may be written off — on the authority of the Executive Member for Housing upon the — advice of Director of Finance.

4.11 Arrears of housing rents administered by the ALMO below £1,000 (one thousand pounds) may be written off on the authority of the Director of Finance upon the advice of the Chief Executive of the ALMO. The ALMO shall keep a record of all sums written off.

4.12 Arrears of housing rents administered by the ALMO of £1,000 (one thousand pounds) or above may be written off on the authority of the Executive Member for Finance upon the advice of the Director of Finance. The ALMO shall keep a record of all sums written off.

4.13 Arrears of housing rents or other payments for accommodation

administered the Council: (i) if below £1,000 (one thousand pounds)
may be written off on the authority of the Director of Finance, or
(ii) if £1,000 (one thousand pounds) or above may be written off on
the authority of the Executive Member for Finance upon the advice
of the Director of Finance. The Director of Finance shall keep a
record of all sums written off.

4.14 All other debts of £1,000 (one thousand) or less which remain unpaid can be written off on the authority of the Director of Finance. Debts above this sum may be written off on the authority of the Executive Member for ~~Resources~~ Finance upon the advice of the Director of Finance.

APPENDIX 5

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

Part K.1**Officers Article****Article 18 – Officers****18.01. Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions. Legal Services. Representing the Council on partnership and external bodies (as required by statute or the Council).
Assistant Chief Executive – Access	IT, Customer Services, Libraries, Neighbourhoods Management, Access to Services.
Assistant Chief Executive – Organisational Development	Personnel; Organisational Development and Learning; Equalities; Improvement and Performance; Members' and Democratic Services.
Assistant Chief Executive – Strategy	Health, Safer Communities and Voluntary Sector; <i>Anti-Social Behaviour; Youth Offending; Policy, Partnerships, and Consultation; Economic Regeneration; Communications.</i>
Director of Finance	Finance, Procurement, Corporate Finance, Revenues and Benefits, Property Services.
Director of Children's Service	School Improvement and Inclusion, All Children's Services, Community and Lifelong Learning,

Post	Functions and areas of responsibility
	Resources and Planning.
Director of Housing	Housing Strategy and Needs; Housing Management; Technical and Building Services.
Director of Environment	Planning and Environmental Control, Recreation Services, Streetscene.
Director of Social Services	Adults, Older People, <i>Retained and "client side"</i> <u>Housing functions including Homelessness.</u>

APPENDIX 6

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

PART K.5 of the Constitution – Management Structure

[this extract is at page 17 of Part K.5 in the version of the Constitution updated in June 2005]

~~HOUSING SERVICES~~

<i>Director of Housing</i>	<i>DH</i>	Responsibility to provide the following Housing Services related functions: <i>Housing Strategy and Needs</i> <i>Housing Management</i> <i>Haringey Home and Building Services</i>
<i>Assistant Director– Housing Strategy & Needs</i>	<i>AD– HS&N</i>	Responsibility to provide accommodation and support services (including prevention advice) to people who are homeless or at risk of homelessness.
<i>Assistant Director– Housing Management</i>	<i>AD– HM</i>	Responsibility to provide the Landlord service for of the Council 7,250 general needs and 4,000 leasehold housing stock.
<i>Assistant Director– Haringey Home and Building Services</i>	<i>AD– HH&BS</i>	Responsibility to provide corporate building construction procurement, design, engineering and surveying service plus the provision of repairs and maintenance operations. Also responsible for planning and delivering the housing capital programme.

[this extract is at page 18 of Part K.5 in the version of the Constitution updated in June 2005]

SOCIAL SERVICES

Director of Social Services	DSS	Responsibility to provide the following Social Services <i>and Housing</i> related functions: <ul style="list-style-type: none"> ▪ Adults ▪ Older People ▪ Youth Offending ▪ <i>Retained housing functions and ALMO monitoring</i>
Assistant Director - Adults	AD-A	Responsibility for the delivery of social care support for people aged between 18 and 64 who are assessed as needing and being eligible for community care services. In some cases, responsible for providing services to individuals aged 65 and over in order to ensure continuity of care. Responsible for providing services relating to mental health, learning disabilities, physical disabilities, HIV/AIDS, substance misuse, carers and the Support People Programme.
Assistant Director - Older People	AD-OP	Responsibility to provide services to older people, including: <ul style="list-style-type: none"> • Assessment and Care Management • Residential Services • Day Services and Supported Housing • Home Care Service. • Community Support and Partnership • Finance and Performance Management
Assistant Director - Youth Offending Service	AD-YOS	Remit to prevent offending and re-offending by children and young people aged 10–18 years, living in Haringey. Responsibility to work as part of a multi-agency, multi-disciplinary service dealing with youth offending in Haringey; set up under the requirements of the Crime and Disorder Act 1998.
<u>Assistant Director - Housing Strategy & Needs Head of Housing</u>	<u>AD-HS&N</u> <u>HH</u>	<i>Responsibility to provide accommodation and support services (including prevention advice) to people who are homeless or facing homelessness. Retained housing functions including allocations and monitoring ALMO performance.</i>

[this extract is at page 13 of Part K.5 in the version of the Constitution updated in June 2005]

CHIEF EXECUTIVE'S SERVICE

Chief Executive	CE	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision making process</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions</p> <p>Representing the Council on partnership and external bodies (as required by statute of the Council)</p>
Assistant Chief Executive - Strategy	ACE-S	<p>Responsibility to provide policy support, project management and strategic planning in regard to:</p> <ul style="list-style-type: none"> ▪ Policy and partnerships, ▪ Health, crime <i>and anti-social behaviour</i> ▪ <u>Youth Offending</u> ▪ The voluntary sector ▪ Regeneration ▪ Communications
Assistant Chief Executive - Organisational Development	ACE-OD	<p>Responsibility to support the corporate agenda via provision of the following services:</p> <ul style="list-style-type: none"> ▪ Improvement and Performance Team ▪ Personnel Services ▪ Organisational Development and Learning ▪ Equalities ▪ Member Services
Assistant Chief Executive - Access	ACE-A	<p>Responsibility to support access to services via provision of the following services:</p> <ul style="list-style-type: none"> ▪ Corporate Information Technology (IT) ▪ Libraries, Archives and Museums ▪ Customer Services ▪ Neighbourhood Management
Head of Legal Services	HLS	<p>Responsibility to provide the following:</p> <ul style="list-style-type: none"> ▪ Corporate legal services ▪ Registrars Service ▪ Local Land Charges Service

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General Purposes Committee on 2 March 2006

Report Title: Making the Scheme of Members' Allowances	
Report of: The Head of Legal Services and Monitoring Officer	
Wards affected: All	Report for: Recommendation to Council
1. Purpose 1.1 To make the Scheme of Members' Allowances for the year 2006/07	
2. Recommendations 2.1 That Members recommend to full Council the adoption of the Scheme of Members' Allowances for the year 2006/07, set out in the Appendix to this report, to have effect as a replacement for Part C.7 of the Council's Constitution	
Report authorised by: Davina Fiore Head of Legal Services and Monitoring Officer	
Contact officer: Terence Mitchison – Senior Project Lawyer, Corporate Telephone: 020 8489 5936 terence.mitchison@haringey.gov	
3.1 Executive summary It is a requirement of the Local Authorities (Members Allowances) Regulations 2003 that each Council before the end of March must make its Scheme of Members' Allowances afresh for the coming year.	

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. Background

- 5.1 Under the Local Authorities (Members Allowances) Regulations 2003 each Council must make its Scheme of Members' Allowances for the next municipal year before the end of March every year. This must be done whether or not any changes are proposed.
- 5.2 The legislation allows a Scheme to be amended at any time. Any changes in an allowance resulting from such an amendment can be made retrospective from the beginning of the relevant year i.e. 1 April.
- 5.3 Haringey's Scheme was last made by full Council meeting on 21 March 2005 for the year 2005/06. At that time minor increases were made to the babysitting and dependants allowance but first class travel was excluded outside the M25. There was clarification of the rules on travelling and subsistence allowances, the withholding of allowances by Standards bodies, making claims and payments and the exclusion of multiple allowances.
- 5.4 A Special Responsibility Allowance was introduced for the Chair of the new Audit Committee but the levels of the Basic Allowance, Mayoral Allowances and Special Responsibility Allowance were not altered.

6. Proposals

- 6.1 The Scheme of Members' Allowances for 2006/07 is attached as the Appendix to this report. Apart from the point about parking below, there are no substantive changes as compared to last year.
- 6.2 There have been questions about the entitlement of Members to essential service permits for parking within the Borough. The Leader considers that any preferential treatment for Members in terms of parking permits cannot be justified and that this should be stated in the Scheme of Members Allowances. An extra sentence (in italics and underlined) has been added to paragraph 3.01 on "Travel Expenses" to put the point beyond doubt.
- 6.3 Once the Scheme has been made by full Council, details must be published in a local newspaper and copies of the Scheme must be available for public inspection at the Civic Centre.

7. Recommendations

- 7.1 That Members recommend to full Council the adoption of the Scheme of Members' Allowances for the year 2006/07, set out in the Appendix to this report, to have effect as a replacement for Part C.7 of the Council's Constitution

8. Equalities Implications

- 8.1 There are no specific equalities implications

9. Comments of the Director of Finance

- 9.1 There are no financial implications as a result of the recommendations in this report. The Member's Allowances will be contained within the existing approved budget.

10. Comments of the Head of Legal Services

- 10.1 Under the 2003 Regulations, when Members reach their decision upon the Scheme they must have regard to the recommendations contained in the Report by the Independent Panel to the ALG. The Panel's report and recommendations were considered by Members when they made the Scheme in substantially the same terms in March 2005. At that time, Members were advised that their decision was consistent with the Panel's recommendations.

11. Use of Appendices

- 11.1 There is one Appendix to this report which sets out the Scheme of Members' Allowances proposed for 2006/07.

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APPENDIX

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

Part C.7 Members' Allowances Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances)
(England) Regulations 2003 and in force for the municipal year 2006/2007 (*i.e. 1 April 2006 to 31 March 2007*).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of £8,500 by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members and education representatives on scrutiny bodies.

3. INCLUDED EXPENSES

3.01 Travel Expenses.
The Basic Allowance includes all travel within the M25. *Councillors are not entitled to any form of concession or special permit for parking in the Borough.*

3.02 Mobile Telephones.
The Basic Allowance includes Councillors' telephone call charges.

4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are unchanged from previous years.

(a) The Mayor is entitled to an additional allowance of £9,411.76.

(b) The Deputy Mayor is entitled to an additional allowance of £2,352.94.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 Haringey Council will allocate Special Responsibility Allowances in three bands, to Councillors who take on certain additional roles:

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> • Leader 	£21,500	£30,000
Band 3	<ul style="list-style-type: none"> • 9 x Executive Members • Opposition Leader • Chief Whip • Chair of Overview and Scrutiny Committee 	£12,500	£21,000
Band 2	<ul style="list-style-type: none"> • Chair of General Purposes Committee • Chair of Planning Applications Sub-Committee 	£9,500	£18,000
Band 2 (continued)	<ul style="list-style-type: none"> • Chair of Licensing Committee • Chair of Alexandra Palace and Park Board • Chair of Audit Committee • Opposition Deputy Leader • Opposition Chief Whip • 6 x Councillors on Overview and Scrutiny Committee 	£9,500	£18,000
Band 1	None		

6. MULTIPLE RESPONSIBILITIES

- 6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

7. CO-OPTES' ALLOWANCES

- 7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of £250. This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

- 8.01 Councillors and non-elected members can claim this allowance based on the following :
- (a) That reimbursement be made at a maximum rate of £5.05 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
 - (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following :

(a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

(b) The mileage rate for travel by solo motor cycle is :

	Not exceeding	150 cc	8.5 pence per mile
mile	Over	150 cc but not over 500 cc	12.3 pence per
mile	Over	500 cc	16.5 pence per

(c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available

(d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available

(e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00
£4.92

For an absence of more than 4 hours including lunchtime
between 12.00 and 14.00
£6.77

For an absence of more than 4 hours including the
period 15.00 to 18.00 £2.67

For an absence of more than 4 hours ending after 19.00
£8.38

10. CLAIMS AND PAYMENTS

10.01 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.

10.02 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 below.

10.03 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 below..

10.04 If any Allowance under paragraphs 10.02 or 10.03 is not claimed within the prescribed time limit, the Head of Members' Services shall have a discretion to make the payment nonetheless.

10.05 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Members' Services.

11. WITHHOLDING AND REPAYMENT OF ALLOWANCES

11.01 The Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:

(a) Basic Allowance;

(b) Special Responsibility Allowance;

(c) Travelling and Subsistence Allowances; and

(d) Co-optees Allowance.

11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME

12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances.

General Purposes Committee on 2 March 2006

Report Title: Amendments to the Constitution re: Decision Making in Election Year	
Joint Report of: The Chief Executive and the Head of Legal Services and Monitoring Officer	
Wards affected: All	Report for: Recommendation to Council
<p>1. Purpose</p> <p>1.1 To amend the Council's Constitution by (1) clarifying the term of office of the Leader and Executive Members and (2) bringing the emergency procedures in election year into accord with local government legislation by granting extended delegated powers to the Chief Executive.</p>	
<p>2. Recommendations</p> <p>2.1 That Members recommend to full Council the adoption of the changes to the term of office of the Leader and Executive Members, set out in Appendix 1 to this report, to have effect as amendments to Part H.1 of the Council's Constitution.</p> <p>2.2 That Members recommend to full Council the adoption of the changes to the "Emergency Procedures in Election Year" including the delegated powers to the Chief Executive, set out in Appendix 2 to this report, to have effect as amendments to Part E.7 of the Council's Constitution.</p> <p>2.3 That Members of the Committee support the recommendation from the Licensing Committee to full Council to extend the appointments of the existing Members of the Licensing Committee until the date of the Annual Meeting of the Council on 22 May 2006 as currently set out in recommendation 2.1 of the report to the Licensing Committee attached as Appendix 3 to this report.</p>	
Report authorised by:	
Max Caller Interim Chief Executive Officer	Davina Fiore Head of Legal Services & Monitoring

Contact Officer: Terence Mitchison, Senior Project Lawyer, Corporate
Telephone 8489 5936 E-mail terence.mitchison@haringey.gov

3.1 Executive summary

This report sets out proposals to clarify the term of office of the Leader and Executive Members. It also proposes bringing the "Emergency Procedures in Election Year" into line with the legislation by providing that the Chief Executive may exercise any of the Council's functions, in consultation with the Mayor and the Leader, in the period between the Council Election date and the Annual Meeting of the Council.

3.2 Reasons for any change in policy or for new policy development

The proposals set out in the report are necessary to ensure that urgent matters requiring a decision outside the normal scheme of delegation to officers can be dealt with in the short period (4th May to 22nd May 2006) between the Elections and the Annual Meeting.

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:

- (i) Legal Service file on this matter.
- (ii) The Council's Constitution

5. Background

5.1 As Members will be aware, no meetings of The Executive or any Council Committees or Sub-Committees are scheduled for the period between the Council Elections on 4 May and the Annual Meeting of the Council on 22 May ("the interim period"). Steps have been taken to ensure that no important matters are likely to require any decisions by Members in this interim period.

5.2 However, despite careful planning, unforeseen events can arise. It is essential in order to protect the Council's interests, that there should be proper provision for taking urgent and decisions in the interim period on matters that fall outside the normal limits of officers' delegated powers.

6. Terms of Office of the Leader and other Executive Members

- 6.1 Regrettably, the Council's Constitution is not clear about how long the Leader or other Executive Members remain in office. The relevant provision about the Leader's term of office is in Part H.1 of the Council's Constitution at article 15.03. This is attached as Appendix 1 to this report.
- 6.2 Certain unusual eventualities such as resignation or removal by the Council would bring the Leader's term to an end. The Leader will cease to hold office if he/she is no longer a Councillor. The general rule in 15.03 (f) is that the Leader serves until the "end of the municipal year" in which he/she is elected. However, there is no definition of "the municipal year" which would put an exact date on the end of the Leader's term.
- 6.3 In order to avoid uncertainty and possible dispute, it is recommended that the Leader's term of office be specified more precisely. The proposal is to amend 15.03 (f) so that the reference to the "municipal year" is deleted and replaced by a provision that the Leader serves until the Annual Meeting of the Council in the year after his/her election i.e. from one Annual Meeting until the next.
- 6.4 There is currently the same uncertainty about the term of office of the other Executive Members. The provision about their term is in Part H.1 at article 15.04. It is worded in the same way as the provision about the Leader with the same reference to the "end of the municipal year". The same amendment to clarify the position is proposed in 15.04 (f).
- 6.5 If any of the other Executive Members were not to be re-elected as Councillors, then any urgent decisions during the interim period which had to be taken within their portfolio responsibilities could always be taken by the Leader under existing urgency procedures in Part H.4 paragraph 2.06.
- 6.6 If the Leader were not to be re-elected as a Councillor, then the special delegation to the Chief Executive, proposed below, would ensure that the "executive" functions of the Council could be discharged in cases of urgency.

7. Emergency Procedures in Election Year

- 7.1 In Part E.7 of the Council's Constitution at section 6 there are provisions concerning "Emergency Procedures in Election Year". These are set out in Appendix 2 to this report.
- 7.2 As currently drafted these provisions refer to the Mayor making decisions in the relevant period after the Election and before the Annual Meeting. Unfortunately, it is not possible under local government legislation and case law for a single non-executive Member, including the Mayor, to make decisions even as a matter of urgency.
- 7.3 The proposal is to delegate to the Chief Executive the power to exercise any of the functions of the Council and The Executive in consultation with the Mayor and the Leader. The formal decision-making would be undertaken by an officer rather than a single non-executive Member and, therefore, this would be consistent with section 101 of the Local Government Act 1972 which provides for the delegation of the Council's functions.
- 7.4 This delegation would only operate during the relevant period between the

Election and the Annual Meeting. The power would only be used in circumstances where it was genuinely necessary and impossible to defer a decision until the commencement of the scheduled cycle of meetings of Member bodies after the Annual Meeting. Any decisions taken would be reported to the next meeting of the appropriate Member body.

- 7.5 In the event that the Leader of the Council were not to be re-elected as a Councillor, then the Chief Executive would consult the Mayor on any proposed exercise of this delegated power. Under the Local Government Act 1972, the Mayor remains in office, even if not re-elected as a Councillor, until a successor becomes entitled to act. There is no need to make any amendment to the Council's Constitution about the Mayor's term.

8. Licensing Decisions

- 8.1 As explained above, all decisions involving major policy issues have been timetabled so that they can be taken at the scheduled meetings of Member bodies before the end of the 2005/06 cycle or after the Annual Meeting.
- 8.2 There is a specific concern about applications under the Licensing Act 2003 and the possible need for meetings of Member bodies during the interim period. This is because the legislation prescribes a very tight and inflexible timetable for holding hearings by a Licensing Committee or Sub-Committees into applications which are subject to objections. Applications for personal or premises licences, or for reviews of existing licences, made during late March/early April could, if contested, give rise to a statutory duty to hold a Licensing Committee or Sub-Committee hearing within the interim period.
- 8.3 The problem is that both the Licensing Committee and its subordinate Licensing Sub-Committees will cease to exist after the Council Elections. In the normal way, the Annual Meeting would appoint the Licensing Committee and the Licensing Committee itself must appoint its Sub-Committees. This could delay the establishment of the Licensing Sub-Committees beyond the end of May.
- 8.4 A report is being submitted to the meeting of the Licensing Committee on 21 February advising that Committee about the position. This report is attached as Appendix 3 to this report. The Licensing Committee is being invited to make a recommendation to full Council that Council extend the duration of the appointment of the existing Members to the Committee beyond the Elections on 4 May until the Annual Meeting on 22 May. This would only be for the purposes of determining any contested applications that must legally be determined during the interim period.
- 8.5 The outcome of the Licensing Committee's deliberations on this matter on 21 February will be reported to the General Purposes Committee on 2 March.
- 8.6 However, it is a statutory requirement for the operation of a Licensing Committee that its membership should comprise no fewer than 10 Members and no more than 15 Members. Unless at least 10 Members of the existing Committee are re-elected and willing to serve in the interim period after the Elections, the Licensing Committee will not be able to function.

- 8.7 The Licensing Committee is also being recommended to extend the appointments of the existing Members to the three Member Licensing Sub-Committees on the same basis as at paragraph 8.4 above. This would only be effective for any Sub-Committee if all three Members were to be re-elected as Councillors. Given the inevitable uncertainty, there is a specific need for the delegation to the Chief Executive in the interim period.
- 8.8 If the recommended delegation of power is granted to the Chief Executive, then she will be able to appoint any additional Members needed to allow the Licensing Committee to act. Such appointments would be on a purely interim basis with effect only up to the Annual Meeting.
- 8.9 Once a Licensing Committee had its full membership, it could either hear any contested application itself or appoint an emergency Licensing Sub-Committee to do so. Any appointments to such an emergency Licensing Sub-Committee would also be on a purely interim basis with effect only up to the Annual Meeting.

9. Recommendations

- 9.1 That Members recommend to full Council the adoption of the changes to the term of office of the Leader and Executive Members, set out in Appendix 1 to this report, to have effect as amendments to Part H.1 of the Council's Constitution.
- 9.2 That Members recommend to full Council the adoption of the changes to the "Emergency Procedures in Election Year", including the delegated powers to the Chief Executive, set out in Appendix 2 to this report, to have effect as amendments to Part E.7 of the Council's Constitution.
- 9.3 That Members of the Committee support the recommendation from the Licensing Committee to full Council to extend the appointments of the existing Members of the Licensing Committee until the date of the Annual Meeting of the Council on 22 May 2006 as currently set out in recommendation 2.1 of the report to the Licensing Committee attached as Appendix 3 to this report.

10. Equalities Implications

- 10.1 There are no specific equalities implications.

11 Comments of the Director of Finance

- 11.1 There are no financial implications.

12 Comments of the Head of Legal Services

12.1 The legal implications are set out in the main part of the report.

13 Use of Appendices

13.1 Appendix 1 to this report sets out the recommended amendments to Part H.1 of the Council's Constitution concerning the terms of office of the Leader and other Executive Members.

13.2 Appendix 2 to this report sets out the recommended amendments to Part E.7 of the Council's Constitution Members under the heading "Emergency Procedures in Election Year".

13.3 Appendix 3 to this report is the report to the Licensing Committee on 21 February 2006 entitled "Extending the Duration of the Licensing Bodies in Election Year".

APPENDIX 1

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Part H.1

The Executive Article

Article 15 - The Executive

15.01. Role

The Executive will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

15.02. Form and Composition

The Executive will consist of the Executive Leader together with 9 other councillors ("Executive Members") appointed to the Executive by the Council

15.03. Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader may exercise powers delegated by the Executive within the specific portfolio responsibilities allocated to the Leader as set out in **Part H** of this Constitution.

The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council; or
- (e) He/she is removed from office in the manner described in 15.05 below; or

- (f) The ~~end of the municipal~~ Annual Meeting of the Council in the year in which after he/she is elected to the position of Leader save that the Council may remove the leader from office at an earlier date in the event of a change in political control of the Council.

15.04. Other Executive Members

Each Executive Member will be elected by the Council to cover one of the specific portfolio responsibilities (other than that of the Leader) set out in **Part H**. Individual Executive Members may exercise powers delegated by the Executive within their specific portfolio responsibilities as set out **in Part H**. Executive Members shall hold office until:

- (a) They resign from office; or
- (b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) They are no longer councillors; or
- (d) They are removed from office, either individually or collectively, by resolution of the Council; or
- (e) They are removed from office in the manner described in 15.05 below; or
- (f) The ~~end of the municipal~~ Annual Meeting of the Council in the year in which after he/she is elected to the position of Executive member save that the Council may remove all members of the Executive at an earlier date in the event of a change in political control of the Council.

15.05. Votes of No Confidence

A member of the Executive shall cease to hold office as an Executive member if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full council by a majority of the members of the whole council then present. The responsibilities of that member shall be carried out by the Executive collectively until such time as the appointment of a replacement or the reappointment of the member concerned by full Council. In the event of all members of the Executive having been removed from office in this way at any time, Executive functions shall in the interim be carried out by the Chief Executive in consultation with the Mayor.

15.06. Proceedings of the Executive

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

15.07. Responsibility for Functions

The Leader will maintain a list in **Part H** of this Constitution setting out which individual Executive Members, Committees of the Executive or officers are responsible for the exercise of particular Executive functions.

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APPENDIX 2

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PART E.7 of the Constitution – Terms of Reference of Full Council

[this extract from the version of the Constitution updated in June 2005 starts at page 18 of Part E.7 after the reference to the Area Assemblies]

SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

In the year of the ordinary election of Borough Councillors, ~~the Mayor may sanction~~ between the ~~fourth~~ day after the election and the day of the Annual Meeting, the *Chief Executive may* exercise any of the Council's functions *of the Council or The Executive in cases of urgency in consultation with the Mayor and the Leader.* Decisions made by the *Chief Executive* ~~Mayor~~ in accordance with this paragraph shall be reported to the next meeting of the appropriate body.

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Agenda item:

Licensing Committee

on

21 February 2006

Report Title: **Extending the Duration of the Licensing Bodies in Election Year**

Report of: **Head of Legal Services and Monitoring Officer**

Wards(s) affected: **All**

Report for: **Non-Key Decision and Recommendation to Council**

1. Purpose

1.1 To recommend to full Council that it should continue the operation of the existing Licensing Committee until the Annual Meeting in order to ensure that the Council's statutory duties to hear Licensing applications are discharged and to continue in operation the Licensing Sub-Committees for the same purpose.

2. Recommendations

2.1 That Members recommend to full Council the continuation of the appointments of all Members of the Licensing Committee from the Council Elections until the Annual Meeting on 22 May subject to:

- (i) individual Members being re-elected as Councillors
- (ii) the Licensing Committee, or any Emergency Sub-Committee it appoints, only having power to act for the purposes of determining contested applications that must legally be determined in the above period.

2.2 That Members recommend to full Council the grant of a special delegated power to the Chief Executive to appoint any additional Members of the Licensing Committee needed to increase its membership to 10 to be exercised only in the period between the Council Elections and the Annual Meeting.

2.3 That Members resolve to continue the appointments of all Members of the Licensing Sub-Committees from the Council Elections until the Annual Meeting subject to the same provisos as in paragraph 2.1 (i) and (ii) above.

Report Authorised by:

Davina Fiore, Head of Legal Services and Monitoring Officer

Contact Officer: **Terence Mitchison, Senior Project Lawyer, Corporate**
(x 5936) terence.mitchison@haringey.gov.uk

3. Executive Summary

This report explains the problems that may arise in the event that the Council is obliged to hold licensing hearings in the period between the Council Elections and the Annual Meeting when Council bodies would not normally meet. The Monitoring Officer recommends the continuation of the life of the existing Licensing Committee and its Sub-Committees.

4. Local Government (Access to Information) Act 1985

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

The Council's Constitution

5. Background

- 5.1 Normally, none of the Council's Committees or Sub-Committees would meet in the period between the Council Elections and the Annual Meeting when new appointments are made to all Committees and other bodies.
- 5.2 There is a particular problem in connection with licensing decisions under the Licensing Act 2003. When an application is made it must be advertised for a period of 28 days and then, if there is an objection, there is a fixed period, generally 20 working days, within which the Council must hold a hearing into the application. These time limits may vary for different types of application.
- 5.3 In the event of applications being made in late March or early April that result in objections, there could be a legal obligation to hold hearings between the Elections and the Annual Meeting ("the interim period").
- 5.4 Strictly speaking, in these circumstances it will not be possible to defer a hearing until after the Annual Meeting when the Licensing Committee and its Sub-Committees had been appointed. No provision is made for this in the licensing legislation.
- 5.5 The Monitoring Officer recommends that in order to be as sure as possible that the Council can discharge its statutory duties, full Council should be asked to extend the duration of the appointments to the existing Licensing Committee so as to give it express power to act during the interim period.

- 5.6 Any extended appointments would be subject to the Member in question being re-elected on 4 May. It would also be subject to the Licensing Committee only having power to act for the purposes of determining any applications that the Council was legally bound to have determined during the interim period.
- 5.7 The Licensing Committee could determine applications after hearings itself or it could appoint an Emergency Licensing Sub-Committee with the requisite three Members to hear and decide contested cases. In either event, the only powers of the Licensing bodies would be to decide contested cases in the interim period. At, and after, Annual Council any such emergency arrangements would be replaced by the normal procedures for appointing licensing bodies.
- 5.8 Another potential problem is that a Licensing Committee must have a membership of at least 10 but no more than 15 Councillors. In the event that fewer than 10 of the current Members were to be re-elected, then the Committee itself could not continue to act at all during the interim period, even to appoint a Sub-Committee.
- 5.9 In order to avoid this problem, it is recommended that the Licensing Committee should now resolve to extend the appointments of its Licensing Sub-Committees (or at least those that have three Members) from the Council Elections until the Annual Meeting. This would be subject to the same provisos as in paragraph 5.6 above i.e. individual Members being re-elected and the Sub-Committee only having power to act where it is legally necessary to hold a hearing in the interim period.
- 5.10 These extended appointments to the Licensing Sub-Committees are within the jurisdiction of the Licensing Committee itself rather than full Council. They can validly be made now while the Committee has the requisite legal membership.
- 5.11 As a safeguard against the possibility that none of the Licensing Sub-Committees still have three Members after the Elections, and that the Licensing Committee itself has less than 10 Members, it is recommended that a special delegation be granted to the Chief Executive. This would be a delegated power to appoint any additional councillors needed to make up the membership of the Licensing Committee to 10. This delegation could only be exercised in the interim period. It must be granted by full Council. Accordingly, the Licensing Committee is asked to recommend such a delegation to the meeting of full Council on 20 March. The General Purposes Committee will be invited to make a similar recommendation when it meets on 2 March.

6 Recommendations

- 6.1 That Members recommend to full Council the continuation of the appointments of all Members of the Licensing Committee from the Council Elections until the Annual Meeting on 22 May subject to:
- (i) individual Members being re-elected as Councillors
 - (ii) the Licensing Committee, or any Emergency Sub-Committee it appoints, only having power to act for the purposes of determining contested applications that must legally be determined in the above period.

- 6.2 That Members recommend to full Council the grant of a special delegated power to the Chief Executive to appoint any additional Members of the Licensing Committee needed to increase its membership to 10 to be exercised only in the period between the Council Elections and the Annual Meeting.
- 6.3 That Members resolve to continue the appointments of all Members of the Licensing Sub-Committees from the Council Elections until the Annual Meeting subject to the same provisos as in paragraph 6.1 (i) and (ii) above.

7. Equalities Implications

- 7.1 There are no specific equalities implications.

8. Financial Implications

- 8.1 There are no specific financial implications.

9. Legal Implications

- 9.1 The legal implications are set out in the main report.

3.1 Executive Summary and Reasons for Change

The Association of London Government (ALG) has asked all London Councils to pass a revised "LA Gold" resolution. The resolution passed by all London Councils in 2004 made joint arrangements for delegations to, and co-ordination by, a "Gold" Chief Executive acting London-wide in the event of a "catastrophic incident". Experience from the July 2005 bombings suggests that the "Gold" co-ordination arrangements need to be extended to responses to emergencies less drastic than a "catastrophic incident". The revised LA Gold resolution, at Appendix 1 to this report, is being recommended to The Executive on 14 March and full Council on 20 March. This report recommends changes to Part J.1 of the Council's Constitution which would follow from the passing of this resolution.

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:

- (i) The Council's Constitution
- (ii) Legal Service file on this matter.

5. Background

- 5.1 Towards the end of 2003, the Association of London Government (ALG) asked all London Councils to pass the first "LA Gold" resolution. This delegated each Council's emergency powers, under section 138 Local Government Act 1972, to a "Gold" Chief Executive, that is, one of several of the serving London Chief Executives trained and ready to take on this role. The Gold Chief Executive had powers to co-ordinate a response on a London-wide basis to a "catastrophic incident" declared by Central Government. Haringey passed this first resolution in January 2004.
- 5.2 The emergency powers under section 138 enable a Council to incur expenditure in response to an imminent or actual emergency/disaster involving danger to life or property and likely to affect the whole or part of a Council's area.
- 5.3 Under the first resolution and arrangements, the Gold Chief Executive can only incur expenditure if Central Government has confirmed that it will reimburse any exceptional expenditure reasonably incurred in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience.

6. Proposals

- 6.1 The ALG has recently asked all London Councils to pass a revised LA Gold resolution the text of which is attached as Appendix 1 to this report. There are two main reasons for this new development:
 - (i) the impact of the Civil Contingencies Act 2004, and

- (ii) the lessons of the July 2005 bombings which illustrate the need for the Boroughs to work together when an event is serious but insufficiently drastic in its effect to warrant being declared “catastrophic”.
- 6.2 The Civil Contingencies Act 2004 confers no new powers on local authorities but it does confer an Order-making power on Ministers which has yet to be exercised. This would involve special legal powers needed for the most serious or catastrophic events.
- 6.3 Under the 2004 Act, the Government has issued non-statutory guidance entitled “Emergency Response and Recovery”. The Guidance obliges Regional Civil Contingencies Committees (RCCCs) to organise multi-agency planning and strategic management.. RCCC meetings re set at three levels of response:
 - (i) Level 1: convened when prior warning of an emergency is available, or
 - (ii) Level 2: a single site or wide area disruptive challenge needing a co-ordinated response by various agencies, or
 - (iii) Level 3: the most serious, which would involve a Central Government declaration that special legislative Orders were to be made under the 2004 Act.
- 6.4 In London, unlike other regions in England, the RCCC is likely to be referred to as a Strategic Co-ordinating Group (SCG) particularly for immediate impact, police-led emergencies.
- 6.5 The revised LA Gold resolution would take effect in the event of an emergency requiring a level 2 response. This could be an event broadly equivalent in its impact to the July 2005 bombings, or worse, but less drastic than a “catastrophic incident” meriting a level 3 response. The revised resolution must be passed by all the London Councils before it could come into operation.
- 6.6 The power of the Gold Chief Executive to incur expenditure would only come into effect if the Gold Chief Executive had received prior confirmation from:
 - (i) the Minister of State for Resilience that central Government would reimburse expenditure reasonably incurred by the Gold Chief Executive to safeguard life or property or to prevent suffering or severe inconvenience
 - (ii) the Council(s) in whose area the emergency had occurred that the Council(s) would reimburse expenditure incurred for the purposes in (i) above.
- 6.7 There will be a separate report to the Executive on 14 March and full Council on 20 March recommending the passing of the revised LA Gold resolution. The agreement of The Executive and full Council is a pre-condition to the amendments to Haringey’s Constitution proposed below.
- 6.8 This report is inviting the approval of this Committee to consequential amendments to Part J.1 of the Council’s Constitution relating to “Joint Arrangements”. These are set out in Appendix 2 to this report. The Committee is asked to recommend them to full Council on 20 March.
- 6.9 Paragraph 17.07 of part J.1 deals with the ALG arrangements for co-coordinating response to a “catastrophic incident”. This needs to be amended to take into

account the extension of these arrangements to circumstances where there is only an emergency requiring a level 2 response. The paragraph still reflects the arrangements put in place by the first LA Gold resolution. There are some minor amendments to make the sense of this paragraph clearer.

7. Recommendations

- 7.1 That Members recommend to full Council the extension of ALG arrangements for co-ordinating the response to emergencies, set out in Appendix 2 to this report, to have effect as amendments to Part J.1 of the Council's Constitution.
- 7.2 That Members of this Committee note the revised "LA Gold" resolution, set out at Appendix 1 to this report, which must be agreed by The Executive and full Council as a pre-condition to the amendments to the Constitution recommended in paragraph 2.1 above.

8. Equalities Considerations

- 8.1 There are no specific equalities implications.

9. Financial Implications

- 9.1 These are explained in the report.

10. Comments of the Head of Legal Services

- 10.1 The main legal implications are set out in the body of the report. The functions under section 138 of the Local Government Act 1972 are "executive" and, therefore, the agreement of The Executive is required to the resolution. The Council can confirm the resolution and adopt the consequential amendments to the Constitution.

11. Use of Appendices

- 11.1 Appendix 1 is the revised LA Gold resolution
- 11.2 Appendix 2 sets out the recommended amendments to Part J.1 of the Constitution

Appendix 1

REVISED LOCAL AUTHORITY “GOLD” RESOLUTION

Resolution to be passed on behalf of each London Borough Council and the Common Council of the City of London (“the Councils”)

1. This resolution is made in accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, section 19 Local Government Act 2000, Regulations 7 and 10 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other enabling powers. The resolution has regard to “Emergency Response and Recovery” the non-statutory Guidance issued pursuant to the Civil Contingencies Act 2004.
2. As from the date of this resolution the Council's functions under section 138(1) Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) are delegated to the Council which has appointed the Head of Paid Service as defined in paragraph 3 below in the circumstances set out in paragraphs 4-7 below.
3. The Head of Paid Service is the person appointed by one of the Councils under section 4 Local Government and Housing Act 1989 who, following the convening of the Strategic Co-ordinating Group (“Gold Command”) to respond to an incident requiring a “Level 2” response (as defined in paragraph 4 below) has agreed to discharge the functions under section 138(1) Local Government Act 1972 (“the functions”) on behalf of the Councils.
4. An emergency requiring a Level 2 response is a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies.
5. The functions hereby delegated shall not be exercised until resolutions delegating the functions have been made by all the Councils.
6. The powers hereby delegated to the Council which has appointed the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless either:

- the Head of Paid Service has received confirmation from the Minister that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed by HM Government; or

 - the Head of Paid Service has received confirmation on behalf of the Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property; to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will be met by the Council (or the Councils in proportions to be agreed by them).
7. In the event the Minister has confirmed that expenditure will be reimbursed by HM Government, the Head of Paid Service shall, insofar as reasonably practicable, consult with and inform the Council(s) in whose area(s) the incident has occurred regarding any action proposed to be taken.

APPENDIX 2

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

Part J.1
Joint Arrangements Article

Article 17 - Joint Arrangements

[this extract starts at page 3 of Part J.1 in the version of the Constitution last updated in June 2005]

**17.07 ALG Arrangements for Co-ordinating Response to a
Catastrophic
Incident Emergencies**

- (a) The Council and Executive ~~has~~ have resolved to delegate its 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 catastrophic incident or a lesser emergency. This "Gold" Chief Executive ~~would~~ will be appointed under arrangements approved by Central Government, the ALG and the London Resilience Forum. ~~and~~ The Gold Chief Executive will ~~would~~ have power to incur expenditure needed in connection with ~~the~~ a catastrophic incident or, subject to paragraph (c) below, an emergency.
- (b) These arrangements ~~would~~ will only come into effect in the event that:
- (i) the Minister of State for London Resilience ~~had~~ declared that a "catastrophic incident" ~~had~~ has occurred or ~~was~~ is imminent, or
- (ii) there is an emergency requiring a level 2 response as defined in
Guidance under the Civil Contingencies Act 2004.

- (c) In the event of an emergency requiring a level 2 response, the Gold Chief Executive will only have power to incur expenditure once:
- (i) the Minister of State confirms that H.M. Government will reimburse
expenditure reasonably incurred by the Gold Chief Executive in taking
immediate action to safeguard life or property or to prevent suffering
or severe inconvenience, or
- (iii) The Council or Councils in whose area the emergency occurs
confirm that it/they will reimburse expenditure incurred as in (i) above.
- (d) All Council officers are authorised to take any action in accordance with instructions issued by the appointed Gold Chief Executive in the event that such a "catastrophic incident" is declared or an emergency requiring a level 2 response occurs.