London Borough of Haringey Constitution

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1. **PART ONE - SUMMARY AND EXPLANATION (PAGES 1 - 4)**

2. **PART TWO - ARTICLES (PAGES 5 - 40)**

3. **PART THREE - RESPONSIBILITY FOR FUNCTIONS (PAGES 41 - 138)**

4. **PART FOUR - PROCEDURE RULES (PAGES 139 - 300)**

5. **PART FIVE - CODES AND PROTOCOLS (PAGES 301 - 408)**

6. **PART SIX - MEMBERS' ALLOWANCES SCHEME (PAGES 409 - 420)**

7. **APPENDICES TO THE CONSTITUTION**

   Council Structure Chart

Haringey LONDON

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Part One
Summary and Explanation

The Council's Constitution

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

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

What's in the Constitution?

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

How the Council operates

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

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

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and the Leader appoints members of the Executive (known in Haringey as the Cabinet). The Council also appoints the various non-executive committees of the Council which cover regulatory matters outside the remit of the Cabinet. At Council meetings, members of the Council may:-

- Put forward motions for debate on issues of concern;

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

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

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

How decisions are made

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

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

Whenever there is a reference in this Constitution to a decision that may be taken by the Cabinet meeting, a Cabinet Committee or by an individual Cabinet Member, that decision may also be taken by the Leader personally. This also applies to Cabinet or executive functions delegated to officers except in the few instances, for example decisions requiring specific professional expertise, where legally a decision of that kind may only be taken by an officer. These powers of the Leader do not extend to non-executive committees or non-executive functions delegated to officers.

Overview and Scrutiny

The Council appoints the Overview and Scrutiny Committee from among the non-executive (non-Cabinet) councillors to support the work of the Cabinet

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

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A member/officer protocol governs the relationships between officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local citizens' advice bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example, as a parent or carer of a child at school or as a Council tenant, they have additional rights. These are not covered in this Constitution

Citizens have the right to:-

- Vote at local elections if they are registered;
- Contact their local councillor about any relevant matters of concern to them;
- Be treated equally and have equal opportunity with other citizens;
- Obtain a copy of the Constitution;
- Attend meetings of the Council and its committees, except where, for example, personal or confidential matters are being discussed;
- Petition to request a referendum on a change in the Council's governance arrangements;
- Participate in Council meetings as indicated above;
- Contribute to investigations by the Overview and Scrutiny Committee and scrutiny panels;
- Find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet, and when;

- Attend meetings of the Cabinet, particularly where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
- See reports and background papers and any record of decisions made by the Council and the Cabinet;
- Complain to the Council about a problem with a Council service - a leaflet and form are available which explain how this can be done;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints procedure.
- Complain in writing to the Council's Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- At the time of the external audit of the Council's accounts, inspect those accounts and make their views known to the external auditor.

The Council's procedures also allow members of the public to present deputations or ask questions at Council or Cabinet meetings.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend the meetings (the Access to Information Procedure Rules) is set out in Part 4 of the Constitution and is available on request from the Democratic Services Manager.

Part Two
Articles

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

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

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

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

Article 2 - Members of the Council

2.01 Composition and eligibility

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

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

2.02 Election and terms of councillors

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

2.03 Roles and functions of all councillors

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

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

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

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

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

(v) Participate in the governance of the Council;

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

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

(b) **Rights and duties**

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

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

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

2.04 Conduct

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

2.05 Allowances

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

2.06 Political Groups

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

Article 3 – Citizens of The Council

3.01 Citizens rights

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

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

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

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

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

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

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

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

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

(c) **Participation.**

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

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

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

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

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

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

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

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

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

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

(e) **Petitions**

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

3.02 Citizens responsibilities

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

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

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

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

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

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

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

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

Article 4 - The Full Council

4.01 Meanings

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

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

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

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

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

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

4.02 Functions of the full Council

Only the Council will exercise the following functions:

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

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

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

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

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

(r) Confirming the appointment or dismissal of the Head of Paid Service;

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

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

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

(v) Adopting the Members' Code of Conduct;

(w) Approving Pilot Schemes for Local Elections;

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

(y) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:

(i) approving and revising any Statement of Licensing Policy;

(ii) resolving not to issue any casino premises licences in the next three years;

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

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

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

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

4.03 Council meetings

There are four types of Council meetings:

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

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

4.04 Responsibility for functions

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

Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

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

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

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

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

5. To be the conscience of the Council; and

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

5.02 First Citizen.

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

Article 6 - Overview and Scrutiny

6.01 Terms of reference

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

6.02. General role

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

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

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

6.03 Specific functions

(a) Scrutiny Review Panels.

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

(b) Policy development and review.

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

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

(c) Scrutiny.

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

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

(d) Finance

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

(e) Annual report.

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

6.04 Proceedings of Overview and Scrutiny Committee

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

6.05 Votes of No Confidence

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

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

Article 7 - The Leader and the Cabinet

7.01 The Leader

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

7.02 The Leader will hold office until:

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

7.03 The Cabinet

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

7.04 Form and Composition

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

7.05 Other Cabinet members

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

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

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

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

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

(a) They resign from office; or

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

7.06 Votes of No Confidence

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

7.07 Default Provisions

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

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

7.08 Proceedings of the Cabinet

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

7.09 Responsibility for Functions

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

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

(d) An officer

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

Article 8 - Non-Executive Committees

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

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

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

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

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

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

Article 9 - The Standards Committee

9.01 Standards Committee

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

9.02 Composition

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

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

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

9.04 Assessment Sub-Committee

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

9.05 Composition

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

9.06 Role and Function

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

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

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

9.07 Hearing Sub-Committee

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

9.08 Composition

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

9.09 Role and Function

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

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

Article 10 Joint Arrangements

10.01 Arrangements to promote well being

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

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

10.02 Joint arrangements

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

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

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

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

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

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

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

10.03 Access to information

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

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

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

10.04 Delegation to and from other local authorities

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

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

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

10.05 Delegation to and from other organisations

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

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

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

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

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10.06 Contracting out

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

10.07 London Councils Arrangements for Co-ordinating Response to Emergencies

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

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

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

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

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

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

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

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

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

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

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

10.08 Outside Bodies

(a) Introduction

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

(ii) These organisations can be categorised as follows:

(A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,

(B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park &

Palace Advisory Committee,

(C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects,

(D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and

(E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.

(F) “School Governing bodies” are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

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

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

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

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

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

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

(c) Members' Conduct

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

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

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

10.09 Current Joint arrangements

The Council currently has formal joint arrangements as follows;

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

Article 11 – Officers

11.01 Management Structure

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

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

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

Director of Adults, Health and Communities	Adults, Public Health, Commissioning
Director of Finance	Corporate Finance, Departmental Finance, Procurement Audit
Director of Placemaking and Housing	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing Emergency Planning and Civil Contingencies
Director of Children's Services	Children, Families, Schools, Early Help
Director of Environment and Resident Experience	Direct services and community safety, environment
Director of Culture, Strategy and Engagement	IT, Strategy, Culture, resident experience and communications, policy

(c) **Statutory officers**

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

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

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

*A chart of the Council's L

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

eadership Team is appended to this Constitution.

(a) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Appendix C to this Constitution**.**

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

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

11.03 Functions of the Monitoring Officer

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

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

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

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

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

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

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

(h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Finance Officer

will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

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

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

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

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

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

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

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

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

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

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

11.06 Conduct

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

11.07 Employment

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

2 Decision Making

12.01 Responsibility for decision making

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

12.02 Principles of decision making

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

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

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

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

(e) clarity of aims and desired outcomes.

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

12.03 Types of decision

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

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

(c) Key decisions.

A key decision is an Executive decision which is likely:

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

Article 1 -

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

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

12.04 Decision making by the full Council

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

12.05. Decision making by the Executive

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

12.06 Decision making by the Overview and Scrutiny Committee

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

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

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

12.08 Decision making by Officers

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

12.09 Decision making by Council bodies acting as tribunals

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

3 Finance, Contracts and Legal Matters

13.01 Financial management

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

13.02 Contracts

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

13.03 Legal proceedings

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

13.04 Authentication of documents

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

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

13.05 Common Seal of the Council

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

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

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

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

Article 1 -

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

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

Article 1 -

4 Review and Revision of the Constitution

14.01 Duty to monitor and review the Constitution

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

14.02 Protocol for monitoring and review of Constitution by Monitoring Officer

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

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

14.03 Changes to the Constitution

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

a) a minor variation; or

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

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

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

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

Article 1 -

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

5 Suspension, Interpretation and Publication of the Constitution

15.01 Suspension of the Constitution

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

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

15.02 Interpretation

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

15.03 Publication

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

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

Part Three
Responsibility for Functions

Section A: Introduction

Section B: Full Council & Non-Executive Bodies

Section C: The Executive: the Leader, the Cabinet & Cabinet Bodies

Section D: Local Choice Functions

Section DA: Joint Committees and arrangements

Section E: Officer Scheme of Delegation

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Part Three, Section A Responsibility for Functions

1. General

1.01 This section of the Constitution sets out who can take which decision. The Council's functions may be lawfully exercised by:

a) The Full Council
b) The Executive (the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet)
c) Committees and Sub-Committees of the Council or the Cabinet
d) Joint Committees
e) Officers

1.02 All of the Council's functions are either "executive" or "non-executive". Executive functions are the responsibility of the Executive or one of its Committees, Sub-Committees, Joint Committees, or an officer. Non-executive functions are the responsibility of the Full Council or one of its Committees, Sub-Committees, Joint Committees or an officer.

1.03 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader and a number of Executive members (Cabinet Members) selected by the Leader and which make up the Cabinet. The Executive might also establish Committees and Sub-Committees. All key decisions are made by the Executive and will be published in the Forward Plan in so far as they can be anticipated.

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

1.05 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.

1.06 All functions of the Council are "executive", and the responsibility of the Executive, unless in law they are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities)

(England) Regulations 2000 (as amended) set out which functions are non-executive and which cannot in law be the responsibility of the Executive. These regulations also set out certain functions which may be exercised by either the Full Council or the Executive and their Committees. These are called 'local choice' functions. In addition to these regulations, the parent legislation may also specify particular functions which are non-executive and which cannot in law be the responsibility of the Executive, for example the Local Government Finance Act 1992 and the setting of Council Tax.

1.07 Sections B –D of this Part set out which functions and decisions are executive and the responsibility of the Executive - the Leader, the Cabinet or individual Cabinet Members; and which functions are non-executive and the responsibility of the Full Council and whether, in either case, they have been delegated to a Committee, Sub-Committee, Joint Committee, or officer. Certain functions are reserved to the Full Council itself and these are set out at Article 4 and in Part 3 Section B.

1.08 Any area of responsibility that is not specifically listed under the matters reserved for members in Sections B –D is deemed to be delegated to officers – that is, the Chief Executive, the Strategic Leadership Team, Directors and Assistant Directors.

1.09 Part 3 Section B sets out the non-executive functions which are reserved to the Council and its Committees and Sub-Committees.

1.10 Part 3 Section C sets out the executive functions that are the responsibility of the Leader, individual Cabinet Members, the Cabinet and any Committees or Sub-Committees it establishes.

1.11 Part 3 Section D sets out the 'local choice' functions, which are those that the Council can allocate to either the Full Council or the Executive for decision, and sets out which body has been allocated them.

1.12 Part 3 Section E sets out the principles of the Officer Scheme of Delegation for all function and powers not otherwise reserved to members.

1.13 Decisions that have been delegated can still be taken by the parent body (i.e. the body that delegated the decision). It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.

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

SECTION 1 - THE COUNCIL

THE COUNCIL

1. Only the Council will exercise the following functions:

(a) Adopting and changing the Constitution;

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

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

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

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

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

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

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

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

(j) Electing the Leader;

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

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

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

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

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

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

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

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

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

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

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

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

(v) Adopting the Members' Code of Conduct;

(w) Approving Pilot Schemes for Local Elections;

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

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

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

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

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

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

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

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

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

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

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

SECTION 2 – COMMITTEES

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

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

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

1. General Purposes Committee

General Purposes Committee has: -

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

(b) the following Schedule 1 functions:

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

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

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

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

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

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

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

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

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

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

<u>Staffing Functions</u>

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

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

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

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

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

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

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

2. Audit Committee

Statement of purpose

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

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

Governance, risk and control

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

Governance reporting

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

Financial reporting

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

Arrangements for audit and assurance

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

External audit

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

authority's auditor panel as appropriate.

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

Internal audit

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

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

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

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

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

Treasury Management

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

Accountability arrangements

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

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

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

Advisers to the Committee

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

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

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

Other legislative powers include:

A20) Making arrangements for proper administration of financial affairs under

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

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

3. Combined Pensions Committee and Board

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

1. Responsibilities

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

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

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

(i) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
(ii) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles and funding strategy statement;
(iii) Determining the allocation of investments between each asset class;
(iv) Reviewing specialist external advisers performance;
(v) Publicising statements and policy documents as required by legislation, government directives and best practice.

(c) Monitoring and as appropriate to decide upon Pensions Administration issues.

(d) Monitoring the Pension Fund Budget including Fund expenditure and

actuarial valuations; and to receive the Pension Fund Budget annually.

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

(f) Receiving actuarial valuations.

(g) Ensuring that members of the Committee and Board receive appropriate training to undertake their responsibilities.

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

(i) To secure, and to assist in securing compliance with:
  i) the Regulations,
  ii) and any other legislation relating to the governance and administration of the Scheme and any connected scheme,
  iii) any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme, and

(j) To ensure, and to assist in securing the effective and efficient governance and administration of the Scheme and any connected scheme.

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

2. Membership

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

Councillors

(a) Six Councillors appointed by the administering authority

Employer Representatives (co-optees)

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

Employee Representatives (co-optees)

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

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

2.3 The Chair will ensure that meetings are properly conducted, decision

making is clear and professional advice is followed. The Chair will monitor the performance and attendance of Committee and Board members and if appropriate make recommendation to terminate appointments in accordance with Section 3 below.

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

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

3. Appointment and removal of Committee and Board Members

a) Council Members:

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

b) Employer representatives:

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

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

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

c) Employee representatives:

3.5 The employee representatives will be appointed as follows:

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

3.6. If there is more than one nomination for these positions a panel consisting

of the Chair of the Committee and Board and Chief Financial Officer to the Council will select the representatives to be appointed.

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

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

All appointed members:

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

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

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

4. Quorum, voting and substitutes

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

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

5. Meetings

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

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

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

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

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

6. Standards of Conduct and Conflicts of Interest

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

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

7. Budget and Business Plan

7.1 The Committee and Board will prepare a Business Plan and Budget each year.

8. Committee and Board Review Process

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

9. Advisers to the Committee and Board

9.1 The Committee and Board may be supported in its role and responsibilities through the appointment of advisers, and shall, subject to

any applicable regulation and legislation from time to time in force, consult with such advisers on such terms as it shall see fit to help better perform its duties. Advisers may include:

i) Officers from the Council's Finance, Human Resources, Legal and other teams as needed;
ii) An independent Advisor;
iii) The Fund's Actuary;
iv) The Fund's Investment Managers and Custodian;
v) The Fund's Investment Consultant; and
vi) Any other appointed advisers.

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

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

10. Knowledge and Skills

10.1 Every member of the Committee and Board must be conversant with –

i) The rules of the LGPS.
ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund.

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

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

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

11. Expense Reimbursement

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

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

12. Publication of Committee and Board Information

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

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

4. Overview and Scrutiny Committee

The Overview and Scrutiny Committee may:

(a) exercise an overview of the forward plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Standards Committee

The Standards Committee will have the following roles and functions:

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Alexandra Palace and Park Board

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

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

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

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

7. The Licensing Committee

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

Membership

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

Protocol

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The Strategic Planning Committee

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

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Planning Sub Committee has power to determine those applications identified in paragraph (a) (Schedule 2 Applications) and (b) (Own-Interest Applications) of section 4.2 (Planning Sub-committee) of this Part of the Constitution that the nominated member and the nominated officer agree requires reporting to and determination by the Strategic Planning Committee, because it raises (a) one or more issues of economic, social or environmental significance to the local area, or (b) one or more significant planning matters having regard to the development plan and any other material considerations; and for own-interest applications, is in the interests of transparency and public accountability.

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

The Committee shall also:

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

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

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

9. The Health and Wellbeing Board

9.1 Health and Wellbeing Board functions

The Health and Wellbeing Board will have the following functions:

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

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

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

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

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

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

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

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

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

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

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

9.2 Health and Wellbeing Board operating principles

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

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

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

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

(d) To reduce health inequalities;

(e) To promote prevention and early help.

9.3 Health and Wellbeing Board roles and responsibilities

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

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

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

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

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

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

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

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

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

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

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

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

9.4 Membership of the Board

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

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

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

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

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

9.5 Public Meetings

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

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

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

(d) All voting members of the Board, (to include any substitutes), will be required to comply both with the Members' Code of Conduct and the provisions of the Localism Act 2011 relating to Standards. In particular, voting members will be required to complete a register of interests which must be kept up to date. Voting members must also declare any disclosable pecuniary interest or prejudicial interest in any matter being

considered and must not take part in any discussion or decision with respect to these items.

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

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

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

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

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

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

9.6 Committee procedures

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

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

9.7 Facilitating the work of the Health and Wellbeing Board

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

(b) In addition to formal board meetings, the Board will hold informal, non-decision making seminars as and when required with attendees specifically invited by the Board. These seminars will be held in private in order to ensure the ongoing organisational development of the Board and

to provide a forum in which complex and sensitive issues can be fully aired and discussed to manage potential blockages to effective delivery of the strategy.

9.8 Representatives and substitutes

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

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

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

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

10. Appointments Panel

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

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

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

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

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

e) The substantive membership would be Leader of the Council (Chair) Cabinet Member responsible for Human Resources, Chair of General Purposes,(Vice Chair) Member of General Purposes Committee and Member of the Opposition. The substitution rules will still apply to this Panel and Cabinet Members will be able to substitute and vote on appointments concerning their portfolio area. The quorum of the Committee shall be a minimum of three members.

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

11.Disciplinary, Grievance and Dismissal Panel

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

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

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

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

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

e) To consider and approve any severance payments to Officers of £100,000 or more, in accordance with guidance issued under section

40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.

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

To exercise functions in respect of the following:

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

To note:

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

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

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

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

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

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as

"Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting.

1. Under the General Purposes Committee

1.1 Dismissal Appeals Sub Committee

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

2. Under the Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

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

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

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

3. Under the Standards Committee

3.1 Assessment Sub-Committee

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

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

(b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

3.2 Hearing Sub-Committees

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

(b) To determine whether or not the member of co-opted member did / did not fail to comply with the Members' Code of Conduct.

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

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

The quorum of the Hearing Sub-Committee is three.

4. Under The Licensing Committee

4.1 Licensing Sub-Committee

Introduction

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

Membership

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

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

(a) The Licensing Sub-Committee has the power to make final decisions on

behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee;

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

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

(c) To determine applications for provisional statements where relevant representations have been made;

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

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

Functions under the Licensing Act 2003 alone

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

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

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

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

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

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

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

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

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

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

(p) To decide on revocation of personal licences where convictions come to light after grant;

(pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

(q) To determine applications for variations of premises licences where relevant representations have been made;

(r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;

(s) To determine applications for the re-instatement of premises licences where relevant representations have been made;

(t) To decide whether to give counter notices following objections to temporary use notices;

(u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;

(v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;

(w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

(x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;

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

a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee’s remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.

(b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.

(c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).

(d) Excluded from the Sub-Committee's' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

4.2 Planning Sub-Committee

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.
The Sub-Committee has power to determine:
(a) Schedule 2 Applications

Those applications in Schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below that the Nominated Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee, because it raises (a) one or more issues of economic, social or environmental significance to the local area, or (b) one or more significant planning matters having regard to the development plan and any other material considerations:

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent)
2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent)
3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2
4. An application for planning permission that is not (i) a householder application, (ii) a minor commercial application, or (iii) a minor residential application
5. An application made under section 73(1) of the Town and Country Planning Act 1990 ("TCPA 1990") (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission
6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out

7. In respect of a planning obligation that is considered is connected with a Schedule 2 approval, a request to agree to modify or remove that obligation under section 106A(1)(a) or section 106A(3) of TCPA 1990
8. A reserved matters approval application in respect of a large outline permission [at least 500 homes and/or 50,000m2 floorspace created]
9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)
10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order)

(b) Own-Interest Applications

An application listed in paragraph (a) above or in Schedule 1 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below, made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in, that the Nominated Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee [in the interests of transparency and public accountability].

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)
2. An application made under section 26H (1) of the Listed Buildings Act (certificate of lawfulness of proposed works)
3. A householder application
4. A minor commercial application
5. A minor residential application
6. An application for permission in principle
7. An application made under section 73 (1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission
8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle)
9. In respect of a planning obligation that is considered is connected with a Schedule 1 approval, a request to agree to modify or discharge that obligation under section 106A(1)(a) or section 106A (3) of TCPA
10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)
11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)
12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990
13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission

14. An application made under article 27(1) of DMPO (applications made under a planning condition)
15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(d) for prior approval, or a determination as to whether prior approval is required

The Nominated Member is the Chair (or in their absence the vice-Chair) of the Planning Sub Committee and the Nominated Officer is the Head of Development Management and Planning Enforcement (or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service).

The Nominated Officer shall keep a record of the applications that the Nominated Officer and Nominated Member have considered for referral to Planning Sub Committee, the outcome of their consideration and the reasons for their decision regarding such applications, which shall be reported to the Planning Sub Committee on a regular basis and made available on the Council's website.

For the purposes of clarity:
1.Planning obligations connected with major planning applications will, if the Nominated Member and Nominated Officer agree that such application should be referred to the Planning Sub Committee, be considered by the Planning Sub Committee when determining the application.

2. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 provides that the applications identified in Schedule 1 of the Regulations must be determined by officers unless made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in the application; in which case the Gateway Test is engaged.

3. The Nominated Officer and the Nominated Member should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers.

4. Responses on planning consultations from other boroughs are to be determined by Officers.

SECTION 4 - UNDER ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Membership of the additional bodies is as described in the Appointments of Non Executive Committees, Sub-Committees, as approved by the Annual Meeting**.** The Terms of Reference of the additional bodies shall be as follows:

1. Alexandra Palace and Park Panel

To consider and take decisions upon urgent matters arising between ordinary meetings of the Alexandra Palace and Park Board. The Panel is composed of four members, selected with reference to political balance.

2. Alexandra Palace and Park Consultative Committee

Alexandra Palace and Park Consultative Committee 7 members and up to 30 community representatives.

(a) To give representatives of appropriate local and national organisations the opportunity of full discussion with members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.

(b) To give members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.

(c) To promote better understanding between members of the Alexandra Palace and Park Board, the Palace Management and local organisations.

(d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.

(e) To promote the best interests of the Alexandra Palace and Park as a conservation area.

3. Alexandra Palace and Park Consultative Forum

Alexandra Palace and Park Consultative Forum 4 members plus 4 Trade Union representatives

(a) To be a forum for consultation and negotiation between the Alexandra Palace and Park Board and its employees, on issues in relation to Conditions of Employment.

(b) To consider issues referred directly by Management or by the Trade

Unions in consultation with the Employer's Side Secretary.

(c) To provide a means whereby the Alexandra Palace and Park Board can consult Union representatives on policies and strategies and provide an arena for discussion of matters of mutual interest.

(d) To provide a means of effective communication, in order to prevent or eliminate friction and misunderstanding.

The Consultative Forum may not consider any matter concerning an individual employee, nor any issues that fall within the scope of other existing procedures, e.g. dismissal appeals, individual grievances and individual salary issues; such matters may only be raised as a matter of principle/policy.

Note:

The Alexandra Palace and Park Board also receives advice from the Alexandra Park and Palace Statutory Advisory Committee, an external body established under the terms of the Alexandra Park and Palace Act 1985. Its functions, as laid down by the Act are as follows:

'The powers and duties of the Advisory Committee shall be to promote the objects of the charity and assist the Trustees In fulfilling the trusts by considering and advising the Trustees on the following matters:

(a) the general policy relating to the activities and events arranged or permitted in the Park and Palace;
(b) the effects of such activities and events upon the local inhabitants and local environment;
(c) the frequency of activities and events attracting more than 10,000 people at any one time and maximum number to be permitted on such occasions;
(d) the adequacy of car parking arrangements within the Park and Palace so as to avoid overflow into adjoining residential streets;
(e) any proposals which require planning permission;
(f) the establishment and maintenance of the Park as a Metropolitan Park;
(g) the furtherance of recreation and leisure in the Alexandra Park and Palace.

SECTION 5 – UNDER THE HEALTH AND WELLBEING BOARD

Arising from the Council's Health and Wellbeing Board the following additional bodies shall be established. Membership of the additional bodies is to be determined by the Health and Wellbeing Board(s)**.** The Terms of Reference of the additional bodies shall be as follows:

Haringey and Islington Health and Wellbeing Board - Joint sub-committee

The Joint sub-committee will:

a) encourage and promote partnership working in health and social care within and across the two boroughs;

b) encourage joint consideration and co-ordination of health and care issues that are of common interest or concern to the population of the two boroughs;

c) encourage and promote integrated working between health and care commissioners and providers within and across the two boroughs;

d) prepare and produce the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy for the two boroughs;

e) provide strategic oversight for the Wellbeing Partnership and any future partnership models for joined up and integrated approach in health and care across the two boroughs;

f) provide a mechanism to enable joint decision-making in relation to future joint initiatives, service transformation and co-commissioning arrangements in health and care in the two boroughs;

g) give effect to the boroughs stated intentions to foster collaboration in health and social care between commissioners and providers within and across the two boroughs;

h) consider and where necessary contribute to the development of the North Central London (NCL) Sustainability and Transformation Plan; and

i) where appropriate, and in so far as it relates to integrated working, represent the collective interests of the two boroughs to national and local government and other bodies.

SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

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

SECTION 7 – DEFAULT PROVISIONS

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

in consultation with the Mayor, or Deputy Mayor if the Mayor is unable to act.

SECTION 8 - GROUP MEETINGS

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

(a) suitable accommodation for meetings;

(b) assistance with the production and distribution of agenda and minutes;

(c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate Cabinet member to ensure that official information, advice and reports are available to the Group Meetings;

(d) where a Minority Group makes similar arrangements for the consideration of Council business, arrangements shall be made through the Leader of the Minority Group, or the appropriate spokesperson, to make available information from published sources and advice on Council procedures but not official advice as to the policies which that Minority Group should pursue. The Majority Group Leader or the appropriate Cabinet member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.

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Part Three, Section C Responsibility for functions: The Executive: the Leader, the Cabinet & Cabinet Bodies

SECTION 1 – THE EXECUTIVE'S ROLE AND FUNCTIONS

1. Introduction

1.1 All functions of the Council which are not the responsibility of the Full Council or one of its Committees or an officer, in law or where the law gives a choice, under this Constitution (see Part 3 Section D), are the responsibility of the Executive.

1.2 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet. The Leader selects the Executive members (Cabinet Members) and these make up the Cabinet. The Executive might also establish Committees and Sub-Committees.

1.3 The Cabinet will ordinarily carry out all of the local authority's executive functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet. The Leader may do this at any time. The Leader may also delegate those functions to a joint committee, another local authority, or officers.

1.4 Where the Cabinet is exercising these functions, it may delegate those functions to a Committee of the Cabinet or officers, but not to an individual member of the Cabinet.

1.5 Where an individual Cabinet Member is exercising these functions, it may delegate those functions to officers.

1.6 Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Leader or Cabinet from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution. All Executive functions not expressly reserved to the Leader, the Cabinet, a Committee of the Cabinet or an individual Cabinet Member are delegated to officers, subject to the restrictions on officer powers set out in Part 3 Section E of the Constitution.

1.7 The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.

1.8 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

2. Matters reserved for the Executive

2.1 The following functions shall be exercised only by the Executive and will be taken by the Cabinet, or a Committee or Sub-Committee appointed by it, unless the Leader chooses to exercise these functions personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet:

General:

(a) All key decisions. These will be published in the Forward Plan in so far as they can be anticipated;

(b) Changes to fees, charges or concession policies in respect of executive functions;

(c) Decisions on permanent savings in the budget to achieve the Cabinet's policies;

(d) To be responsible for those local choice functions allocated to the Cabinet;

(e) To oversee the delivery of Council services;

(f) To agree the reduction or cessation of any of Council service;

(g) With the agreement of the Leader, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities.

Policy:

(a) To formulate the Council's overall policy objectives and draft the budget and policy framework for approval by the Council;

(b) To determine the Council's strategy and programme for implementing the budget and policy framework set by the Council;

(c) To consider and promote initiatives to improve the quality, efficiency and effectiveness of Council services;

(d) To determine the Council's strategies and programmes in relation to:
(i) the social, economic and environmental needs of the Borough;
(ii) human rights and equalities in community leadership, service delivery and as an employer;
(iii) service transformation and best value

(e) To oversee, including strategy formulation, co-ordination and implementation of the councils functions under the relevant legislation in relation to:
(i) Regeneration and social inclusion;
(ii) Community engagement, including communication, consultation, capacity building and active citizenship.

Local and Community Leadership:

(a) To provide community leadership in the Borough;

(b) To lead on community planning with input from others as appropriate;

(c) To develop, and consult on as appropriate, the Council's policy framework and other strategic documents;

(d) To take in-year decisions on resources and priorities and to deliver and implement the budget and policy framework as agreed by the Council;

(e) To be the focus for forming partnerships with public, private, voluntary and community organisations and to be responsible for effective joint work with partner agencies.

Financial management and resources

(a) To be responsible for the strategic management of Council resources, including land, property and staff, and to take decisions on such matters in the context of the Council's budget and policy framework and the Financial Regulations at Part 4 of this Constitution , including but not limited to:
(i) Budget management and control;
(ii) Revenue virements involving a change of Council policy of £100,000 or above and all other revenue virements of £250,000 or above;
(iii) Capital virements of £250,000 or above;
(iv) The achievement of value for money

(b) To have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000.

Children's Services

(a) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers, with the exception of power to suspend the right to a delegated budget where a school is eligible for intervention which is delegated to the Director following consultation with the relevant Cabinet Member;

(b) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);

(c) The determination of discretionary awards;

(d) The establishment or discontinuance of schools;

(e) Permanent closure, relocation or change of use of residential establishments and day establishments providing services for children.

Adult Social Services

(a) Decisions on the permanent closure, relocation or change of use of residential establishments and day establishments.

Housing Services

(a) Declaration of a clearance area in respect of slum clearance, of housing action areas and of general improvement areas pursuant to the provisions of the Housing Act 1985

Regeneration and Property Services

(a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan;

(b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;

(c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;

(d) Major Capital Transportation Proposals:

(i) Choosing a preferred route or option following public consultation;
(ii) Authorising the promotion of Compulsory Purchase and Side Road Orders;

(e) The making of an order for the compulsory acquisition of land;

(f) The acquisition of land in advance of requirements;

(g) Approval of the Local Development Scheme before submission to the Secretary of State;

(h) Approval of all Local Development Documents (LDDs)

Highways Services

(a) Approval of (i) all orders to designate all or part of a public footpath as a cycle track prior to statutory consultation and (ii) any order which has been subject to objection, prior to its be submission to the Secretary of State for confirmation;

Contracts and Procurement

(a) Power to suspend any contractor from the Lists in cases of serious breach of contract or unsatisfactory service delivery for contracts valued at £500,000 (five hundred and fifty thousand pounds) or more.

3. The Leader and Individual Cabinet Members

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

3.2 On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions -

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

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

3.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 3.2 (a) to (e) above.

3.4 The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.

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

3.6 The Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 of this Constitution and the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making**.** The Leader may take such a decision alone but may consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is appropriate. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

4. Assistant Cabinet Members

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

4.2 The Assistant Cabinet Members:-

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

(g) Assistant Cabinet Members may not take part in Cabinet decision-making in any way.

5. Deputy Leader of the Council

5.1 The Leader shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios.

5.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:

(a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
(b) act as spokesperson on all matters that are the responsibility of the Cabinet
(c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.

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

SECTION 2 - COMMITTEES OF THE EXECUTIVE

The Leader or the Cabinet may delegate any of its functions to a Committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. The Cabinet may establish decision-making Committees, which may only include Cabinet Members. The Cabinet may establish advisory Committees, the membership of which need not be limited to Cabinet Members. The Cabinet may change them, abolish them, or create further ones, at its own discretion.

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

All functions that have been delegated to a Committee established by the Cabinet can still be taken by the Cabinet as the parent body (i.e. the body that delegated the decision), or by the Leader either personally or in accordance with the Leader's delegation of those functions to an individual Cabinet Member or an alternative Committee of the Cabinet.

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

Part Three, Section D Responsibility for functions: Local Choice Functions

Local Choice Functions

All functions of the Council are "executive", and the responsibility of the Executive (the Leader, individual Cabinet members and the Cabinet), unless in law they are prevented from being exercised by the Executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) set out which functions are "non-executive" and which cannot in law be the responsibility of the Executive.

In addition, there are a few "Local Choice" functions set out in Regulations where the local authority is free to choose in its constitution whether the function is, basically, "executive" or "non-executive". The Leader may delegate or allocate any executive functions to an individual Cabinet member, the Cabinet, a Committee of the Cabinet or an officer and the Council may delegate any of the "non-executive" functions to a Committee, Sub-Committee or an officer. The list below shows where these "Local Choice" functions are allocated in this Constitution and the body or person expected to exercise the delegated decision-making powers. In the event that a Member body or an officer post has its name changed, the allocation/delegation in the list below will continue in force provided that there is no material change to the terms of reference of the body or the responsibilities of the post

Function	Whether Executive or Non-Executive	Where allocated or delegated
1. Any Function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1)	Non-Executive	General Purposes Committee except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the Chief Executive AP&P
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	General Purposes Committee (for the avoidance of doubt this does not include internal reviews of homelessness decisions)
3. The appointment of review boards under sub-section 34(4) of the Social Security Act 1998 (determination of claims and	Non-Executive	The full Council

Function	Whether Executive or Non-Executive	Where allocated or delegated
reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Democratic Services Manager
5. Making arrangements for admission appeals	Executive	Democratic Services Manager
6. Making arrangements for appeals by governing bodies	Executive	Democratic Services Manager
7. Any function relating to contaminated land	Executive	Cabinet member for the relevant portfolio within his/her delegated powers, otherwise to the Cabinet Meeting
8. Discharge of any function relating to the control of pollution or the management of air quality	Executive	Director of Environment and Resident Experience
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Director of Environment and Resident Experience
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	General Purposes Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Director of Environment and Resident Experience
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Director of Environment and Resident Experience
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Monitoring Officer
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Monitoring Officer
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Director of Environment and Resident Experience except where referred to the Planning Sub-Committee in connection with the determination of a planning application
16. The appointment (and revocation of such appointment) of any individual (a) to any office other than his normal employment by the Council (b) to any body other than (i) the Council or (ii) a joint committee of two or more	Executive	The full Council in the case of member appointments relating to non-Executive functions and the Leader in respect of appointments relating to executive functions. The Chief

Function	Whether Executive or Non-Executive	Where allocated or delegated
authorities or (c) to any committee or sub-committee of such a body		Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive

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Part Three, Section DA Responsibility for functions: Joint Committees and arrangements

The Council and Cabinet currently has the following joint committees established to discharge certain functions:

SECTION 1 – Non-Executive functions

THE HEALTH AND WELLBEING BOARD

1.A) Haringey and Islington Health and Wellbeing Board - Joint sub committee

The joint sub-committee has been established pursuant to s198(b) of the Health and Social Care Act 2012. The Terms of Reference can be found under Part Three, Section B Section 5.

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Part Three, Section E
Officer Scheme of Delegation

Section 1 INTRODUCTION AND GROUND RULES

1. What is the Officer Scheme of Delegation?

1.01 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.

1.02 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees (and as listed in Part Three Sections B – D above) are delegated to officers.

1.03 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.

1.04 This scheme operates from the date approved by the full Council.

2. General Principles of the Officer Scheme of Delegation

2.01 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term "Director" shall include the following officers:

- The Chief Executive
- Members of the *Council Leadership Team* *
- All Directors and Assistant Directors
- The Chief Executive of Alexandra Palace & Park (as appropriate)

For the purposes of officer delegated powers, the term "Council Leadership Team—" means[1]:

- The Chief Executive
  Director of Environment and Resident Experience

- The Director of Placemaking & Housing
- The Director for Childrens Services
- The Director for Adults, Health & Communities
- Director of Culture, Strategy & Engagement

- The Director of Finance

For the purposes of officer delegated powers, the term "Statutory Officers[2]" means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance)*
- The Monitoring Officer
- The Director of Adults, Health & Communities • The Director of Childrens Services
- The Director of Public Health

Any functions delegated to Directors shall be exercised by Directors in respect only of the specific services for which they are responsible. These officer delegated powers shall be exercised in accordance with the following general principles.

2.02 Functions delegated to officers are to be exercised taking into account:

[1] NB. The Chief Executive and Head of Paid Service is a member of the Council Leadership Team - and is a Statutory Officer of the Council in law, however for the purposes of the Constitution, the Chief Executive and Head of Paid Service is extracted from these terms and addressed individually

- All other parts of the Constitution in particular the Financial Regulations and the Contract Procedure Rules at Part 4 of the Constitution
- The Budget and Policy Framework

- The approved Budget
- Any instructions given by the Chief Executive
- Any advice given by the Council's Chief Finance Officer (S151 officer) or the Monitoring Officer
- All legal requirements and any statutory codes of conduct or statutory guidance
- All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees
- Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees

2.03 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Assistant Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.

2.04 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.

2.05 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.

2.06 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.

2.07 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.

2.08 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to coordinate the actions of some or all London local authorities.

3. Requirements to record and report on decisions taken under the Officer Scheme of Delegation

3.01 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her area of responsibility which records any decisions made under delegated powers. Written statements of officers' exercise of delegated powers must be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.

3.02 Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the General Purposes Committee, in the case of non-executive functions, summarising all decisions taken under urgency provisions as provided for at paragraph 5 below. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.

3.03 Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.

3.04 In paragraph 3.03 a decision of "particular significance", to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:

(a) It is a spending or saving of £100,000 or more, or

(b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.

3.05 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.

4. General Limitations:

4.01 This scheme does not delegate to officers:

(a) Any matter reserved that is reserved to Members - either the Executive or the Full Council or one of their Committees or Sub Committees and as listed in Part Three Sections B – D above. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges;

(b) Any matter which by law may not be delegated to an officer

4.02 Officers shall not be authorised by virtue of these provisions to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with the Financial Regulations at Part 4 Section I.

5. Urgent decisions and Officer Powers:

5.01 Where action needs to be taken on any urgent matter between meetings of the Cabinet, or any Committee or Sub-Committee of the Cabinet or the Council and such action would not be authorised within these provisions, the following rules shall apply:

(a) in the case of executive functions, the Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. The Protocol for Decision Making in Part 5 shall be followed

(b) in the case of non-executive functions, a report will be prepared so that the Director having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

6. Responsibility for maintaining and updating the Scheme of Delegation

6.01 The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.

6.02 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting their service area and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.

6.03 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Standards Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.

6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

7. Protocol for Officers Taking Decisions under Delegated Powers

7.01 There is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:

(a) the post title of the officer taking the decision,

(b) the substantive facts, including what is being decided,

(c) the reasons for the decision, (d) the expenditure authorised (if any),

(e) the date the decision was taken.

(f) details of any alternatives considered and rejected by the officer taking the decision,

(g) details of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision, and

(h) in respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

7.02 The officer taking the decision is responsible for ensuring that all relevant points are recorded which may include, but are not limited to, the following:

(a) any financial implications (beyond stating the expenditure)

(b) any legal implications

(c) any environmental implications

(d) any equalities implications

(e) any relevant Council policies

(f) any relevant national or regional guidance

(g) any consultations undertaken and the views of consultees

(h) any other implications for service delivery in the relevant service area

(i) any implications for other Council services outside the service area

(j) and any comments from other affected service areas

(k) any staffing implications

(l) any background documents relied upon

(m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000

(n) any alternative options to the recommended decision

(o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

7.03 Officers taking delegated decisions should always consider carefully whether there are any factors that would make it advisable to consult the relevant Cabinet Member(s) or Chair of Committee in advance, for example, the sensitive or controversial nature of the decision.

7.04 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each Director will keep their own central record of all delegated decisions taken within their constituent services.

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Section 2 GENERAL DELEGATIONS TO DIRECTORS

General Functions delegated to Directors in their service areas:

General

- To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet
- To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents
- To carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to Directors
- To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers
- The power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough

Incidental powers

- In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions

Service Performance

- To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value
- To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions
- To meet business critical and key performance indicator targets
- To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the Contract Standing Orders

- To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

Legal

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Monitoring Officer as appropriate
- Subject to the agreement of the Monitoring Officer, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Monitoring Officer in accordance with Article 13.04
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
- To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Monitoring Officer)
- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters:

Exercising all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Assistant Director for Human Resources as required, including:

- Taking all decisions relating to changes to the establishment; save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- Power to designate posts as casual or essential car users in accordance with agreed procedures
- Power to defray expenses properly incurred by an officer of the Council
- Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- Approval of extension of special leave with pay
- Extensions of accident pay beyond the national, provincial or local agreements
- Grant of honoraria and where relevant ex-gratia payments to employees
- Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the General Purposes Committee
- Re-designation of posts subject to normal consultative procedures
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme
- To consider requests from employees to engage in any other regular employment for which payment is received
- Decisions not to reclaim maternity pay
- Deletion of vacant and creation of new posts
- Appointments to posts in accordance with agreed procedures and pay scales, save in relation to Directors which is reserved to the Appointments Panel Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the General Purposes Committee
- Disciplinary/capability action, save in relation to the Council Leadership Team and Statutory Officers which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with Part 4 Section K of the Constitution.
- Dismissals of officers, save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel . The power to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance

Officer, save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel

- Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the Disciplinary, Grievance and Dismissal Panel
- Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
- Exercising of discretions in accordance with Council policy pursuant to the Teachers' Pensions Regulations 2010
- Approval of payment of allowances to employees
- Approval of more than 5 days carry-over of annual leave to the following leave year

Administrative Matters

- Power to deal with requests for access to Council premises by the media
- Power to waive charges where justified in exceptional circumstances and where this is legally permissible

Finance

Officers are referred to the Financial Regulations at Part Four Section I of the Constitution

Contracts

Officers are referred to the Contract Procedure Rules at Part Four Section J of the Constitution

Property Matters

1) Except as set out below any decision concerning the management, administration, need for or use of land held for the operational requirements of the officers of a service area or any other decisions relating to a property can only be taken by the Director of Placemaking and Housing and the decision must be in accordance with the Strategic Asset Management & Property Improvement Plan or any other equivalent replacement plan.

2) The Assistant Director for Capital Projects and Property, shall have the power:

a) to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme,

b) to survey land which the Council proposes to acquire compulsorily,
c) to serve on any person occupying, having an interest in, or managing any land, a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land. This would be in accordance with relevant legislation pertaining to the acquisition or disposal of land and meet requirements for land referencing and assessment.

3) Decisions to acquire or dispose of any land or property except by use of compulsory powers or in advance of identified requirements shall be taken as follows:

a) Decisions to acquire or dispose of any land or property with a capital value equalling or exceeding £250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Placemaking and Housing;

b) Decisions to acquire or dispose of any land or property with a capital value of equivalent or less than £249,999 except by use of compulsory powers or in advance of identified requirements is reserved to the Assistant Director for Capital Projects and Property;

c) Decisions to take or grant a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director for Placemaking and Housing;

d) Decisions to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum is reserved to The Assistant Director for Capital Projects and Property.

4) Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to the Monitoring Officer.

*The above delegated decisions must be recorded and reported on as decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E - paragraphs 3.01 to 3.05 of the Council's Constitution. Property decisions, of £100,000 or more should be reported to Cabinet.

*The Cabinet have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000 and any Key Decisions relating to property matters. Where a

delegated decision outlined above is of particular significance as defined in Part 3 Section E paragraph 3.04, this can still be put forward to the Leader or Cabinet (as the case may be) for a decision in accordance with the decision making protocol.

Emergencies (e.g. flooding, power failure etc)

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and L.A Gold is of the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:

  a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and

  b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.

- This power is to be exercised by Directors in accordance with Article 11.07 of the Constitution.

Safeguarding

- Duty to ensure that a person who is disqualified from working with children is not offered work in a regulated activity and that any such person who is so employed is removed from such work
- In accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006, to exercise the duty and the power to make referrals to the Disclosure and Barring Service to refer any person who has:
  (a) Harmed or poses a risk of harm to a child or vulnerable adult;
  (b) Satisfied the harm test; or
  (c) Received a caution or conviction for a relevant offence

Equalities and Public Health

- To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations

- To have regard, when carrying out any of the Council's functions, to the joint strategic needs assessment and Health and Wellbeing Strategy prepared by the Council and its health partners and which is relevant to the exercise of the functions
- Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage

Energy and Climate Change

- To have regard, when carrying out any of the Council's functions, to the most recent energy measures report from central government

Health and Safety

- To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

- To comply with the duties and powers imposed by Part 4 Section D of the Constitution

Responding to consultations and proposals

- To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member

Submission of grant funding bids

- To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Standing Orders

Complaints

- To take action regarding complaints received
- To settle any Ombudsman / Complaint Cases:
  - (i) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman

(ii) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer

- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS

Introduction

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each Statutory Officer then follows.

Legislation	**Statutory Power the Council must designate to an officer**	**Officer Designated as the Statutory Officer**
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Director of Finance
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Monitoring Officer
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act.	Monitoring Officer
S6 Local Authority Social Services Act 1970	To appoint an officer known as the Director of Social Services	Director of Adults and Health
S18 Children Act 2004	To appoint an officer to carry out the functions listed under s18(2) of the Act (education functions; functions conferred on the authority under ss 10-12 and 17 of the 2004 Act, social services functions relating to children, functions under s75 of the Children Act 1989 and the National Health Service Act 2006 and those conferred on the authority under Part 1 of the Childcare Act 2006	Director of Children's Services
S73 National Health Service Act 2006	To appoint a Director of Public Health	Director of Public Health

S72 Weights and Measures Act 1985	To appoint a chief Inspector of Weights and Measures	Senior Trading Standards Officer (or other suitably qualified
		Trading Standards Officer in the absence of a STSO in post)
S9FB Local Government Act 2000	To designate an officer as the Scrutiny Officer	Director for Customers Transformation and Resources

Functions delegated to the Head of Paid Service (Chief Executive)

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally

2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:

   (a) the manner in which the discharge by the authority of their different functions is co-ordinated;

   (b) the number and grades of staff required by the authority for the discharge of their functions;

   (c) the organisation of the authority's staff;

   (d) the appointment and proper management of the authority's staff.

3. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery.

4. The corporate management of the Council and, specifically:

   (a) Advice to the Council on the Policy Framework.

   (b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis.

   (c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Cabinet shall determine.

5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

6. To provide the 'certificate of opinion' for an employee on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 (opinion as to whether the duties of the post involve regularly giving advice to members or speaking to journalists/broadcasters).

7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.

8. The power to determine that an "emergency" has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.

9. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.

10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.

11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 8, 9 & 10 above may be exercised by any other Chief Officer who is available to act.

12. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the London Councils Arrangements for Co-ordinating the Response Emergencies.

13. In the event that all members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.

14. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.

15. Taking all decisions relating to changes to the establishment for all staff including the Corporate Board and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

16. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures.

17. To authorise the issuance of council tax bills for Band C properties for a maximum period of six months (from 3 March 2023 to 2 September 2023) showing an aggregate amount of £1770.95 rather than £1770.96, and permit officers to take all steps preparatory or incidental to the issuance of such bills.

Functions delegated to the S151 Chief Finance Officer (Director of Finance)

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities

2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice

4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council

5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992

6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003

7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

8. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988

9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988

10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources

11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011

12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee

13. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to Directors which is reserved to the Staffing and Remuneration Committee

14. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited

15. To provide financial information to the media, members of the public and the community

Functions delegated to the Monitoring Officer

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally

2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct

3. To contribute to the corporate management of the Council, in particular thorough the provision of professional legal advice

4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity

5. To establish and maintain a register of interests of members and coopted members of the authority in accordance with the provisions of the Localism Act 2011

6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee

7. To receive and act on reports made by the Standards Committee

8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee

9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members

10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989

11. To advise whether decisions of the Cabinet are in accordance with the budget and policy framework

12. To be responsible for the maintenance and operation of the Council's Constitution

13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements

14. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.

Functions delegated to the Director of Children's Services

1. To act as the Council's statutory Director of Children's Services

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:

   (a) All education and children's social care functions conferred on or exercisable by the Council

   (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children

   (d) The establishment of a Local Safeguarding Children Board

   (e) The preparation and publication of a Children and Young People's Plan

   (f) Improving preventative services and delivering earlier intervention

   (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the Children Act 2004 to include making arrangements for the management of services provided

3. To provide strategic management and direction for Children's Services across the Council

4. To secure that there are sufficient youth justice services available in the Borough

5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State

6. Education **services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children's Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children's and adult social care functions on behalf of the Council. The Accountability Protocol for the Director of Children's Services sets out the arrangements in place to enable the Director of Children's Services to meet all statutory responsibilities and ensure the effective integration of all services for children and young people in the borough**

7. Commissioning in common with the Director of Adult Social Services to meet relevant care needs in the borough.

Functions delegated to the Director of Adults,Health &Communities

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970

2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:

   (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services

   (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough

   (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults

   (d) Professional leadership including workforce planning

   (e) Leading the implementation of standards

   (f) Managing cultural change

   (g) Promoting local access and ownership and drive partnership working

   (h) Delivering an integrated, whole system approach to supporting communities

   (i) Promoting social inclusion and well being

   (j) Improving preventative services and delivering earlier intervention

   (k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided

(l) Commissioning in common with the Director of Children's Services to meet relevant care needs in the borough

3. To provide strategic management and direction for Adult's Services across the Council

Functions delegated to the Director of Public Health

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:

   (a) the responsibility for mandated public health functions of the local authority

   (b) planning for and responding to emergencies that present a risk to public health

   (c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders

   (d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003

   (e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys

   (f) to prepare and publish an annual report on the health of people in the area

2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness

3. To promote health and wellbeing to reduce health inequalities

4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy

5. To provide the public with advice on health matters

6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues

7. To work though local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health

8. To work with local criminal justice partners and police and crime commissioners to promote safer communities

9. To work with wider civil society to engage local partners in fostering improved health and wellbeing

10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board

11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector

12. To have regard to the NHS Constitution in exercising public health functions

Functions delegated to the Chief Inspector of Weights and Measures (Senior Trading Standards Officer)

1. To be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act and the packaged goods regulations.

Functions delegated to the Statutory Scrutiny Officer (Director for Customers, Transformation and Resources)

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

To promote the role of the authority's overview and scrutiny committee or committees,

1. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,

2. To provide support and guidance to—

(i) members of the authority,

(ii) members of the executive of the authority, and

(iii) officers of the authority,

in relation to the functions of the authority's overview and scrutiny committee or committees.

Section 4 PROPER OFFICER AND SPECIFIED OFFICER FUNCTIONS

Introduction

(a) The law may specify that the Council must appoint one or more of its officers to be the specified or proper officer in relation to a particular function of the Council. The tables below identify the relevant legislation and the officer(s) that have been appointed to carry them out;

(b) Any reference to "the Clerk of the Council" or "the Town Clerk of the Borough" contained in any enactment, passed before, or during, the 1971/72 sessions of Parliament (other than the Local Government Act 1972) or in any instrument made before 26th October 1972 is taken to mean the Chief Executive;

(c) The Chief Executive may discharge any statutory function of a Proper Officer, or other specified officer, contained in any legislation, whenever made, whether or not expressly listed or delegated to any other officer(s) in this Constitution;

(d) any new statutory function of a Proper Officer which falls to be discharged by the Chief Finance Officer or the Monitoring Officer may be discharged by them, subject to an amendment to the Constitution being reported to the next available Council meeting.

(e) Any reference to the function of a Proper Officer in relation to any legislation is to be taken as including subordinate legislation and any enactment for the time being amending or replacing such legislation;

(f) If the office of any of the officers referred to in this Section is vacant or the officer is absent or otherwise unable to act, his/her deputy, or, failing that deputy, the most suitable senior officer, is hereby authorised to act as the Proper Officer.

1. Head of Paid Service (Chief Executive)

The Chief Executive is appointed Proper Officer in relation to:

Local Government Act 1972	
S83 (1)-(4)	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and councillors
S84 (1)	Receipt of Notice of Resignation of elected member
S88 (2)	Convening of meeting for the election of Mayor in the event of a casual vacancy
S89 (1)	Receipt of notice of casual vacancy by two local government electors

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

S225	Deposit of documents relating to any enactment, instrument or parliamentary standing order
S234(1)	Authentication of documents.
Schedule 12	Provisions in relation to meetings and proceedings of the authority
Representation of the People Act 1983 *NB The Returning Officer for Parliamentary Elections is the Mayor of the borough. This is an honorary position, with the duties of Returning Officer being performed by the Acting Returning Officer.	
S8	Electoral Registration Officer
S28	Acting Returning Officer for Parliamentary Elections
S35	Returning Officer at an election of borough councillors
s89	Receipt of election expenses declarations and making them available for public inspection
Local Authorities (Conduct of Referendums) (England) Regulations 2012	
Regulation 4	Restriction on publication of promotional material
Local Government and Housing Act 1989	
S3A	Considering exemptions from political restriction under s2
Regulation of Investigatory Powers Act 2000	
Regulation 22, 23, 23B, 28 and 29	Designated person to authorise persons to use the provisions of the Act, and to service notices to postal or telecommunications operators
Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014	
Regulation 3	Authorise officers for the purposes of the Act

In addition to the proper officer functions listed above the Chief Executive is empowered to:

(a) Make notifications pursuant to sections 15-17 and Schedule 1 and regulations made under the Local Government and Housing Act 1989 (political balance)

(b) To authorise any officer to attend any conference, seminar, or symposium etc. after consultation with the appropriate Cabinet member, where the conference, seminar or symposium etc. is outside Great Britain;

(c) To authorise any member to attend any conference, seminar, symposium etc. after consultation with the Leader, where the conference, seminar or symposium etc. is outside Great Britain.

2. Chief Finance Officer

The Director of Finance is appointed Proper Officer in relation to:

Local Government Act 1972	
S115(2)	Receipt of money due from officers
S146 (1)(a) and (b)	Declarations and certificates as to securities on alteration of local authority area or name
S234(1)	Authentication of documents
Local Government Act 1974	
S30(5)	Give notice that copies of an Ombudsman Report are available
Non domestic rating (Collection and Enforcement) (Local Lists) Regulations 1989	
Regulation 23	To certify a local non domestic rating list or extract to be used in legal proceedings
Regulation of Investigatory Powers Act 2000	
Regulation 22, 23, 23B, 28 and 29*	Designated person to authorise persons to use the provisions of the Act, and to service notices to postal or telecommunications operators
Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014	
Regulation 3	Authorise officers for the purposes of the Act

In addition to the proper officer functions listed above the interim Chief Finance Officer is empowered in relation to:

(a) Budget calculations and budget monitoring under Part 2 of the Local Government Act 2003.

3. **Monitoring Officer (Assistant Director of Corporate Governance)**

The Assistant Director of Corporate Governance is appointed Proper Officer in relation to:

Local Government Act 1972	
S100F and I	Decision on additional rights of access to information for councillors and whether information is exempt
S222 and 223(1)	Authorising officers to appear on behalf of the Council in proceedings before a magistrates court and country court
S234(1)	Authentication of documents
S238	Certification of by laws
County Courts Act 1984	
S60	Authorise officers to appear in court
Local Authorities (Conduct of Referendums) (England) Regulations 2012	
Regulation 16, 20	Decisions about exempt documents in relation to rights of access to documents by members of the Council
Local Authority (Contracts) Regulations 1997	

Regulation 7	Signing on behalf of the Council to certify a contract under the Contracts Act 1997
Localism Act 2011	
S(33)(1)	Receipt of requests for dispensation for members with discloseable pecuniary interests

4. **Democratic Services Manager**

The Democratic Services Manager is appointed Proper Officer in relation to:

Local Government Act 1972	
S100 B, D	All references to proper officer in relation to admission of public and press to meetings; compiling list of background papers for reports and make copies available for public inspection
S225	Receiving and custody of documents
S229(5)	Certification of photographic copies of documents
S248	Officer keeping the roll of Freemen
Schedule 14 Para 25	Certification of Resolution concerning the Public Health Acts 1875-1925
Local Government (Miscellaneous Provisions) Act 1976	
S41	Certification of Minutes, resolutions, orders and reports of the Council
Local Government (Committees and Political Groups) Regulations 1990	
Regulation 8	To receive notice of the composition of political groups
Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012	
Regulation 7, 10, 12, 13, 14, 15,	Access to agenda and reports for meetings which is likely to be a private meeting Notices and publication in relation to key decisions to be taken under general exception Ensure record of every Executive decision Ensure record of every executive decision made by an individual Ensure records of all executive decisions are open to inspection after the meeting/decision is made Ensure all background papers listed on reports are available for public inspection
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	
Regulation 4, 5, 7, 8, 11, 13, 14	To publish the verification number each year, manage petitions submitted after a referendum is called, amalgamation of petitions, manage statutory procedure for petitions, publicise petitions
Local Authorities (Standing Orders) (England) Regulations 2001	

(Sched. 1 part 2)	To receive from Staffing and Remuneration Committee the recommendation to Council for the appoint of X individual as CE, and/or the intention to appoint X individual as the MO/CFO/Directors in order to notify members of the Cabinet and receive any objections

In addition to the proper officer functions listed above, the Democratic Services Manager is empowered:

(a) To determine the appointment of outside members to the "pool" from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;

(b) To determine the membership of individual Appeals Panels (under (a) above) and the selection of Chairs of these Panels;

(c) To make appointments of representative School Governors as notified by the Cabinet Member for Children or the Opposition Spokesperson, as appropriate;

(d) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;

(e) To make appointments to the membership of Special Licensing Sub-Committees from among the members of the Regulatory Committee;

(f) To appoint an additional member or members to any scheduled meeting of a Licensing Sub-Committee from among the members of the Regulatory Committee whenever the appointment of a substitute member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;

(g) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the Regulatory Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Sub-Committees.

(h) To appoint the membership of Assessment Sub-Committees, and Hearing Sub-Committees in accordance with the arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and the decisions of the Standards Committee and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

5. **Business Manager, Legal Services**

The Business Manager Legal Services is appointed Proper Officer in relation to:

Registration Services Act 1953	
Ss 6, 8,13,14	Appointment of registrars and deputy registrars, functions relating to making of local schemes

6. **Director of Placemaking & Housing**

The Director of Housing, Regeneration, Planning is appointed Proper Officer in relation to:

Local Government Act 1972	
S191	Officer to whom an application under s1 of the Ordnance Survey Act 1841 will be sent
Highways Act 1980	
S205	Certification of proposed works, estimated costs and provisional apportionment under the private street works code

7. **Director for Environment and Neighbourhoods**

The Director for Environment and Neighbourhoods is appointed Proper Officer in relation to:

Public Health (Control of Disease) Act 1984	
	Any proper officer function listed within the Act
Health Protection (Notification) Regulations 2010	
Regulation 2, 3 and 6	to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications
Food Safety Act 1990	
S49(3)(a)	Authentication of documents required under the Act
Environmental Protection Act 1990	
S149	To appoint an officer for the purpose of discharging functions for dealing with stray dogs found in the area of the authority
Regulation of Investigatory Powers Act 2000	
Regulation 22, 23, 23B, 28 and 29	Designated person to use the provisions of the Act, and to service notices to postal or telecommunications operators

8. Head of Building Control

The Head of Building Control is appointed Proper Officer in relation to:

Building Act 1984

S93	Authentication of documents

9. Head of Human Resources and Organisational Development

The Head of Human Resources and Organisational Development is appointed Proper Officer in relation to:

The Local Government and Housing Act 1989	
S 2*	Maintain the list of politically restricted posts

In addition to the proper officer functions listed above, the Head of Human Resources and Organisational Development is empowered:

> to amend, following consultation with the Chair of the Staffing and Remuneration Committee, with the Chief Executive, the Monitoring Officer and 151 Officer, any guidance relating to employment not previously agreed by members.

10. Head of Community Safety and Enforcement

The Head of Community Safety and Enforcement is appointed Proper Officer in relation to:

Regulation of Investigatory Powers Act 2000	
Regulation 22, 23, 23B, 28 and 29*	Designated person to authorise persons to use the provisions of the Act, and to service notices to postal or telecommunications operators

11. Investigation Officer (Audit and Risk Management)

The Investigation Officer (Audit and Risk Management) is appointed Proper Officer in relation to:

Prevention of Social Housing Fraud (power to require information) (England) Regulations 2014	
Regulation 4	Power to require information

12. Regulatory Services Manager

The Regulatory Services Manager is appointed Proper Officer in relation to:

Public Health (Control of Disease) Act 1984	
	Any proper officer function listed within the Act
Health Protection (Notification) Regulations 2010	
Regulation 2, 3 and 6	to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications

13. The Consultants in Communicable Disease Control (CCDCs)

The Consultants in Communicable Disease Control (CCDCs) and other equivalently medically qualified deputising Officers are appointed Proper Officers in relation to:

Public Health (Control of Disease) Act 1984	
	Any proper officer function listed within the Act
Health Protection (Notification) Regulations 2010	
Regulation 2, 3 and 6	to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications

14. General Provisions

All Directors have been appointed Proper Officers in relation to the functions of their respective Services for the purposes of section 234 of the Local Government Act 1972 (signing or authenticating any notice, order or other document which the Council are authorised or required to issue under any enactment), save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Assistant Director of Corporate Governance in accordance with Article 14.04.

15. Attestation of Seal

The Seal on documents shall be attested by any one of the following officers:

Chief Executive, Director of Finance , Assistant Director of Corporate Governance, Assistant Head of Legal Services or any officer authorised by the Assistant Director of Corporate Governance either in relation to a specific document or particular categories of documents.

Part Four
Rules of Procedure

Section A: Council Procedure Rules

Section B: Committee Procedure Rules

Section C: Miscellaneous Standing Orders

Section D: Access to Information Procedure Rules

Section E: Budget and Policy Framework Procedure Rules

Section F: Cabinet Procedure Rules

Section G: Overview and Scrutiny Procedure Rules

Section I: Financial Regulations

Section K: Officer Employment Procedure Rules

Section J: Contract Procedure Rules

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Part Four, Section A
Council Procedure Rules

COUNCIL PROCEDURE RULES

Note

In these rules:

"day" means any calendar day including week-ends and public holidays.

"working day" means any day when the offices of the Council's administrative offices are open for business excluding week-ends and public holidays.

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

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

There is a Protocol outside this Constitution setting out how full Council meetings are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

(i) Elect a person to preside if the Mayor is not present

(ii) Elect the Mayor for the ensuing year

(iii) Receive apologies for absence

(iv) Receive any late or urgent business

(v) Receive any declarations of interest from members

(vi) Approve the minutes of the last meeting

(vii) Receive written notification of the appointment of Deputy Mayor

(viii) Pass a vote of thanks to the retiring Mayor and Mayoress / Escort and Deputy Mayor and Deputy Mayoress / Escort

(ix) Receive such communications as the Mayor may desire to lay before the Council

(x) Elect the Leader of the Council (only applies to the first meeting after the Council election)

(xi) Appoint a Scrutiny Committee, and such Committees and subordinate bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, of this Constitution). To confirm the size and terms of reference of these bodies and to appoint Chairs, Vice Chairs, Members and substitute or reserve Members and subordinate bodies in accordance with political balance rules (as set out in Part 3 of this Constitution)

(xii) Make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or where the power of appointment is vested in the Cabinet

(xiii) Receive any announcements from the Leader, and/or Head of Paid Service

(xiv) Receive a programme of ordinary meetings of the Council for the year, in an election year and

(xv) Consider any business set out in the notice convening the meeting

2. BUDGET SETTING MEETING

The budget-setting meeting will:

(i) Elect a person to preside if the Mayor is not present

(ii) Receive apologies for absence

(iii) Receive any late or urgent business

(iv) Receive any declarations of interest from members

(v) Approve the minutes of the last meeting

(vi) Hear deputations and receive petitions related to the budget, accepted under rules 11 & 12

(vii) Hear any proposed amendments to the budget

(viii) Approve the budget

(ix) Consider any business set out in the notice convening the meeting

3. ORDINARY MEETINGS

3.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

(i) Elect a person to preside if the Mayor is not present

(ii) Receive apologies for absence

(iii) Receive any declarations of interest from members

(iv) Deal with any business required by statute to be considered before any other business

(v) Approve the minutes of the previous meeting and any outstanding from previous meetings;

(vi) Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the Monitoring Officer;

(vii) To make appointments to Council committees and outside bodies;

(viii) Hear deputations and receive petitions accepted under rules 11 & 12;

(ix) Receive questions from and provide answers to the public on matters notified under Rule 8;

(x) Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;

(xi) Deal with any business held over from the previous Council meeting;

(xii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;

(xiii) Receive an annual update from the relevant Cabinet Member on the progress toward reducing carbon emissions in the borough;

(xiv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(xv) Consider motions; and

(xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

3.2 The order of items (i), (ii), (iii), (iv) and (v) of paragraph 3.1 shall not be varied. The order of other business may be varied:

(i) At the discretion of the Mayor, prior to the meeting following consultation with the Leader or at the meeting; or

(ii) By a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded and put without discussion.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

Those listed below may request the Democratic Services Manager to call Council meetings in addition to ordinary meetings:

(i) The Council by resolution

(ii) The Mayor

(iii) The Monitoring Officer; and

(iv) Any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition.

4.2 **Business**

The only business to be transacted at an extraordinary meeting shall be that stated in the summons.

4.3 **Questions**

Questions shall not be permitted at extraordinary meetings and rules 10.2 to 10.7 shall not apply. [This will mean that section 10.1 permitting questions on reports at extraordinary meetings shall be applicable]

4.4 **Deputations**

Rule 11 shall apply to extraordinary meetings, but deputations will only be received where its purpose is related to an item of business on the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Democratic Services Manager will determine and give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Democratic Services Manager will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee, Board and Scrutiny meetings, references to the Mayor also include the Chair of Committees and Boards.

7. QUORUM

The quorum of a Council meeting shall be one quarter of the whole number of Members. During any Council meeting if the Mayor counts the number of members present and declares there is not a quorum present, the division bell shall be rung for thirty seconds and the Mayor shall then ascertain whether a quorum is present. If a quorum is not present the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary Council meeting.

8. DURATION OF MEETING

8.1

(i) Council meetings shall end at 10 p.m. on the day of the meetings, provided that the Mayor has discretion to extend the time to allow for adjournments, deputations and to complete the item then under discussion;

(ii) If a report, a motion or an amendment to a motion is still being discussed, the Member speaking at the time may continue speaking for the remainder of the time allowed for speeches under these rules;

(iii) The relevant Councillor who moved the report or substantive motion shall have a right of reply before the motion or amendment is put to the vote. No other right of reply is allowed;

(iv) Before the Mayor concludes the meeting, a motion shall be put detailing the outstanding reports of Committees not disposed of and asking that the Council adopt them, and recommendations contained within them, without debate; all other business remaining shall fall;

(v) Any motions on the agenda that fall under (iv) (all other business) may be resubmitted for the next, or a subsequent, Council meeting in accordance with Rule 13.

9. QUESTIONS BY THE PUBLIC

9.1 General

Any resident, council tax payer or national non domestic rate payer of the Borough may ask questions of the Leader, members of the Cabinet, Committee Chairs or Councillor Representatives on external bodies at ordinary meetings of the Council. A total of 20 minutes will normally be allowed for public questions at each ordinary meeting of the Council. A question being answered at the time limit shall be completed. Where an open debate is planned, any public questions will be at the Mayor's discretion following advice from the Monitoring Officer.

9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Only one question per meeting may be put by a single questioner and no more than two questions may be put on behalf of an organisation.

9.3 Notice of questions

A question may only be asked if notice has been received in writing or by electronic mail by the Democratic Services Manager no later than 10am so as to leave ten clear days in advance of the Council meeting, stating the Member of the Council to whom the question is to be addressed. The Democratic Services Manager will circulate a list of all valid questions. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

9.4 **Scope of questions**

The Monitoring Officer may reject a question if it:

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

9.5 **Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. The questioner may ask one supplementary question for the purpose of elucidation provided that it falls within the scope under 9.4.

9.6 **Written answers**

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

9.7 **Reference of question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10 QUESTIONS BY MEMBERS

10.1 On reports of the Cabinet or Committees

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

10.2 Questions on notice at full Council

Subject to Rule 10.3, a Member of the Council may ask:

- The Mayor;
- The Leader
- Any Member of the Cabinet; or
- The Chair of any Committee or Board
- The Council's representative(s) on any outside body;

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

10.3 Scope of questions

The Monitoring Officer may reject a question if it:

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

10.4 Notice of questions

(a) A Councillor may ask one substantive question per meeting, in accordance with rule 10.5 (d), provided that they have been received in writing by the Democratic Services Manager no later than 10 am so as to leave ten clear days prior to the Council meeting, stating which Member of Council the question is to be

addressed to. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection. Each question should be confined to one substantive topic.

(b) There will be up to 9 questions from Councillors which will receive direct oral answers. Questions on notice for oral answer will be set out on the Summons to the Council meeting.

(c) A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

(d) Questions for written answer and the answers provided will be published on the Council's website as soon as practicable after the relevant meeting.

10.5 **Order of Questions**

(a) There will be 9 questions which will receive direct oral answers. All other questions will receive written answers. Questions from each group will be placed so as to alternate on the agenda is so far as is practicable with 5 from the majority group and 4 from the opposition. 3 minutes will be allocated to answer the main question and 2 minutes allocated to answer supplementary questions

(b) A total of 45 minutes (allowing for any adjournments) shall be allowed on questions and answers under this rule; a question being answered at the time limit (and any supplementary questions to it) shall be completed.

(c) All questions and answers must be made as questions/answers, addressing the subject matter, and must not be a speech or statement.

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

(e) Each Member of the Council may ask one question for written answer in addition to those for oral answer. Each question and response should be confined to one substantive topic.

10.6 **Response**

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner. Written answers will be supplied to members no later than the meeting

10.7 **Supplementary questions**

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question, relevant to the original question, may be asked by a Councillor of the other political party or groups unless they do not wish to use it in which case it reverts to the party asking the original question. In allocating the second supplementary questions, the Mayor will have regard to: the overall time period for Council questions, their constitutional role and function in chairing the Council meetings set out in Article 5, and the political party or group's proportional representation on the Council. (In principle this would usually be four questions to the first opposition group and one question to the second opposition group) Each supplementary question must arise directly out of the original question or the reply. No supplementary questions may be asked on written answers.

11. DEPUTATIONS

11.1 A deputation may only be received by the Council if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the Democratic Services Manager not later than 10am to leave change from 5 to three clear days prior to the Council meeting.

11. 2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.

11.3 Subject to the foregoing the Democratic Services Manager shall bring the requisition before the Mayor, who having consulted the Leader, or in his/her absence the Deputy Leader, shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Council. The Leader must have regard to other business on the Council agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the Council agenda of the same subject matter. Where there is not an item on the Council agenda of the same subject, the Mayor may refer the Deputation to Cabinet, a Cabinet

member, a Committee of the Council or the Overview and Scrutiny Committee.

11.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Council meeting, advising of the reasons for the deputation not being taken at Full Council.

11.5 Scope of deputations

The Monitoring Officer may reject a Deputation if it

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

11.6 Taking the Deputation at the meeting

11.7 A total of 30 minutes shall be allocated to Deputations on the Council agenda.

11.8 If the Mayor shall have decided that the notice of the deputation shall be given on the agenda paper, any Councillor shall be at liberty when the item is called by the chair to move a motion without notice that the deputation be not received or that it be referred to the Cabinet, a Cabinet member or a committee as the case may be and such motion on being seconded shall at once be put to the vote.

11.9 The Deputation Spokesperson will be given five minutes to introduce the Deputation, referring to the matters in their deputation requisition. Following which they may answer any questions from Members. The Mayor will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the Council agenda when doing so.

11.10 The relevant Cabinet member shall be given the opportunity to respond to Council on the issues raised, and advise Council what actions will be taken as a result of the deputation. Should no response be given at the meeting to which the deputation is put, the Cabinet Member should provide a response at the next ordinary meeting of Council together with a written response provided to the deputation spokesperson.

12. PETITIONS

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

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

13. MOTIONS ON NOTICE

13.1 Notice

Except for motions which can be moved without notice under Rule 14, written notice of motions, together with the names of the proposer and seconder, must be delivered to the Democratic Services Manager not later than 10.00 a.m. so as to leave five clear working days before the date of the meeting. These will be available for inspection the day after the closing date for receipt.

13.2 Motion set out in agenda

Each political group will be able to give notice on one motion at each ordinary meeting. Motions for which notice has been given will be listed on the agenda, in a sequence alternated between groups from meeting to meeting, and as prescribed in the full Council protocol.

13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the well-being of Haringey.

13.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on that Member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

13.5 Motions Out of Order

The Mayor may in consultation with the Chief Executive or Monitoring Officer, rule out of order motions which, in his/her opinion, would risk:-

(a) defamation of any individual;

(b) not conforming to the provisions of rule 9.4 or which breach other Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a Chair of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda; (in accordance with Rule 3.2 (ii))

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or member arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to extend the time limit for speeches by 2 minutes;

(i) to amend a motion;

(j) to proceed to the next business;

(k) that the question be now put;

(l) to adjourn a debate;

(m) to adjourn a meeting;

(n) to suspend a particular Council Procedure Rule;

(o) to exclude the public and press in accordance with the Access to Information Rules;

(p) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5;

(q) to give the consent of the Council where its consent is required by this Constitution; and

(r) to move an emergency motion where the Mayor has given consent.

14A. EMERGENCY MOTIONS

Any Member may ask the Mayor to consider the admission of an emergency motion as urgent business, provided that due notice could not reasonably have been given in accordance with Rule 13.1. All other Rules relating to motions on notice must be complied with, including the giving of written notice, together with the names of the proposer and seconder, to the Democratic Services Manager. This notice should be given, if at all possible, by 10.00 a.m. on the day of the Council meeting and, in any event, no later than 3.00 p.m. on that day.

15. RULES OF DEBATE

15.1 Length of Debate

Discussion on any one motion, including amendments shall not exceed 23 minutes. *The political group allocation of speeches shall be as prescribed in the Full Council Protocol.*

15.2 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

15.3 Substitution of movers and seconders

Another member may speak on behalf of the mover or seconder who gave written notice of a motion

15.4 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

15.5 Seconder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

15.6 Content and length of speeches

(a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the Mayor.

(b) The following persons may be allowed to speak for up to 5 minutes:

(i) The Leader and a Member of the Cabinet or Chair of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee

(ii) The mover of a motion.

(iii) A Member exercising his/her right of reply to a motion

(c)

(i) At the Annual Council Meeting and at the Council meeting which determines the budget the Leader shall be allowed 15 minutes to deliver his/her priorities speech.

(ii) The Leaders of the opposition groups shall be allowed 7 minutes to reply to (c) (i) above

(iii) The Leader or other person as they may nominate shall be allowed a further 3 minutes in total to respond to the speeches in (ii) above

15.7 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) if the Member has formally seconded a motion or amendment and reserved the right to speak later

(b) to speak once on an amendment moved by another member;

(c) to move a further amendment if the motion has been amended since he/she last spoke;

(d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(e) in exercise of a right of reply in accordance with rule 15.11;

(f) on a point of order; and

(g) by way of personal explanation.

15.8 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion completely.

(b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Democratic Services Manager by no later than 10.00 a.m. on the day of the meeting. A motion submitted by a political group may not be amended by that political group in advance of the meeting. The Democratic Services Manager will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting.

(c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(d) If an amendment is not carried, other amendments to the original motion may be moved.

(e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.9 Alteration of motion

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

15.10 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.11 Right of reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.

(c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(d) The mover of the amendment has no right of reply to the debate on his or her amendment.

15.12 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Rules; and

(h) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5.

15.13 Closure motions

(a) A member may move, without comment, the following motions at the end of a speech of another member:

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.14 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

15.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

17. VOTING

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put.

17.2 Mayor’s casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

17.3 Show of hands

Unless a recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

Save in relation to a Budget Setting Meeting of the Council where rule 17.6 applies, if 8 members present at the meeting demand it, by standing in their places, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. This rule does not apply to procedural motions and is subject to the right of the Mayor to reject any demand for a recorded vote that is considered frivolous or vexatious.

17.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Recorded votes at Budget Setting Meetings

Immediately after any vote is taken at a Budget Setting Meeting of the Council the names of the members voting for, against or abstaining from the decision will be recorded in the minutes of the meeting.

17.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such

question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

19. SUBMISSION OF RECOMMENDATIONS AND REPORTS

19.1 The Chief Executive shall submit a report listing any recommendations from Overview and Scrutiny Committee requiring policy change or Cabinet action. The Mayor shall itemise, in turn, each area of dispute between the Cabinet and the Scrutiny Committee and shall call for a debate on each item. At the conclusion of the debate on each item, the Mayor shall call for a vote to be taken on the item concerned.

19.2 Where the Cabinet or a Committee is making a recommendation to full Council requiring a decision or resolution of the Council a report shall be submitted on the matter. Where the Cabinet or a Committee consider that any matter coming before them merits being drawn to the notice of the full Council, then a report shall be submitted to the next practicable meeting of the Council.

(a) Proposed amendments to recommendations to Council reports must be received in writing by the Democratic Services and Scrutiny Manager, proposed and seconded by two members and received no later than 10:00am on the day of the meeting. The Democratic Services Manager will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting with comments from officers if required.

(i) A proposed amendment to a recommendation must be relevant to the recommendation.

(ii) Amendments to recommendations will be moved after the substantive item has been introduced by the relevant member.

(iii) If the amendment is agreed, it will take the place of the recommendation and will then be put to the meeting. If the amendment is not agreed by Council, the original recommendation will then be put to Council.

19.3 In all other cases decisions of the Cabinet, Committees and other bodies may be implemented once the decision is made subject to the procedures on suspending definitive action the Call-In Procedure Rules in and any statutory action by the Monitoring Officer.

19.4 The Chair of the Overview and Scrutiny Committee and the Chair of the Standards Committee will submit a written reports on the proceedings of the Committees as often as the Committees consider necessary but at least once a year at the first meeting after the annual meeting of the Council.

20. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting.

21. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

22. MEMBERS' CONDUCT

22.1 General conduct

Members are required to comply with the Code of Conduct at all times. Where necessary and appropriate the Mayor will remind members of their responsibilities under the Code during the course of the meeting.

22.2 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor, except where the member or members may be physically unable to do so. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

22.3 Mayor standing

When the Mayor indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

22.4 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor or any other member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.5 Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.

22.6 General disturbance by individual member or groups of members

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long and to such place as he/she thinks necessary.

23. DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

24. DECLARATIONS OF INTEREST OF MEMBERS

24.1 If a member of the Council has a disclosable pecuniary interest or a prejudicial interest as referred to in the Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation form the Council's Standards Committee.

24.2 If a member of the Council has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Rules of Procedure except Rules 20, 21 and 24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26. ALTERATION OF DATE/TIME OF MEETING

The Mayor or Deputy Mayor may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

27. INTEREST OF OFFICERS IN CONTRACTS

The Monitoring Officer shall record particulars of any notice given by an officer of the council

28. ADVICE TO COUNCIL BY OFFICERS

The Mayor may permit Officers to give advice to the Council as and when appropriate.

29. OPEN SESSIONS WITH PARTNERS

29.1 The Leader, after consultation with the Mayor, may request the Democratic Services Manager to call an open session at which partner organisations via nominated spokespersons will be invited to attend and debate with elected members, matters of common interest and public policy. Such meetings may be held outside Council premises. The Democratic Services Manager, will by letter, invite partner organisations to attend the event. The Council rules of debate will be applicable to open sessions and these will be set out in the letter of invitation.

30. VOTES OF NO CONFIDENCE

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

30.2 In accordance with Article 7.06 in Part 2 of this Constitution, the Leader shall cease to hold office if a vote of no confidence is carried at a meeting of the full council by a majority of the members of the whole council then present. In that event Articles 7.06 and 7.07 make provision for the discharge of the Leader's functions.

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

30.4 For the avoidance of doubt, Rule 30.3 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 30.3 shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply.

31. ALEXANDRA PARK AND PALACE

Before full Council considers any matter, acting in its capacity as the statutory trustee of Alexandra Park and Palace trust, the Chief Executive shall read out the following reminder to Members: "When discharging the trustee function the Council must have regard to its duties as the trustee to the exclusion of all other matters. These duties include the obligation to act in the best interests of the charity above all other considerations. Similarly, each Member is under a duty, to the extent that it lies within the Member's power, to secure that the Council fulfils its duties as the trustee and, conversely, that the Council does not commit any breach of trust."

32. RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS

32.1 Meetings may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public recording, filming or reporting on any meeting shall be asked not to include the public seating areas, however the Council cannot guarantee that members of the public attending any meeting will not be

filmed or recorded by others attending the meeting. Members of the public participating in any meeting (e.g. making deputations, asking questions, making oral protests) will be aware that they are likely to be filmed, recorded or reported on. Members of the public shall be aware that by entering the meeting room they are consenting to being filmed and to the possible use of those images and sound recordings.

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

32.3 There is a protocol outside this Constitution offering guidance on recording, photography and use of social media at Council, Cabinet and other public meetings.

33. MAYOR'S PREROGATIVE ON THE INTERPRETATION OF PROCEDURE RULES

The ruling of the Mayor, with the advice of the Chief Executive or the Monitoring Officer, on the interpretation or application of any of these Standing Orders, or on any procedures of the Council Meeting, shall not be challenged at the meeting.

Part Four, Section B
Committee Procedure Rules

COMMITTEE PROCEDURE RULES

1. The Council at its annual meeting shall establish such Committees, Sub-Committees and other bodies as may be required by law or be necessary to carry out the work of the Council, and shall prescribe the number of voting members of each Committee or other body having regard to political balance in accordance with the Local Government and Housing Act 1989, define their terms of reference and delegate to them such functions, powers and duties (except the power of levying the council tax) as the Council shall think fit or statute may require.

2. The Council may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee or other body, and shall hold office until the annual meeting in the year following their appointment or for so long as the Council deem appropriate, whichever is the earlier; and if they resolve to make such appointments, shall specify the number of appointments to be made and the functions in relation to the body that each person so appointed may exercise.

3. Where appointments to Sub-Committees and other bodies are made by the Council, they shall be deemed for all purposes to have been made by their parent Committee (or, in the case of joint Sub-Committees and other bodies, by their parent Committees) and to be subordinate bodies of the Committee(s), which may make arrangements for a sub-committee to discharge any of the functions of the authority which the committee may discharge.

4. Where Chairs and Deputy-Chairs of Sub-Committees and other bodies have been appointed by the Council shall be deemed to have been appointed by their parent Committee(s).

5. From time to time other bodies may be established for the purpose of assisting or advising Committees in the exercise of their functions. They may be authorised to co-ordinate executive action across several Services or to develop policy in areas where special consideration is desirable.

6. Unless expressly provided for in the respective constitution or terms of reference, these rules will apply to all non-executive bodies including the Licensing Sub-Committee. When the Licensing Sub-Committee is conducting a hearing, then only the rules on Substitute Members shall apply.

7. Whenever:

   (a) the Council is required to review the allocation of seats on Committees between political groups, or

   (b) the Council resolves to carry out such a review, or

   (c) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or

   (d) a Committee resolves to carry out such a review, the Chief Executive shall submit a report to the Council or Committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.

8. In the light of such a report under paragraph 7 above, the Council or Committee, as the case may be, shall determine the allocation of seats to political groups.

9. Full Council, in respect of non executive committees and the Leader, in respect of Executive appointments, are responsible for appointing to or terminating appointing to committees/Cabinet.

10. These rules in respect of Committees shall apply to the Standards Committee and Licensing Sub-Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance in relation to the Licensing Sub-Committee.

MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.

13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.

14. The Chair of a Committee or Sub-Committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a Committee or Sub-Committee, whichever is greater, has been presented to the Democratic Services Manager.

15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the Committee or Sub-Committee.

16. Where any members decide to call a special meeting of a Committee or Sub-Committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at rule 51 below.

17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.

18. No meeting shall continue after 10 p.m., except that discussion of the specific item or case in hand at 10 p.m. may continue thereafter at the discretion of the Chair of the meeting. Consideration of any business remaining shall be deferred to the next ordinary meeting, except where the matter(s) falls to be dealt with under the urgency provisions.

19. In the absence of the Chair, the Deputy-Chair(s) shall have authority to act for any of the purposes set out in rule 12-15 above.

CHAIRS AND DEPUTY CHAIRS OF COMMITTEES, SUB-COMMITTEES, ETC

20. At each annual meeting, the Council shall appoint the Chair and Deputy Chair(s) for every Committee, Sub-Committee and other body for the year ahead, unless the Constitution provides otherwise. If a vacancy arises during the year, the Chief Executive shall report to the next ordinary meeting of the Council to enable a member to be appointed to fill the vacancy.

21. If any appointment possible under the previous paragraph is not made, the Committee, Sub-Committee or other body shall, from among their voting members, appoint a person to preside at their meetings.

22. In the absence of the Chair from a meeting, the Deputy-Chair shall preside. In the absence of both the Chair and a Deputy-Chair from a meeting and providing the meeting is quorate, any member may propose, at the request of the Democratic Services Manager or his/her representative, the election of a voting member present to preside at the meeting.

23. The first proposal to elect a member to preside shall be voted upon before any further proposal is made. The Democratic Services Manager or his/her representative, acting on the advice of the Monitoring Officer or his/her representative, shall determine any

question of interpretation relating to the election procedure before a member has been chosen to preside. Unless a member is elected to preside, or the Chair or Deputy Chair returns, the meeting cannot transact any business.

24. If, while another member is presiding at a meeting, the Chair or Deputy-Chair enters the meeting, the member presiding shall stand down in favour of the Chair or Deputy-Chair at the conclusion of the item under discussion.

QUORUM

25. No business shall be transacted at any meeting of a Committee, Sub-Committee or other body, unless at least one quarter of the whole number of voting members are present, provided that in no case shall any business be transacted unless at least three voting members are present.

26. **Commencement of Meeting**
If there is no quorum after fifteen minutes from the time appointed for the start of the meeting, that meeting shall be postponed to a future date, to be determined by the Chair after consultation with the Opposition spokesperson.

27. **During Meeting**
If at any time after the commencement of a meeting there is not a quorum present, the Chair shall suspend the business for three minutes. If there is still no quorum at the end of three minutes the Chair shall terminate the meeting.

LIMITATION ON DELEGATED POWERS

28. Each Committee, Sub-Committee, or other body shall act in accordance with Part 3 of this Constitution and with the ~~r~~responsibilities for functions so delegated to it as approved by the Council (and in accordance with its own constitution, if any) subject to the following general reservations:

(a) Where powers have been delegated to a Committee, Sub-Committee, or other body it shall be competent for that body to refer any matter to the next higher authority for decision by them and the Democratic Services Manager shall so arrange. A Chair of a body may, within two working days after the date of a decision being made and before definitive action has been taken, delay by written notice to the Democratic Services Manager, such definitive action to enable the decision to be confirmed or otherwise by the next higher authority.

(b) A matter referred by a joint body to the higher authority under sub-clause (a) above shall be submitted to the relevant parent

body/bodies having responsibility for that aspect of the joint body's terms of reference.

QUESTIONS, DEPUTATIONS AND PETITIONS

29. **Public Questions**

29.1 Any resident, council tax payer or national non domestic rate payer of the Borough may ask the Chair of any Committee or its sub bodies any question on anything for which the Committee is responsible at any ordinary meeting.

29.2 Notice of questions must be given in writing to the Democratic Services Manager by 10 a.m. on such day as shall leave three clear days before the meeting (e.g. Tuesday for a meeting on the following Monday). The notice must give the name and address of the sender. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

29.3 The Monitoring Officer may reject a question if it:

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

29.4 The Democratic Services Manager may put questions into an appropriate form without affecting their substance and redirect them if necessary.

29.5 The questions to be asked shall be supplied to all members no later than at the meeting.

29.6 The Democratic Services Manager shall announce the question number and the name and address of the questioner. The questioner shall ask the question and the member shall reply orally or may ask another member to reply on his/her behalf.

29.7 The Chair may allow one supplementary question for elucidation only.

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

29.9 Any questions remaining unanswered after the time limit, and any questions for which the questioner is neither present shall be answered in writing.

30. Deputations

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

30.2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.

30.3 Subject to the foregoing the Democratic Services Manager shall bring the requisition before the Chair, who shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Committee. The Chair must have regard to other business on the agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the agenda of the same subject matter. Where there is not an item on the agenda of the same subject, the Chair may refer the deputation to another relevant body of the Council.

30.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Committee meeting, advising of the reasons for the deputation not being taken at the Committee.

30.5 Scope of deputations

The Monitoring Officer may reject a deputation if it

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

30.6 Taking the deputation at the meeting

- A total of 15 minutes shall be allocated to deputations on the Committee agenda.
- If the Chair has decided that the notice of the deputation shall be given on the agenda paper, any councillor shall be at liberty when

the item is called by the Chair to move a motion without notice that the deputation be not received or that it be referred to another relevant body of the Council and such motion on being seconded shall at once be put to the vote.

- The deputation spokesperson will be given three minutes to introduce the deputation referring to the matters in their deputation requisition. Following which they may answer any questions from members. The Chair will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the agenda when doing so.

30.7 The Committee Chair will provide a response in writing to the deputation spokesperson, outlining the actions that will be taken as a result of the deputation.

31**. Petitions**

31.1 The Democratic Services Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Committee meeting. The petition will be handed to the Chair, and recorded as received by the Democratic Services Manager without any further debate. The Chair should report the response to the petition at the next ordinary meeting of the Committee.

PRESENTATIONS

32. Presentations shall be made to Committees at the discretion of the Chair on matters of interest or concern to residents of the Borough which fall within the scope of the Committee's terms of reference.

33. The total time allowed for a presentation shall not exceed 30 minutes, including the time allowed for questions, unless the meeting approves some other limit.

CONFIRMATION OF MINUTES

34. Minutes of every meeting shall be presented to the next ordinary meeting.

35. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.

36. No discussion shall take place upon the minutes except upon their accuracy. If no question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

RULES OF DEBATE

37. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.

38. The Chair shall conduct the debate and shall seek to prevent a member from wasting time, being repetitive or using unbecoming language. In matters of doubt the Chair shall have regard to the appropriate provisions of these Procedure Rules. Each speaker must direct his or her speech to the question under discussion, or to a point of order, or to a personal explanation.

DISORDERLY OR OFFENSIVE CONDUCT BY A MEMBER

39. **Member not to be heard further**
If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that member be not heard further. If seconded, the motion will be voted on without discussion.

40. **Member to leave the meeting**
If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

41. **General disturbance**
If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

DISTURBANCE BY MEMBERS OF THE PUBLIC

42. **Removal of member of public**
If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

43. **Clearance of part of meeting room**
If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

DECLARATIONS OF INTEREST OF MEMBERS

44. If a member of a Committee has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until

discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

45. If a member of a Committee has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

VOTING

46. Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. Voting shall be by a show of hands.

47. Immediately after the vote is taken, a member may require to be recorded in the minutes whether he/she voted for or against the decision or abstained.

48. In the case of an equality of votes, the Chair shall have a second or casting vote, unless the constitution of the body as approved by the Council provides otherwise.

49. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

ATTENDANCE

50. Any member of the Council may attend the public part of all meetings whenever he/she wishes and, with the Chair's consent, may take part in the business of a meeting of which he/she is not a member but may not move a resolution nor vote. Before a member participates in or addresses a meeting under this rule, written notice should be given to the Chair, preferably before the meeting but in any event as soon as the member arrives at the meeting. Members of the Council are not required to complete any form used by the public to request permission to speak at a meeting.

51. With the Chair's consent, any member of the Council may attend the exempt part of meetings whenever he or she wishes and may take part in the business of a meeting of which he or she is not a member but may not move a resolution nor vote. No member, other than the appointed members of the bodies concerned, may attend certain meetings affecting specific individuals, such as Appointments Panels, hearings and appeals where this is prevented in the Constitution or procedure rules of the body or where advised by the Monitoring Officer.

52. Apart from at full Council, where every member shall sign his/her name on the attendance sheet, attendance of members at committees will be recorded by the Democratic Services staff.

53. Where a member is proposing to be absent for any reason from a meeting of a particular Committee/Sub-Committee to which they have been appointed they may give notice to arrange for a substitute member in their place. The Chief Whip of a political group may give this notice in place of any member from that group who will be absent.

54. Notice under rule 53 must be given in writing, including e-mail, to the Democratic Services Manager by 10.00 a.m. on the day of the meeting if the meeting commences at 6.00 p.m. or later. Where the meeting commences before 6.00 p.m., the notice must be given by 10.00 a.m. on the previous working day before the meeting.

55. On receipt of notice under rule 53 above, the Democratic Services Manager will notify the Chief Whip for the political group of the member who will be absent. The Chief Whip will make arrangements for the attendance of a substitute member from the list of reserve members for that Committee/Sub-Committee nominated by the group. Where none of the listed reserve members for the relevant Committee/Sub-Committee is available, or where no reserve members have been nominated, then the Chief Whip may select any other member of the group. The provisions of this rule are subject to rule 58 below.

56. The name of the member selected to act as the substitute must be notified in writing, including e-mail, by the Chief Whip to the Democratic Services Manager no later than 3 hours before the time for commencement of the meeting stated on the agenda.

57. If the Chief Whip of a political group is absent or unable to act for any reason, then any action to be taken by the Chief Whip in this rule may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.

58. In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the Planning Sub-Committee, Dismissal Appeals Sub-Committee, and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve members will be trained for the relevant body as soon as possible after their appointment.

59. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. Rule 53 does not apply so as to allow substitution at meetings of the Cabinet or its Committees or its subordinate bodies.

RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS

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

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

62. There is a protocol outside this Constitution offering guidance on recording, photography and use of social media at Council, Cabinet and other public meetings.

SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES

63. All of these Committee Procedure Rules except Rules 44, 45 and 52 may be suspended by motion on or without notice if at least one half of all members of the Committee, sub committee etc., are present. Suspension can only be for the duration of the meeting.

CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS

64. The ruling of the Chair on the interpretation or application of any of these Standing Orders, or on any proceedings of the Committee, Sub-Committee, Panel or other body, shall not be challenged.

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Part Four, Section C Miscellaneous Standing Orders

MISCELLANEOUS STANDING ORDERS

Electronic Execution

References in these Standing Orders to sealing, signing and attesting or the Common Seal includes electronic sealing, signing and attesting by electronic means as approved by the Monitoring Officer.

1. SEAL OF THE COUNCIL

(1) The common seal of the Council shall be kept in a safe place in the custody of the Director of Legal and Governance.

(2) The common seal of the Council shall be affixed to a document only on the authority of:

(a) a resolution of the Council;
(b) a decision by the Council, or by a duly authorised Committee, Sub-Committee or officer, to do anything where a document under the common seal is necessary to complete the action.

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

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(3) On civic or ceremonial occasions, the seal shall be attested by the Mayor or Deputy Mayor or another member of the Council and by the Chief Executive or Director of Legal & Governance.

(4) On all other occasions the Seal on documents shall be attested in accordance with Article 14.05 (in Part 2) or by any one of the following officers:

- Chief Executive
- Chief Finance (section 151) Officer
- Director of Legal and Governance
- Head of Legal Services
- any officer authorised by the Director of Legal and Governance either in relation to a specific document or particular categories of documents

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

(5) An entry of every sealing of a document must be made and numbered consecutively in the book kept for the purpose and each entry must be signed by the person or persons who attested the Seal. Where the Common Seal is affixed electronically the record of sealing may be kept in electronic form and the entry and attestation may be made and signed by electronic means.

(6) The Director of Legal & Governance, or in his/her absence the Assistant Head of Legal Services, is authorised to sign any document to secure the effective administration of the functions for which the Legal Service is responsible, or any document to secure the effective implementation of any function, power, duty, policy, programme or decision of the Council or of any Committee, Sub-Committee, or other body or Director acting within their terms of reference and delegated powers.

2. ATTESTATION OF DOCUMENTS

(1) Any notice, order or other document which a local authority are authorised or required by or under any enactment to give, make or issue under any enactment may be signed on behalf of the authority by the relevant Director as proper officer of the authority.

(2) Any document purporting to bear the signature of the relevant Director as proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.

(3) In addition to any other person who may be authorised by resolution of the Council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Head of the authority's Paid Service, the Director of Legal and Governance, and any Director of the Council concerned with the matter to which the document relates or any officer authorised in writing by such persons, save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Director of Legal and Governance in accordance with Article 14.04

3. PAPERS AND ADVICE

In accordance with the Access to Information Procedure Rules at Section D of this Part 4:

(1) The agenda and papers for consideration at any meeting will normally be despatched to appropriate members of the Council leaving at least 5 clear days before the meeting.

(2) Services shall ensure that all papers are delivered to the Democratic Services Manager leaving at least 7 clear days before the meeting (e.g. on Friday for a meeting on Wednesday 12 days later).

(3) The Chair of a Committee, Sub-Committee, or other body may only allow a late item/report to be considered at a meeting if satisfied that there are special circumstances. The special circumstances which, in the Chair's opinion, justify such action must be recorded in the Minutes of the meeting.

(4) The agenda and papers for any part of a meeting open to the public shall be made available for inspection by members of the public.

4. CONFIDENTIALITY OF REPORTS

Exempt Reports

(1) Reports and documents which are to be presented to meetings of the Council or of Committees, Sub-Committees, or other bodies and which in the opinion of the Director of Legal and Governance are likely to be the subject of a resolution to exclude the press and public from the proceedings on any of the grounds set out in the Local Government Act 1972 Schedule 12A and related or amending legislation must be marked in the top right hand corner "Not for Publication" because they contain exempt information. Categories of exempt information are set out in the Access to information Procedure Rules in Part 4 of this Constitution.

Confidential Reports

(2) Reports containing confidential information under the Access to Information Procedure Rules in Part 4 of this Constitution must be marked on the top right hand corner setting out the category of confidential information.

Duty not to disclose information

(3) It shall be the duty of all Council members, other voting and non-voting members of Committees or other bodies, assessors and advisers appointed to Committees or other bodies and Officers of the Council not to disclose any information contained in reports and documents classified as 'confidential' or 'exempt' until the Committee, Sub-Committee or other body in question decides to make the information public, and appropriate sanctions will be taken in the event of this being breached.

Declassification of exempt reports

(4) It shall be the responsibility of the Proper Officer (Director of Legal and Governance) to determine as necessary whether at any future date it is appropriate to declassify any exempt reports.

5. INSPECTION OF DOCUMENTS

(1) A member of the Council shall have the right to inspect and be provided with copies of the following documents in the Council's possession or under its control in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

(2) A member must not use any information obtained in the exercise of the rights under this rule for any purpose other than the performance of his/her role as a member of the Council and must not knowingly inspect or request copies of any document relating to any matter in which he or she is professionally or personally interested or in which he or she has a personal, prejudicial or disclosable pecuniary interest under the Members' Code of Conduct. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

6. INSPECTION OF LAND AND BUILDINGS

No member of the Council and no other member (whether voting or non-voting) of a Committee, Sub-Committee or other body shall have any claim by virtue of his/her position:

(a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;

(b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;

(c) to exercise any other power of the authority;

(d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

7. ABSENCE FROM MEETINGS

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies (or, for a member of the Cabinet, a meeting of the executive) shall cease to be a

member unless within that period his or her absence is approved by the authority.

8. STATEMENT OF ATTENDANCES

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council either at its last meeting in each municipal year or at the Annual Meeting and be entered in the minutes.

9. MATTERS AFFECTING NAMED INDIVIDUALS OR COUNCIL EMPLOYEES OR FORMER COUNCIL EMPLOYEES

(1) If, during the course of a meeting, an issue arises concerning a named individual or about an individual Council employee or former Council employee, the body must first decide whether or not to exclude the public and press before discussing the matter further and for this purpose the advice of the Monitoring Officer or his/her representative will be considered.

(2) At no time shall there be discussion of any individual employee or former employee subject to outstanding disciplinary/appeal/grievance proceedings as such discussion could affect these proceedings.

(3) In the event of a member wishing to criticise an individual employee or former employee of the authority the Member shall follow the provisions of the Protocol on Member/Officer Relations which provides for a complaint against an officer to be referred confidentially to the relevant Chief Officer. This shall not prevent members from asking officers proper questions.

(4) In the event of a member having concerns about seriously improper, fraudulent or unlawful conduct by an officer the member should raise the matter confidentially with the Chief Executive under the Council's "Whistleblowing Policy".

10. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(1) If it comes to the knowledge of any employee of the authority, that he/she has a personal interest, direct or indirect, in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the Council or any Committee or Sub-Committee, and which (in either case) is not

(a) the contract of employment (if any) under which he serves the authority

(b) the tenancy of a dwelling provided by the authority,

he/she shall as soon as practicable give notice in writing to the Head of Paid Service of the fact that he/she is interested therein.

(2) For the purposes of this rule 10, a personal interest is an interest that, if the employee were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he/she were present, he/she would have to disclose under the Members' Code of Conduct.

(3) The Head of Paid Service shall record in a book to be kept for the purpose particulars of any notice of a personal interest given by an employee of the authority. The book shall, during the ordinary office hours of the authority, be open for inspection by any member of the council.

11. WEBCASTING OR BROADCASTING OF MEETINGS

(1) Audio and visual recordings of meetings of the Council, a Committee or Sub-Committee by a member of the public or a recognised media organisation shall normally be permitted following receipt of a request to the Mayor, or Chair, as appropriate. Such a request will generally only be refused if the Mayor or Chair believes recording would disrupt the meeting or where the Council is permitted to exclude the press and public because it is discussing exempt or confidential information.

(2) The Mayor, or the Chair of any subordinate body, shall have regard to any Protocol on Webcasting in force when deciding whether to permit the filming, or any other form of recording or broadcasting, of meetings. This rule does not affect the duty to keep a permanent sound recording of hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. no. 44).

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Part Four, Section D Access to Information Procedure Rules

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all formal meetings and decisions of the Council, its Committees, and Sub-Committees and to the Executive (that is, the Leader, Individual Cabinet Members and the Cabinet) and its Committees. The Council complies with the Equality Act 2010.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or by law for example under the Freedom of Information or Data Protection Acts.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all formal meetings of the Council, its Committees and Sub-Committees and the Cabinet and its Committees, subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting (unless the meeting is convened at shorter notice under the Council's urgency procedures) by posting details of the meeting at Haringey Civic Centre, High Road, Wood Green N22 8LE (the "designated office") and on the Council's website (www.haringey.gov.uk).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the website at least five clear days before the meeting. If an item is added to the agenda later under the council's urgency procedures, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Democratic Services Manager thinks fit, copies of any other documents supplied to councillors in connection with an item to any person or to a newspaper on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND DOCUMENTS AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting, (or records of decisions taken, together with reasons, for all meetings of the Cabinet) excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The author of every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report.

8.2 Background Papers do not include published works or those which disclose exempt or confidential information (as defined in Rule 10), or the advice of a political adviser.

8.3 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the designated office and on the website.

9. SUMMARY OF PUBLIC'S RIGHTS

These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents which must be kept and be available to the public at the designated office and on the website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information the disclosure of which is prohibited by or under any enactment or by the order of a court.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority

or a Minister of the Crown and employees of, or holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above exempt information:

(a) Information falling within paragraph 3 above is not exempt information under that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.

(b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(c) Information which – (i) falls within any of paragraphs 1-7 above; and (ii) is not prevented from being exempt under (a) or (b) above is exempt information if an so long as, in the opinion of the Monitoring Officer, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive (that is, the Leader, individual Cabinet Members and the Cabinet) and its Committees. The Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with Rules 16 and 17 below, and the Leader may also

allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

If the Leader, an Individual Cabinet Member or the Cabinet or its Committees take a key decision then the procedure must by law also comply with Rules 1 – 15 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.

A key decision is defined as:

An executive decision which is likely:-

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

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

In terms of the first part of the definition commitment of award of contracts in excess of £500k, virements between directorate revenue cash limits in excess of £250k and virements between programme areas within directorate capital budgets will be key decisions.

Rules 1 – 15 will apply to all key decisions made by the Executive unless Rule 16 (general exception) or Rule 17 (special urgency) applies. This requirement does not include meetings, whose principal purpose is for officers to brief members.

In practice the Council has decided that meetings of the Cabinet and its Committees will generally comply with Rules 1-15 irrespective of whether the items to be discussed are key decisions.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless:

(a) at least 28 clear days before a key decision is made, a notice (called here a Forward Plan) has been made available for inspection by the public at the designated office and on the website in connection with the matter in question;

(b) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. PROCEDURE PRIOR TO PRIVATE MEETINGS OF CABINET OR A CABINET COMMITTEE

14.1 A 'private meeting' means a meeting or part of a meeting of the Cabinet or a Cabinet Committee during which the public are excluded in accordance with Rule 10 (exclusion of access by the public to meetings).

14.2 Subject to Rule 18, a private meeting may not take place unless:

(a) At least 28 clear days before the scheduled meeting a notice (called the forward plan) has been made available for inspection by the public at the designated office and on the website;

(b) At least 5 clear days before the scheduled meeting a further notice has been made available for inspection by the public at the designated office and on the website which shall include any representations made as to why any item specified in the notice given under paragraph (a) above should be open to the public together with the Council's response.

15. THE FORWARD PLAN

15.1 The 28 clear days notices before a key decision is made (Rule 13) and before a private meeting may be held (Rule 14) are combined and together form the Forward Plan.

15.2 Period of forward plan

The Forward Plan will be published at the beginning of each month and will contain particulars of key decisions likely to be taken and private meetings likely to be held over the following three months.

15.3 Contents of forward plan

The Forward Plan will contain matters which are likely to be subject of a key decision to be taken by the Executive (the Leader, Individual Cabinet Members, the Cabinet or a Committee of the Cabinet) in the course of the discharge of an executive function during the period covered by the plan. It will also contain details of likely private meetings of the Cabinet or a Cabinet Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) That a key decision is to be made;

(b) The matter in respect of which a decision is to be made;

(c) Where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and details of membership;

(d) The date on which or the period within which, the decision will be taken;

(e) A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

(f) The address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed is available;

(g) That other documents relevant to those matters may be submitted to the decision maker; and

(h) The procedure for requesting details of those documents (if any) as they become available;

(i) Whether a meeting will be held in public or private and a statement of the reasons for a meeting to be held in private.

16. GENERAL EXCEPTION (KEY DECISIONS)

Where the publication of the intention to make a key decision under Rule 13 is impracticable, then subject to Rule 17 (special urgency), the decision may still be taken if:

(a) the Democratic Services Manager has informed the Chair of a relevant Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;

(b) the Democratic Services Manager has made copies of that notice available to the public at the designated office and on the website; and

(c) at least 5 clear days have elapsed since the proper officer made available the notice referred to in paragraph (b) above.

17. SPECIAL URGENCY (KEY DECISIONS)

17.1 Where the date by which a key decision must be made makes compliance with Rule 16 impracticable, the decision may only be made if the decision maker (an individual or the chair of the body making the decision), obtains the agreement of the chair of a relevant Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred.

17.2 If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

17.3 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 17.1 or 17.2 to take a key decision the Democratic Services Manager shall publish a notice setting out why the meeting is urgent and cannot reasonably be deferred and shall make that notice available to the public at the designated office and on the website.

17.4 The Leader may take any urgent key or non-key decision and may also allocate any urgent key or non-key decision to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. Urgent decisions may also be taken at the Cabinet meeting if appropriate.

18. URGENCY (PRIVATE MEETINGS)

18.1 Where the date by which a meeting must be held makes compliance with Rule 14 impracticable, the meeting may only be held where the decision-making body had obtained agreement from the Chair of a relevant Overview and Scrutiny Committee that meeting is urgent and cannot reasonably be deferred.

18.2 If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

18.3 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 18.1 or 18.2 to hold a private meeting the Democratic Services Manager shall publish a notice setting out why the meeting is urgent and cannot reasonably be deferred and shall make that notice available to the public at the designated office and on the website.

19. REPORT TO COUNCIL

19.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been made and:

(a) was not treated as being a key decision; and

(b) a relevant Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision the

Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.

(c) The power to require a report rests with the Committee, but is also delegated to the Democratic Services Manager, who shall require such a report on behalf of the Committee when so requested by the Chair of any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

19.2 Cabinet's report to Council

In the above circumstances, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

The report must include details of:

(i) The decision and the reasons for the decision;

(ii) The decision maker by which the decision was made; and

(iii) If the executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

19.3 Reports on special urgency decisions

In any event, the Leader will submit a report to the Council at least annually on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) during the period since the last report was submitted to Council. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

20. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Democratic Services Manager will produce a report recording every decision taken at that meeting as soon as practicable. The report will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

Written statements of officers' exercise of delegated powers will be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.

21. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

As stated above in Rule 12 the Council has decided that Cabinet or its Committees will meet in public irrespective of whether the items to be discussed are key decisions, subject to the exclusion of the public and press for confidential and exempt items.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

22.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a public report which he/she intends to take into account in making any decision, then he/she will not make the decision until the report had been available for public inspection for at least 5 clear days except in the case of urgent decision taken in accordance with the Council's urgency procedures.

22.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker (whether or not it is a public report), the person who prepared the report will give a copy of it to the Chair and Vice Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and where appropriate make it publicly available at the same time.

22.3 Record of individual decision

(a) As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

(b) Such written statement together with any report considered by the individual member of officer and relevant to the decision recorded shall be made available for public inspection at the designated office and on the website.

(c) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

23. OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

23.1 Individual Members' rights to copies

Subject to Rule 23.2 below, a member of an Overview and Scrutiny Committee (including its Sub-Committees) will be entitled, on request as soon as reasonably practicable and in any case no later than ten clear days after a request has been received, to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

(a) any business that has been transacted at a meeting of a decision-making body of the Council; or

(b) any decision that has been made by an individual member of the Cabinet; or

(c) any executive decision that has been made by an officer.

23.2 Limit on above rights

A member of an Overview and Scrutiny Committee (or Sub Committee) will not be entitled to:

(a) any document or part of a document as contains exempt or confidential information unless that information is relevant to

(i) an action or decision that that member is reviewing or scrutinising; or

(ii) any review contained in any programme of work of such a committee or sub-committee.

23.3 Where the executive determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document or part of a document for a reason set out in Rule 23.2, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

23.4 Rights of Chairs, Vice Chairs and other members to agenda and reports.

The Chairs and Vice Chairs of the relevant Overview and Scrutiny Committee and Sub-Committees will be supplied with the agenda/reports of the Cabinet and Cabinet Committees, and reports to Cabinet Members, to the extent that these relate to matters which are subject to a current Scrutiny Review, at the same time as they are issued to the Cabinet, Cabinet Committee or Cabinet Member in question. Other members of the relevant Overview and Scrutiny Committee will be supplied with such papers on request.

23.5 Limit on above rights

The Chair, Vice Chair or member of the relevant Overview and Scrutiny Committee shall not be entitled to:

(a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(b) the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

Subject to Rules 24.5 and 24.6 below, any document which is in the possession or under the control of the executive and contains the material relating to any business to be transacted at a public meeting must be available for inspection by any member.

24.2 Any document which is required by paragraph 24.1 to be available for inspection by any member must be available for such inspection for at least five clear days before the meeting except that

(a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and

(b) Where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph 24.1 in relation to that item, must be available for inspection when the item is added to the agenda.

24.3 Subject to Rules 24.5 and 24.6, any document which is in the possession or under the control of the Executive of the local authority and contains material relating to any business transacted at a private meeting, any decision made by an individual member, or any decision made by an officer, must be available for inspection by any member when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

24.4 Any document which is required by Rule 24.3 to be available for inspection by any member must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

24.5 Rules 24.1 and 24.3 do not require a document to be available for inspection if it appears to the Democratic Services Manager that it discloses exempt information of a description falling with Rule 10.4 above.

24.6 Notwithstanding Rule 24.5, Rules 24.1 and 24.3 do require the document to be available for inspection if the information is information of a description for the time being falling within

(a) paragraph 3 of Rule 10.4 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or

(b) paragraph 6 of Rule 10.4

24.7 Where it appears to Democratic Services Manager that compliance with Rules 24.1 or 24.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that rule will not apply to that document or part.

24.8 The rights conferred by Rules 24.1 and 24.3 are in addition to any other rights that a member may have.

24.9 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any key decision unless paragraph 24.1 above applies.

24.10 Nature of rights

These rights of a member are additional to any other right he/she may have.

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Part Four, Section E
Budget & Policy Framework Procedure Rules

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for Cabinet decisions

1.1 The Council will be responsible for the adoption of the budget and policy framework as set out in Article 4 of this constitution. Once the framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

2.1 Each year the relevant Director and relevant Cabinet Members will in their joint report to the Overview and Scrutiny Committee on potential issues for Committees work programmes include any matters which form part of the Budget and Policy Framework, which will require adoption in the coming year.

2.2 If the Overview and Scrutiny Committee or a Scrutiny Review Panel wishes to include the matter into the work programme the relevant Director will ensure that the Committee is consulted in good time to enable the Committee's views to be considered by the Cabinet or Cabinet Member prior to firm proposals being submitted to the Council. In the event that the Overview and Scrutiny Committee or Scrutiny Review Panel chooses to consider a report which forms part of the Budget and Policy Framework then its views shall be included in the report submitted to the Cabinet or Cabinet Member who shall take them into account in drawing up firm proposals for submission to the Council. The report to Council will reflect the comments made by Overview and Scrutiny Committee consultees and the Cabinet's response.

2.3 Once the Cabinet or relevant Cabinet Member has approved the firm proposals, the Cabinet will recommend the proposals to Full Council for approval or decision at the earliest opportunity.

2.4 In reaching a decision, the Council may adopt the Cabinet's/Cabinet Member's proposals, amend them, refer them back to the Cabinet for further consideration, or, substitute its own proposals in their place.

2.5 If it accepts the recommendation of the Cabinet/Cabinet Member without amendment, or the Leader of the Council on behalf of the Cabinet or the Cabinet Member supports the amended recommendation the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting. The decision will be publicised.

2.6 An in-principle decision will automatically become effective on the expiry of 5 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within the period of 5 working days that he/she objects to the decision becoming effective and provides reasons why. If the Leader informs the proper officer that he/she has no objection it shall become effective upon receipt of such notice.

2.7 In that case, the proper officer will call a Council meeting to take place within a further 10 working days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may:

(i) approve the Cabinet's/Cabinet Member's recommendation by a simple majority of votes cast at the meeting; or

(ii) approve a different decision which does not accord with the recommendation of the Cabinet/Cabinet Member's by a simple majority.

2.8 The decision shall then be made public and shall be implemented immediately;

2.9 The decision of the Council is final. The Leader may not ask for this or any decision to the same effect to be reconsidered for a further 6 months

3. Decisions outside the budget or policy framework

3.1 Subject to the provisions of paragraph 5 (urgent decisions outside the budget or policy framework), the Leader, the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to 3.2 and 3.3 below.

3.2 If the Leader, the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements

discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Finance Officer as to whether the decision they want to make would be contrary to or not wholly in accordance with the budget. If the advice of either of these officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

3.3 Council may either:

(a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

(b) amend the budget framework or policy concerned to encompass the decision or proposal of the decision taker responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

(c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/ Chief Finance Officer and refer it back to the Cabinet. The decision taker must reconsider within 7 working days of the Council meeting. Whatever decision the Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the policy or budget framework will be unlawful.

4. Urgent Decisions

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

(a) In order for a decision to be deemed urgent, the “General Exception” or “Special Urgency” procedures set in the Access to Information Procedure Rules must be followed.

(b) the Director shall use their best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full Executive decision-making process been followed; and

c) the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;

d) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

5. Urgent decisions outside the budget or policy framework

5.1 The Leader, the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest and it is not practical to convene a quorate meeting of the full Council within the Access to Information Procedure Rules.

5.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is urgent for the purposes of rule 18 of the Call-In Procedure Rules at Part 4 Section H of the Constitution, and therefore not subject to call-in.

5.3 In order for a decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Deputy-Chair of the Overview and Scrutiny Committee is required. In the absence of both, the consent of the Mayor shall be required.

5.4 The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

5.5 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

5.6 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. Calculation of Budget Requirement

6.1 Subject to paragraph 6.5 where, before 11 March in any financial year, the Cabinet submits to Council for its consideration in relation to the following financial year:

a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (the calculation of budget requirements);
b) estimates of the amounts to be used for purposes of such a calculation; or
c) estimates of such a calculation.

6.2 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6.1, it must inform the Leader of any objections that it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

6.3 Where the Council gives instructions in accordance with paragraph 6.2, it must specify a period of at least 5 working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

6.4 When the period specified by the Council, referred to in paragraph 6.3 has expired, the Council must, when making calculations (whether originally or by way of substitute), in accordance with the sections referred to in paragraph 6.1a), take into account:

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the Cabinet's reasons for those amendments;

(c) any disagreement that the Cabinet has with any of the Council's objectives; and

(d) the Cabinet's reasons for that disagreement, that the Leader submitted to the Council, or informed the Council of, within the period specified.

6.5 Paragraphs 6.1 to 6.4 (inclusive) shall not apply in relation to calculations or substitute calculations that an authority is required to make in accordance with section 52I or 52T of the Local Government Finance Act 1992.

7. Virement

7.1 Virement is a transfer of a budget for direct spend by the Council, which is required due to a policy change or re-prioritisation of resources between services. The Council's rules on virement are set out in the Financial Regulations set out in the Constitution.

8. In-year changes to policy framework

8.1 Subject to the provisions of section 5 (urgent decisions outside the budget and policy framework) the responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Leader, the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by the Leader, the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions except where the Council has agreed this at the time of agreeing the budget or relevant policy or strategy.

Part Four, Section F
Cabinet Procedure Rules

CABINET (EXECUTIVE) PROCEDURE RULES

1.1 The Operation of the Cabinet

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

1.2 Executive decisions

The arrangements for the discharge of Executive functions are set out in Part 3 of the Constitution. These arrangements provide that the Leader may discharge any of those functions or may arrange for their discharge by:

(a) the Cabinet;

(b) an individual Cabinet Member within his/her specific portfolio responsibilities;

(c) a Committee of the Cabinet within delegated powers granted by a resolution of the Cabinet;

(d) an officer;

(e) joint arrangements; or

(f) another local authority's Cabinet.

1.3 Key Decisions

(a) Key decisions may only be taken by the Leader, the Cabinet, or a Committee of the Cabinet, or an individual Cabinet Member or the Chief Executive as described below. Decision-making is allocated between these bodies/persons in accordance with of the Executive Responsibilities at Part 3 Section C and the Cabinet collectively may also delegate specific decisions to a committee of the Cabinet or an officer.

(b) The Leader may take any key decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any

executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

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

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

then the Deputy Leader shall be authorised to take the decision or to allocate the decision the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

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

(e) The Deputy Leader or the Chief Executive will comply with the "General Exception" and/or "Special Urgency" procedures as set out in the Access to Information Procedure Rules at Part 4 Section D of this Constitution, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

(i) consult with the relevant Cabinet Member(s), so far as practicable, before taking the decision, and

(ii) inform the Leader as soon as possible after the decision is taken, and

(iii) report the decision to the next Cabinet meeting.

(f) In the event that no Cabinet Members remain in office then all functions of the Leader and Cabinet Members shall be exercised by the Chief Executive acting so far as is practicable in consultation the Mayor, or Deputy Mayor if the Mayor is unable to act, until such time as a new Leader is elected by the full Council, as provided for in Article 7.07.

1.4 Sub-delegation of Executive Functions

(a) The Leader may at any time exercise Executive functions personally or may delegate those functions to the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, a joint committee, another local authority, or officers.

(b) The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a

Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.

(c) Where an individual Member of the Cabinet is exercising executive functions, it may delegate those functions to officers.

(d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.

(e) Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

1.5 The Council's Scheme of Delegation and Cabinet Functions

(a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader personally and this will be reported to the full Council for noting and inclusion in the Constitution.

1.6 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.

(b) If any Member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.

(c) If the exercise of an Executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise, or in the alternative, in accordance with the direction of the Leader.

1.7 Cabinet meetings – when and where

The Cabinet will meet in accordance with a programme of meetings agreed by the Leader. The Cabinet shall meet at 6.30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

1.8 Public Meetings of the Cabinet

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

1.9 Quorum

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

1.10 Decisions Taken by the Cabinet

The Leader has chosen to allocate the majority of key decisions to the Cabinet meeting with the proviso that the Cabinet may, from time to time, further delegate to any Committee of the Cabinet or an Officer as outlined in Part 3 Section C of this Constitution.

(a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.

(b) Where Cabinet decisions are delegated to a Committee of the Cabinet, or the Cabinet expressly delegate a specific decision to an officer, then the rules applying to executive decisions taken by them shall be the same as those applying to decisions taken by the Cabinet as a whole, except to the extent that legislative provisions require procedural variations.

2. How are Cabinet Meetings Conducted?

2.1 Appointment of a Chair

If the Leader is present he/she shall Chair the meeting. If the Leader is absent then the Deputy Leader shall Chair the meeting. In the absence of the Leader and Deputy Leader, then a Cabinet Member shall be appointed to Chair the meeting by those Cabinet Members present. A Member appointed to preside by this Procedure Rule shall stand down at the conclusion of the agenda item under discussion if the Leader or person nominated by the Leader to preside arrives.

2.2 Public or Private Meetings of the Executive

Decisions taken by the Executive (the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet) will be held in public except where public notice of a private meeting has been given or the agreement of the Chair of the Overview and Scrutiny Committee has been obtained in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.

2.3 Business

At each meeting of the Cabinet the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) declarations of interest, if any;

(c) matters referred to the Cabinet for reconsideration by from the Overview and Scrutiny Committee in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(d) matters set out in the agenda for the meeting, including reports and action lists from Cabinet Members. The agenda shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;

(e) matters raised by Members of the Cabinet.

2.3A Declarations Of Interest Of Members

(a) If a Member of the Cabinet has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the Member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The Member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that Member has obtained a dispensation from the Council's Standards Committee.

(b) If a Member of the Cabinet has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the Member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

2.4 Who can put Items on the Cabinet Agenda?

(a) The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer about that matter. The proper officer will comply with the Leader's requests in this respect.

(b) Any Member of the Council may ask the proper officer to put an item on the agenda of a Cabinet meeting for consideration. Subject to the agreement of the Leader the item will be considered at the next available meeting of the Cabinet. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.

(c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.

(d) The Chief Executive, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.5 Substitutes

(a) With the exception of Assistant Cabinet Members, who have limited rights of substitution set out in the terms of reference of the Cabinet, a non-Cabinet Member cannot substitute for a Cabinet Member at a meeting of the Cabinet or any of its Committees.

(b) If a Cabinet Member is absent, the Leader will arrange for his/her duties to be carried out by another Member of the Cabinet, by a Committee of the Cabinet or by the Cabinet as a whole.

2.6 Rules of Debate at Cabinet Meetings

(a) If two or more Members offer to speak, the person in the Chair shall call on one to speak.

(b) When speaking, a Member shall address the person in the Chair.

(c) A Member shall direct her or his speech to the question under discussion.

(d) The ruling of the person in the Chair on the admissibility of a point of order or a personal explanation shall not be open to discussion.

(e) A motion or amendment, which is relevant to the work of the Cabinet, shall be discussed once it has been proposed and seconded.

(f) All decisions are made by a simple majority of those Members of the Cabinet present and voting. In the event of a tied vote the person in the Chair will have a casting vote regardless of whether they exercised their right to vote in the first instance.

(g) The person in the Chair may permit two or more amendments or motions to be discussed together if he or she thinks that this will facilitate the efficient conduct of business. A separate vote shall be taken on each amendment or motion.

(h) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

2.7 Who may speak?

All Members of the Council may attend meetings of the Cabinet or Cabinet Committees. A Member of the Council who is not a Cabinet Member may only speak if invited to do so by the Leader and with the agreement of the Cabinet. Non-Cabinet Members will not have any right to vote in deciding the outcome of the matter under consideration.

2.8 Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals about the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

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Part Four, Section G Overview and Scrutiny Procedure Rules

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The arrangements for Overview and Scrutiny

1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.

1.2 The terms of reference of the Overview and Scrutiny Committee will be:

(i) The performance of all overview and scrutiny functions on behalf of the Council.

(ii) The appointment of Scrutiny Review Panels, with membership that reflects the political balance of the Council.

(iii) To determine the terms of reference of all Scrutiny Review Panels.

(iv) To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.

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

(vi) To monitor the effectiveness of the Council's Forward Plan.

(vii) To receive all appropriate performance management and budget monitoring information.

(viii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and Scrutiny Review Panels' time is effectively and efficiently utilised;

(ixi) To consider all requests for call-in and decide whether to call-in a key decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.

(x) To monitor the effectiveness of the Call-in procedure.

(xi) To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and to make reports and recommendations to Cabinet and Council on these.

(xii) To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter, or any crime and disorder matter, to the Committee under the Councillor Call for Action Procedure.

(xiii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and

(xiv) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to the Overview and Scrutiny Committee or relevant Scrutiny Review Panel.

1.3 The Overview and Scrutiny Committee may establish a number of Scrutiny Review Panels:

(i) Scrutiny Reviews Panels are appointed to examine designated Council services. Scrutiny Review Panels will refer their findings/ recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to the Cabinet and/or the Council as appropriate.

(ii) Scrutiny Review Panels will analyse submissions, request and analyse any additional information, and question the Cabinet Member(s), relevant Council officers, local stakeholders, and where relevant officers and/or board members of local NHS bodies or NHS funded bodies.

(iii) Subject to the approval of the Overview and Scrutiny Committee, Scrutiny Review Panels will be able to appoint external advisors and/or to commission specific pieces of research if this is deemed necessary.

(iv) Scrutiny Review Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports.

(v) Prior to publication, draft reports will be sent to the relevant chief officers or where relevant officers of the National Health Service

for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;

(vi) Following approval by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting together with an officer report where appropriate. The Cabinet will consider the reports and formally agree their decisions.

(vii) Following approval by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.

(viii) At the Cabinet meeting to receive the final report and recommendations, the Chair of the Overview and Scrutiny Committee or the Chair of the Scrutiny Review Panel may attend and speak.

(ix) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.

1.4 When Scrutiny Review Panels report on non-executive or regulatory functions the above rules apply, except the references to The Cabinet shall be taken as reference to the relevant non-executive body.

1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny process. The procedure by which this operates is detailed in the Protocol covering the Overview and Scrutiny Committee.

1.6 All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).

1.7 The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.

2. Membership of the Overview and Scrutiny Committee and Scrutiny Review Panels

2.1 All Councillors (except Members of the Cabinet) may be members of the Overview and Scrutiny Committee and the Scrutiny Review Panels. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

2.2 The membership of the Overview and Scrutiny Committee and Scrutiny Review Panels shall, as far as is practicable, be in proportion to the representation of different political groups on the Council.

3. Co-optees

3.1 Each Scrutiny Review Panel shall be entitled to have up to three people as non-voting co-optees, who will be approved by the Overview and Scrutiny Committee on an annual basis.

3.2 Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part 6 of this Constitution.

4. Education representatives

4.1 The Overview and Scrutiny Committee and the Scrutiny Review Panel whose terms of reference relate to education functions that are the responsibility of the Cabinet, shall include in its membership the following representatives:

(i) At least one Church of England diocesan representative (voting).

(ii) At least one Roman Catholic diocesan representative (voting).

(iii) 2 parent governor representatives (voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or the Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee or Scrutiny Review Panel is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Overview and Scrutiny Committee and Scrutiny Review Panel will attempt to organise its meetings so that relevant education matters are grouped together.

5. Meetings of the Overview and Scrutiny Committee and Scrutiny Review Panels

5.1 In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the Overview and Scrutiny Committee after consultation with the Chief Executive, by any two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

5.2 In addition to ordinary meetings of the Scrutiny Review Panels, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Review Panel meeting may be called by the

Chair of the Panel after consultation with the Chief Executive, by any two Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for the Overview Scrutiny Committee and for each Scrutiny Review Panel shall be at least one quarter of its membership and not less than 3 voting members.

7. Chair of the Overview and Scrutiny Committee and Scrutiny Review Panels

7.1 The Chair of the Overview and Scrutiny Committee will be appointed by the Council.

7.2 The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.

7.3 Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

7.4 The Chair of the Budget Scrutiny Review process will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Overview and Scrutiny Committee shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

8. Work programme

Overview and Scrutiny Committee will determine the future scrutiny work programme and will establish Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each Scrutiny Review Panel.

9. Agenda items for the Overview and Scrutiny Committee

9.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet within an agreed timescale.

10. Policy review and development

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4 of this constitution.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and its Scrutiny Review Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

11. Reports from the Overview and Scrutiny Committee

Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The procedure to be followed is set out in paragraphs 1.3 or 1.4 above.

12. Making sure that overview and scrutiny reports are considered by the Cabinet

12.1 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet gives reasons why they cannot be included and states when they will be considered.

12.2 Where the Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet Member, a Committee of the Cabinet or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that body or individual for consideration, and a copy to the proper officer. If the Member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then the body/he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision.

13. Rights and powers of Overview and Scrutiny Committee members

13.1 Rights to documents

(i) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee and Scrutiny Review Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and Scrutiny Review Panels as appropriate depending on the particular matter under consideration.

13.2 Powers to conduct enquiries

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so. Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so.

13.3 Power to require Members and officers to give account

(i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (Scrutiny Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service to attend before it to explain in relation to matters within their remit:

(a) any particular decision or series of decisions;
(b) the extent to which the actions taken implement Council policy (or NHS policy, where appropriate); and
(c) their performance.

It is the duty of those persons to attend if so required. At the discretion of their Director, council officers below third tier may

attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.

(ii) Where any Member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the Member or proper officer. The proper officer shall inform the Member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(iii) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the Member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

14. Attendance by others

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend. Attendance is optional.

15. Call-in

The call-in procedure is dealt with separately at Part 4 Section H of the Constitution, immediately following these Overview and Scrutiny Procedure Rules.

16. Councillor Call for Action (CCfA)

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Democratic Services Manager who will check with the Monitoring Officer that the request falls within the Protocol. The Councillor making the referral will be able to attend the relevant meeting of the Committee to explain the matter. Among other actions, the Committee may: (i) make recommendations to the Cabinet, Directors or partner agencies, (ii) ask officers for a further report, (iii) ask for further evidence from the Councillor making the referral, or (iv) decide to take no further action on the referral.

The Protocol is not included within this Constitution but will be subject to regular review by the Committee.

17. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.

(a) The Overview and Scrutiny Committee shall consider the following business as appropriate:

(i) apologies for absence;

(ii) urgent business;

(iii) declarations of interest;

(iv) minutes of the last meeting;

(v) deputations and petitions;

(vi) consideration of any matter referred to the Committee for a decision in relation to call-in of a key decision;

(vii) responses of the Cabinet to reports of the Committee;

(viii) the business otherwise set out on the agenda for the meeting.

(b) A Scrutiny Review Panel shall consider the following business as appropriate:

(i) minutes of the last meeting;

(ii) declarations of interest;

(iii) the business otherwise set out on the agenda for the meeting.

(c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings,

these are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;

(ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and

(iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.

(d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet and shall make its report and findings public.

17A. Declarations Of Interest Of Members

(a) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation form the Council's Standards Committee.

(b) If a member of the Overview and Scrutiny Committee or Scrutiny Review Panel has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

18. The Party Whip

Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a Member of scrutiny is subject to a party whip the Member must declare the existence of the whip and the nature of it before the commencement of the

Committee/Panel's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

19. Matters within the remit of more than one Scrutiny Review Panel

Should there be any overlap between the business of any Scrutiny Review Panels, the Overview and Scrutiny Committee is empowered to resolve the issue.

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Part Four, Section H
Call-In Procedure Rules

1. When a key decision is made by the Executive (that is, the Leader, Individual Cabinet Members or the Cabinet) or a committee of the Cabinet, the decision shall be published and shall be available for inspection at the Civic Centre and on the Council's website, normally within 2 working days of being made. The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.

2. The notice of the key decision will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. This does not apply to "urgent" decisions.

3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:

   (a) it is submitted by any five Members of the Council.

   (b) it is received by the Democratic Services Manager by 10am on the fifth day following publication.

   (c) it specifies the decision to which it objects.

   (d) it specifies whether the decision is claimed to be outside the policy or budget framework.

   (e) it gives reasons for the call-in and outlines an alternative course of action.

   (f) it is not made in relation to a decision taken in accordance with the urgency procedures in paragraph 18 below.

4. The Democratic Services Manager will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Cabinet Members including the decision maker and the relevant Chief Officer.

5. A key decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee, unless a meeting of the

Overview and Scrutiny Committee takes place during the 10-day period.

6. If a call-in request is deemed valid, the Democratic Services Manager will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.

7. Unless a key decision is designated "urgent" pursuant to paragraph 18, when it shall be implemented immediately, no action shall be taken to implement the decision until 5 working days have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring Officer has determined the validity of the request.

8. Subject to paragraph 5, when a request for call-in is deemed valid, all action to implement the key decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request.

9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.

10. The Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy / budget framework. If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has three options:

    (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the key decision is implemented immediately.

    (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the key decision before taking a final decision.

    (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.

11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget

framework), any Council meeting must be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.

12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has two options:

    (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.

    (b) The Council may refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the decision before taking a final decision.

13. Once a final decision has been made there is no further right of call-in. This decision or any other key decision having the same effect may not be called-in again for a period of six months following the date at which the final decision was taken.

14. If the Overview and Scrutiny Committee determines that the decision is outside the policy / budget framework, the Committee shall refer the decision to the decision maker and with a request to reconsider it on the grounds that it is incompatible with the policy / budget framework. The decision maker shall have 5 working days in which to reconsider the decision.

15. The decision maker has two options:

    (a) Amend the decision in line with the Overview and Scrutiny Committee's determination, in which case the decision is implemented immediately.

    (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must convene within 10 working days of the reaffirmation of the original decision.

16. When considering a called-in decision where a decision maker fails to amend a decision in line with the Overview and Scrutiny Committee's determination, that it falls outside the policy / budget framework, the Council has two options:

    (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.

    (b) Require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within 5 working days of the Council meeting. The Cabinet's decision is final.

17. Abuse of Call-in

(a) Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Cabinet.

(b) The call-in procedure is to be reviewed annually (see paragraph 18 g), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

18. Call-In and Urgency

(a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.

(b) A key decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.

(c) A key decision which has not been given the requisite publicity for a key decision or a private meeting and which the Chair of Overview and Scrutiny Committee has agreed is 'urgent and cannot reasonably be deferred' is not regarded as urgent for the purposes of call-in unless it fulfils the criteria of paragraph (b) above.

(d) If a key decision is urgent and therefore not subject to call-in, this will be stated on the record.

(e) In order for a key decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.

(f) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(g) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

19. Call-In and the Forward Plan

(a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Cabinet decisions.

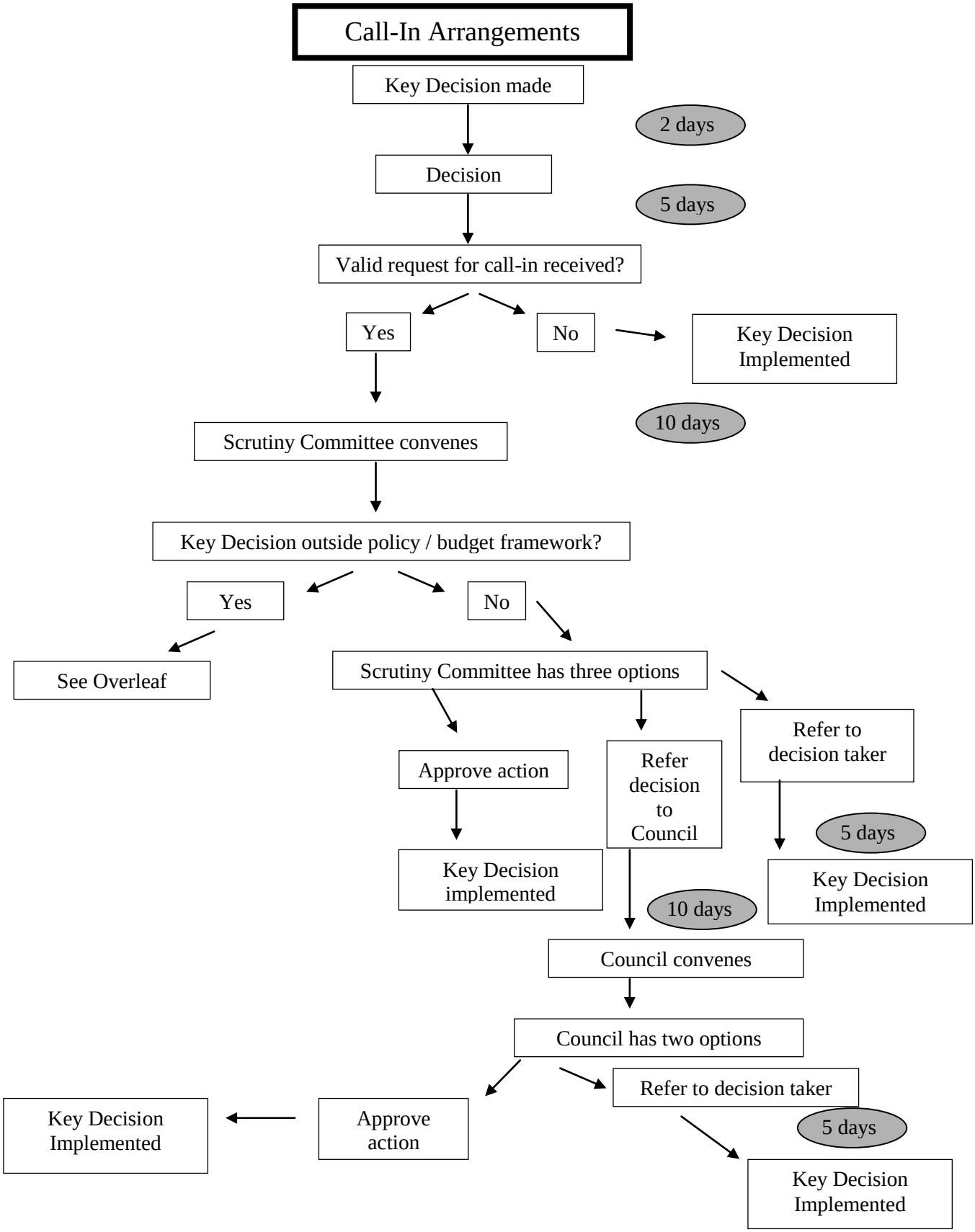
(b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.

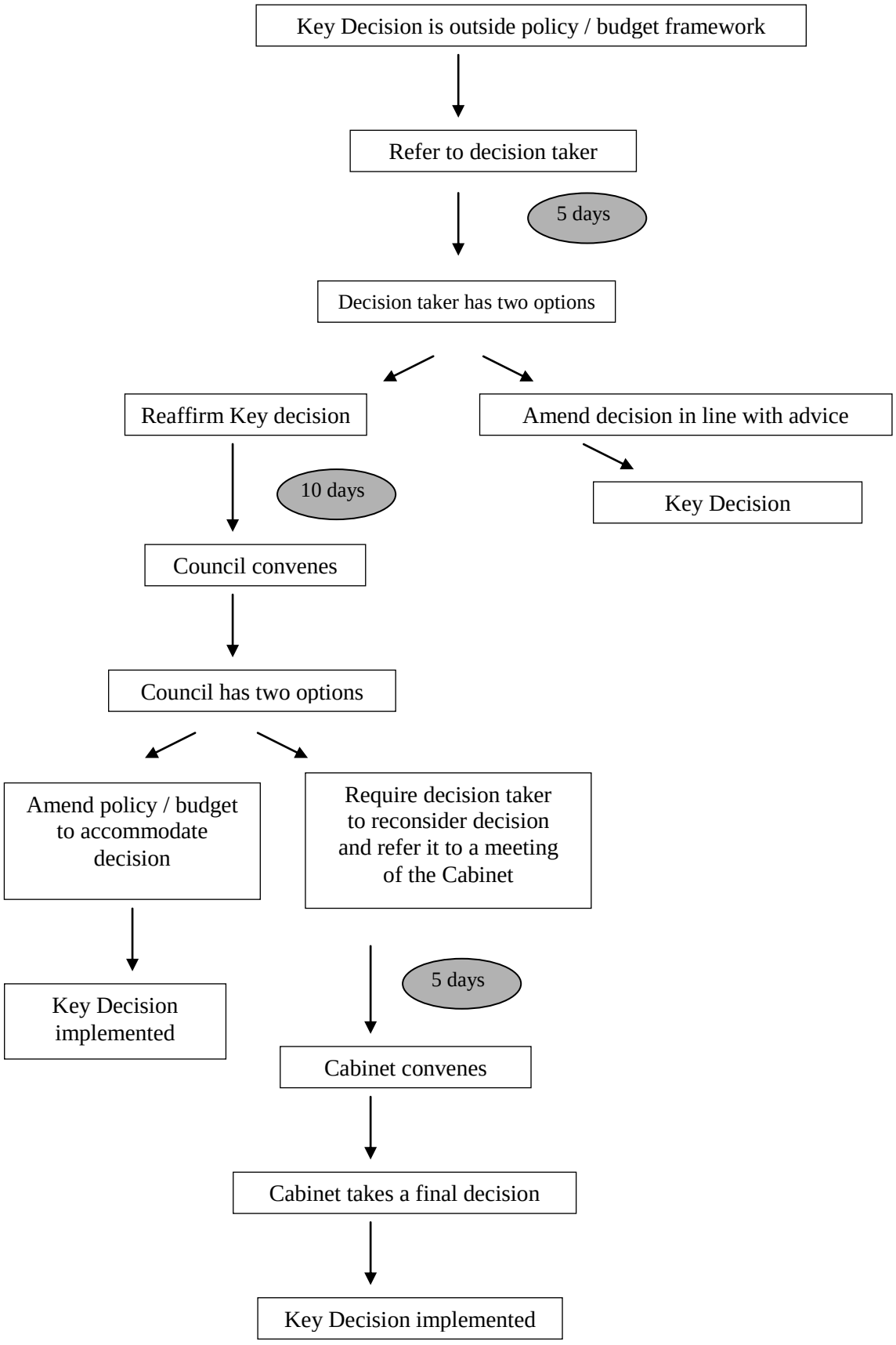
(c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a key decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the Overview and Scrutiny Committee not called it in.

(d) Where the Overview and Scrutiny Committee has called-in a key decision from the Forward Plan before it due date, the decision cannot be called-in again after the final decision has been taken.

20. Monitoring Arrangements

The operation of the provisions relating to call-in and urgency shall be monitored by the Democratic Services Manager, and a report submitted to Council annually with proposals for review if necessary.


Call-In Arrangements
Key Decision made
2 days
Decision
5 days
Valid request for call-in received?
Yes
No
Key Decision Implemented
10 days
Scrutiny Committee convenes
Key Decision outside policy / budget framework?
Yes
No
See Overleaf
Scrutiny Committee has three options
Approve action
Refer decision to Council
Refer to decision taker
5 days
Key Decision implemented
Key Decision Implemented
10 days
Council convenes
Council has two options
Refer to decision taker
Approve action
Key Decision Implemented
5 days
Key Decision Implemented


Key Decision is outside policy / budget framework
Refer to decision taker
5 days
Decision taker has two options
Reaffirm Key decision
Amend decision in line with advice
10 days
Key Decision
Council convenes
Council has two options
Amend policy / budget to accommodate decision
Require decision taker to reconsider decision and refer it to a meeting of the Cabinet
Key Decision implemented
5 days
Cabinet convenes
Cabinet takes a final decision
Key Decision implemented

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Part Four, Section I
Financial Regulations

Contents **Page**

Part 1 - Status of Financial Regulations **2**

1. Status 2

2. Recording delegations 3

3. Financial Control Framework 3

4. Devolution of Financial Management and Accounting 4

Part 2 - Financial Management **5**

5. Financial Management (including virement rules) 5

6. Financial Planning 19

7. Risk Management and Control of Resources 23

8. Systems and Procedures 28

9. External Arrangements 31

10. Retention of Records 32

Part 1 - Status of Financial Regulations

1. Status

1.1. Our Financial Regulations provide the framework for managing the Council's financial affairs and for resources that the Council or its employees manage on behalf of others. They apply to every **Councillor** and **Officer** of the Council and to the ALMO in respect of debt write off.

1.2. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1.3. The regulations identify the financial responsibilities of:

- the **full Council**;
- the **Cabinet**;
- the **Overview and Scrutiny Committee**;
- the **Head of the Paid Service (Chief Executive);**
- the **Monitoring Officer (Director of Legal and Governance)**
- the **Section 151 Officer (Corporate Director of Finance and Resources**
- **also known as Chief Finance Officer) and Corporate Directors;**
- **Budget Holders** within service areas.

1.4. **The Section 151 Officer** is responsible for maintaining a continuous review of these Financial Regulations and submitting any additions or changes necessary to **full Council** for approval in accordance with article 15.03(a) of the Constitution.

1.5. **The Section 151 Officer** is responsible for issuing advice and guidance to underpin these Financial Regulations that **Councillors, Officers and others acting on behalf of the Council** are required to follow. This advice and guidance will generally be based on CIPFA Standards of Professional Practice, which are available on www.cipfa.org.uk.

1.6. **The Section 151 Officer** is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the **Council** and/or to the **Cabinet Members**.

1.7. These Financial Regulations are supported, where appropriate, by detailed procedure notes, setting out how these Financial Regulations will be implemented.

1.8. **Corporate Directors** are responsible for ensuring that all staff in their service areas are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them.

1.9. It is a disciplinary offence to breach these Financial Regulations. A breach of these regulations should be reported to the **Section 151 Officer** and Chief People Officer as soon as is practicable to do so.

1.10. All staff are required to conduct themselves to the highest standards. The involvement of staff in any form of bribery, corruption, fraud or deception will not be tolerated.

1.11. For any aspect of finance relating to schools the Haringey's Scheme for Financing Schools which are designed to give detailed assistance to schools, should be referred to.

2. Recording delegations

2.1. **Directors** should maintain written records where financial decision making has been delegated to members of their staff, including seconded or temporary staff. Where decisions have been delegated or devolved to other responsible officers references to **Corporate Directors** in the regulations should be read as referring to them.

3. Financial Control Framework

3.1. The financial administration framework of the Council is organised in accordance with Section 151 of the Local Government Act 1972, requiring that every Local Authority in England and Wales should '**make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs.**' The framework comprises:

- **Constitution**: The principal rules governing the Council's affairs, including financial affairs, and the delegation of authority to **Councillors** and **Officers**;
- **Financial Regulations**: This document is part of the Constitution, created by the Council;
- The **Scheme of Financial Delegation** and specific delegations by **Corporate Directors** to officers in their service area;
- **Contract Standing Orders;**

- **Guide to Procurement;**
- **Medium Term Financial Strategy (MTFS).**

4. Devolution of Financial Management and Accounting

4.1. The Council seeks to unite operational and financial responsibility to empower managers to give them the tools to deliver high quality services. Part of that empowerment is to give them control of the resources needed to deliver the service so that they can plan and use these resources to obtain the maximum benefit for the service.

4.2. The Council also needs to balance responsibilities with accountability and protection for Officers so that they know their authorisation levels and the limit to those authorities.

Part 2 – Financial Management

5. Financial Management (including virement rules)

Introduction

5.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. The Financial Regulations are not an exhaustive document and proper financial management should be applied in all circumstances even if not specifically referred to.

The Full Council and the Cabinet

5.2. The **full Council** is responsible for adopting the Council's Constitution and Members' code of conduct and for approving the policy framework and budget within which the **Cabinet** operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in this Constitution. The **full Council** is also responsible for monitoring compliance with the agreed policy and related **Cabinet** decisions.

5.3. The **Leader** has powers to take any decision, including a key decision, which the **Cabinet** could have taken. This is set out in Part 3 Section C of the Council Constitution. When **Members** take decisions on reports, the reports must comply with the Protocol for Decision-making in Part 5 Section D and this must include the provision of the **Section 151 Officer's** comments on the financial implications.

5.4. The **Cabinet** is responsible for proposing the policy framework and budget to the **full Council** and for discharging Executive functions in accordance with the policy framework and budget.

5.5. **Cabinet** decisions can be delegated, in accordance with the delegation arrangements set out in Part 3 of this Constitution.

Committees of the Council

Overview and Scrutiny Committee

5.6. The **Overview and Scrutiny Committee** is responsible for scrutinising key decisions (decisions of the **Cabinet, the Leader,** or **Cabinet** members) before or after they have been implemented and for holding the **executive** (the **Cabinet, the Leader and Cabinet** members**)** to account. The **Overview and Scrutiny Committee** is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

Audit Committee

5.7. The **Audit Committee** is established by the **full Council**. It has right of access, through the officer acting as Chief Internal Auditor (currently the Head of Audit and Risk Management) from time to time, to all the information it considers necessary and can consult directly with internal and external auditors. The **Audit Committee** is responsible for reviewing the external auditor's reports and the Annual Audit and Inspection Letter and internal audit's annual report. The **Audit Committee** also monitors responses to audit reports.

Standards Committee

5.8. The **Standards Committee** is established by the **full Council** and is responsible for promoting and maintaining high standards of conduct amongst **Councillors** as Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' code of conduct, for monitoring the operation of the code, and for recommending proposals for any changes to the Constitution to full Council for approval.

The Pensions Committee and Board

5.9. The **Pensions Committee and Board** acts as the quasi-trustee of the Local Government Pension Scheme (LGPS) for the Council.

Alexandra Palace and Park Board

5.10. Alexandra Palace and Park Board is a Committee of the Council with responsibility for discharging a specific statutory charity trustee role. It has its own Financial Regulations and governance but is, nonetheless, subject overall to the Section 151 Officer who has responsibility for its financial affairs. It is also subject to charities law and accounting practice.

The Statutory officers

Head of Paid Service (Chief Executive)

5.11. The **Chief Executive** as Head of Paid Service is responsible, in relation to these Financial Regulations, for the corporate and overall strategic management of the Council as a whole. The **Chief Executive** must report to and provide information for the **Cabinet**, the **full Council**, the **Overview and Scrutiny Committee** and **other committees**.

5.12. The **Chief Executive** is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The **Chief Executive** is also responsible, together with the **Monitoring Officer**, for the system of record keeping in relation to all the **full Council's** decisions.

Monitoring Officer (Director of Legal and Governance)

5.13. The **Monitoring Officer** is responsible, in relation to these Financial Regulations, for promoting and maintaining high standards of financial conduct and therefore provides support to the **Standards Committee**. The **Monitoring Officer** is also responsible for reporting any actual or potential breaches of the law or maladministration to the **full Council** and/or to the **Cabinet**.

5.14. The **Monitoring Officer** (together with the **Section 151 Officer**) is responsible for advising the **Cabinet** or the **full Council** about whether a decision is likely to be considered contrary to, or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

(a) initiating a new policy;
(b) committing expenditure in future years above the budget level;
(c) incurring inter-service area transfers above virement limits; and
(d) causing the total expenditure financed from Council tax, grants and corporately held reserves to increase.

5.15. The **Monitoring Officer** is responsible for maintaining an up-to-date Constitution.

The Section 151 Officer (Corporate Director of Finance and Resources

)

5.16. The **Section 151 Officer** has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

(a) Section 151 of the Local Government Act 1972;
(b) The Local Government Finance Act 1988;
(c) The Local Government and Housing Act 1989;
(d) The Accounts and Audit (England) Regulations 2011;
(e) The Local Government Act 2003;
(f) The Accounts and Audit Regulations 2015
(g) The Local Audit and Accountability Act 2014

5.17. The **Section 151 Officer** is responsible, in relation to these regulations for:

(a) the proper administration of the Council's financial affairs, including the determination of the appropriate staffing level to ensure proper administration;
(b) setting and monitoring compliance with financial management standards;
(c) ensuring these Financial Regulations are fit for purpose and proposing any necessary amendments;
(d) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
(e) providing financial information;
(f) preparing the revenue budget and capital programme;
(g) treasury management;
(h) internal audit;
(i) anti-fraud;
(j) risk management; and
(k) insurance.

5.18. The Section 151 Officer may from time to time delegate responsibility to the Deputy Section 151 Officer, a Head of Finance or other officer reporting to them, as the Section 151 Officer deems appropriate.

5.19. Section 114 of the Local Government Finance Act 1988 requires the **Section 151 Officer** to report to the **full Council**, the **Cabinet** and external auditor if the Council or one of its officers:

(a) has made, or is about to make, a decision which involves incurring unlawful expenditure;

(b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficit to the Council; or
(c) is about to make an unlawful entry in the Council's accounts.

Section 114 of the 1988 Act also requires:

(a) the **Section 151 Officer** to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally**;** and
(b) the Council to provide the **Section 151 Officer** with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under Section 114.

5.20. The Section 151 Officer will:
(a) respond to annual expenditure proposals submitted by the following bodies (if applicable):-

Greater London Authority
London Pension Fund Authority
Lee Valley Regional Park Authority
North London Waste Authority
London Councils
Greater London Magistrates Courts Authority
Environment Agency

(b) Consult with Ratepayers in accordance with Section 65 of the Local Government Finance Act 1992;
(c) Authorise redundancy and early termination costs in relation to officers of the Council;
(d) Authorise redundancy and early termination costs in relation to education staff giving consideration to the Education Act 2002.

Corporate Directors

5.21. **Corporate Directors** are responsible for the financial affairs of their service area including any financial staff, processes and systems. They have no authority to overspend revenue or capital budgets, or to under-recover income budgets, under their control, and are responsible for monitoring their budgets to ensure this situation does not arise. In the circumstance where an overspend, or an under recovery of income, is forecast to occur, the Corporate Director must report the position to the Section 151 Officer at the earliest opportunity. They must equally report financial issues to the **Section 151 Officer**. The responsibilities include:

(a) ensuring that **Cabinet** Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the **Section 151 Officer** including:

- Non-Domestic Rating Discretionary Rate Relief;
- the annual review of the Council Tax Reduction Scheme;

(b) ensuring compliance with Contract Standing Orders;

(c) leading the production of revenue and capital programme budgets for their service area as appropriate and ensuring all plans have appropriate and necessary approved budgetary provision in place;

(d) ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy and to report variances and forecast outturn adverse or favourable variances immediately when they exist;

(e) control of income and expenditure within the approved budget and ensuring that expenditure is not incurred without an appropriately approved budget in place;

(f) reporting known and potential variances from the service area cash limit in excess of £100,000 to the **Section 151 Officer**, through the formal budget management procedures;

(g) notifying the Section 151 Officer of all underspends, over-recovery of income or windfall benefits arising within their revenue and capital budgets. Where these occur, they should, in the first instance be transferred to the contingency budget unless regulations specify restrictions on their use which make this inappropriate, or the under spend, additional income or other financial benefits are to be used to offset uncontrollable overspends elsewhere within the service. The Corporate Director is responsible for notifying the Section 151 Officer that this is to occur. Approval to these budget variations will be in line with the scheme of virement;

(h) providing appropriate financial information to the **Section 151 Officer** and their respective teams in a timely, accurate and appropriate form and level of detail. e.g. to permit final accounts to be prepared at year end as necessary, in accordance with appropriate legislation, accounting codes of practice and the Council's accounting procedure notes;

(i) appointing budget holders for all areas of their own budget;

(j) monitoring performance levels with budget performance in accordance with published timescales;

(k) adherence to the budget management procedures contained within service area Schemes of Financial Delegation including virement management;

(l) ensuring records, systems and appropriate financial controls are up to date and available for audit. Any loss or deficiencies are to be reported to the **Section 151 Officer** immediately;

(m) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting them to the **Section 151 Officer.** All grant applications are to be notified to the **Section 151 Officer** prior to submission, to consider any potential future resourcing issues and incorporate into the Grants Register which will be maintained by Corporate Finance;

(n) ensuring that the necessary systems and controls are in place to ensure that all the Council's cash is paid into its bank accounts quickly and efficiently;

(o) ensuring all assets are appropriately protected, accounted for and reconciled. Any significant loss of stock or concerns should be reported to the **Section 151 Officer** immediately;

(p) advise the **Section 151 Officer** and/or the **Head of Audit and Risk Management** of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council.

(q) liaise with the **Head of Audit & Risk Management** in agreeing the annual audit plan of the service area. To report to the **Section 151 Officer** any concerns where an audit is considered necessary but is not being undertaken.

(r) ensure that appropriate timely arrangements are in place to sign off the financial implications of all reports including comments from the **Section 151 Officer** where appropriate, prior to their submission to the full Council, Cabinet, a Committee, Council Management Teams or other bodies within and external to the Council.

(s) ensure that all appropriate financial controls and systems are in place where not specified above, in particular adequate separation of duties and accurate and timely reconciliations.

(t) report to the **Section 151 officer** any other matter of financial significance.

5.22. It is the responsibility of **Corporate Directors** to consult with the **Section 151 Officer** and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

5.23. **Corporate Directors and Budget Holders** are supported in the completion of their financial responsibilities by a **Head of Finance** (or another suitably senior finance officer whose post title may vary from this). Heads of Finance are part of the Corporate Finance service area and report to the **Section 151 Officer**. They have a direct link, therefore, to the **Section 151 Officer** and a functional relationship to their **Corporate Director.**

Budget Holders

5.24. The **Budget Holder** is responsible for the management of the budget for which he/she is allocated by the Corporate **Director and has** no authority to overspend budgets, or under-recover income budgets, under their control, and is responsible for monitoring their budgets to ensure this situation does not arise. The responsibilities of the role also include:

(a) to take responsibility for all aspects of the financial management of the service(s) which they are responsible for, including managing, controlling and recording all expenditure and income;
(b) leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budget provision;
(c) ensuring plans and realistic prudent profiled budgets exist for the delivery of the Medium Term Financial Strategy;
(d) not to enter into commitments before satisfying themselves there is sufficient approved budget provision available.
(e) to report year to date variances and forecast outturn adverse or favourable variances on the financial management system immediately when they become apparent ;
(f) ensuring that appropriate financial controls exist and are maintained properly within the service area and report on any deficiencies to **Corporate Directors**;
(g) providing appropriate financial information to **Corporate Directors** and their respective teams in a timely, accurate and appropriate form and level of detail;
(h) actively seeking additional income or savings opportunities, including grant and new financing opportunities, and reporting to **Corporate Directors;**
(i) ensuring that appropriate financial controls and systems exist, are applied within the service area and report on any deficiencies to **Corporate Directors;**
(j) ensuring that the appropriate financial controls are in place to ensure that all the Council's cash is paid into its bank accounts quickly and efficiently;
(k) ensuring value for money is obtained for the whole Council when undertaking any procurement activity;
(l) reconciling all cash received by the service area on a regular basis (at least monthly);
(m) ensuring all monies due to the council are recorded accurately and recovered promptly; and
(n) ensuring that all accounts payable are settled within 30 days unless special terms have been agreed by the **Section 151 Officer.**

5.25. The **Budget Holder** must report to **Corporate Directors**:

(a) any unlawful or inappropriate expenditure immediately it is realised that it is about to take place or has taken place;
(b) any area where a loss or deficiency is about to occur;
(c) budget variances by forecasting all variations on the financial management system;
(d) any occasions where the overall service budget is projected to be overspent or where any individual budget (cost centre) is projected to be overspent by more than £50,000;
(e) any concerns as regards the slow or non-banking of cash immediately;
(f) any significant loss of stock or concerns immediately; and
(g) any other matter of financial significance.

5.26. The **Budget Holder** should:

a) advise the **Section 151 Officer** and/or the **Head of Audit and Risk Management** of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council;
b) ensure that all financial implications of all reports are agreed and approved with **Corporate Directors** and the Section 151 Officer prior to their submission to the **full Council**, **Cabinet**, a Committee, Council Management Teams or other bodies within and external to the Council.

Other Financial Accountabilities
Virements – Revenue and Capital

5.27. The Council controls approved budgets and transfers of budgetary provision representing policy change (i.e. virements) giving consideration to gross expenditure and income, net expenditure and service area cash limits.

5.28. The **Section 151 Officer** may authorise any budget adjustments between or within service areas or capital schemes, required for technical reasons and which do not fall into the below mentioned revenue or capital virement definitions. For example, the **Section 151 Officer** may authorise central support cost allocation, capital charges such as depreciation, IAS19 pension adjustments, or to reflect the enactment of previous decision making. Such adjustments over £250k will be reported in the budget monitoring reports to **Cabinet** within 3 months of them taking place.

5.29. **Corporate Directors** must submit appropriately completed virement pro-formas to Corporate Finance for formal ratification and subsequent adjustment of approved cash limits.

5.30. All virements must be recorded on the Council's main accounting system.

Virements – Revenue

5.31. A policy change/re-prioritisation of resources between, or within, services relating to direct spend and excluding internal charges are to be approved as a virement in accordance with the below thresholds:

(a) Up to £100,000 by the relevant **Corporate Director(s)**, and reported to the relevant **Head of Finance**;
(b) £100,000 up to £250,000 by the **Section 151 Officer** following referral from the relevant **Corporate Director(s)** and where it has been determined by the **Section 151 Officer** that there is no change to Council policy;
(c) £100,000 and above involving a policy change; or any other virement of £250,000 and above, by the **Cabinet**.

Virements – Capital

5.32. A policy change/re-prioritisation of resources between capital schemes relating to direct spend and excluding internal charges are to be approved as a virement in accordance with the below thresholds:

(a) Up to £250,000 by the **Section 151 Officer** following referral from the relevant Corporate **Director(s)**;
(b) £250,000 and above, by the **Cabinet**

5.32A Any policy changes or re-prioritisation between service areas are to be approved by Cabinet and are a Key Decision in accordance with Part 5 Section C of the Constitution

Treatment of year-end balances

5.33. The **Section 151 Officer** will consider requests to carry forward underspends at year-end before approval by the **Cabinet**. The **Section 151 Officer** will also consider whether any overspends at the year-end on service budgets should be carried forward before approval by the **Cabinet**.

Accounting policies

5.34. The **Section 151 Officer** is responsible for selecting accounting policies and ensuring that they are applied consistently. The **Corporate Directors** are responsible for adhering to these policies.

Accounting records, procedures and returns

5.35. The **Section 151 Officer** is responsible for determining the accounting procedures and records for the Council and has a duty to ensure accounting procedures meet statutory duties. Such procedures may include procedures and timetables for the preparation of the budget and the Council's financial statements. **Corporate Directors** have a responsibility to:

(a) comply with the procedures and timetables determined by the **Section 151 Officer**;
(b) regularly monitor, reconcile and clear the control accounts;
(c) supply information to comply with statutory timetables;
(d) complete grant claims etc. by due dates; and
(e) retain appropriate financial records as required by the **Section 151 Officer.**

The Annual Statement of Accounts

5.36. The **Section 151 Officer** is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The **Section 151 Officer** has the authority to make such amendments to the treatment of the Council's transactions as are in the overall interest of the Council including the optimisation of the capital financing position and the management of earmarked reserves. The Audit **Committee** and **Pensions Committee and Board** are responsible for approving their respective parts of the annual statement of accounts.

5.37. Each **Corporate Director:**

(a) has a responsibility to supply budget monitoring information on time.
(b) is accountable for the income and expenditure in their budgets and for the service area budgets.
(c) must supply required information and produce appropriate documents on time as requested by the **Section 151 Officer**.
(d) needs to protect against the risks of creating contingent liabilities and to keep the **Section 151 Officer** informed of any new contingent liabilities or contingent assets as they arise.

Bribery, Corruption and Financial Irregularities

5.38. All employees shall conduct themselves to the highest standards. Any employee involved in bribery, corruption, fraud or deception will be subject to disciplinary action and in certain circumstances criminal prosecutions.

5.39. It is a criminal offence for any person to use their position with the Council to accept or ask for any gift, reward or other advantage from work done in an official capacity. In addition such acts seriously undermine the public image of the Authority and its staff. As a result the Council will discipline staff on the grounds of gross misconduct if they breach this regulation.

Financial Irregularities

5.40. Staff must act with absolute honesty when dealing with the assets of the Council, and any other assets for which the Council is responsible. The Council will rigorously enforce sanctions laid down in the Employee Code of Conduct if staff are found to have acted dishonestly. The Code gives examples of financial irregularities that are considered to be gross misconduct.

5.41. All staff must ensure that any irregularity or suspected irregularity involving Council funds, property or any other assets for which the Council is responsible is reported immediately to the **Head of Audit and Risk Management.** This also applies to the misuse of computer passwords, misuse of information obtained in any other way, the deliberate malicious damage to information assets and the disclosure to unauthorised individuals of information obtained by their use.

5.42. The Council has an approved Anti-Fraud and Corruption Policy and Fraud Response Plan which set out the Council's expectations in relation to standards of behaviour and how it will respond in cases where fraud is suspected. The Anti-Fraud and Corruption Policy is supported by the Council's Whistleblowing Policy, which sets out how the Council will support anyone who wishes to report cases where they suspect fraud.

5.43. The **Head of Audit and Risk Management** will decide how such matters should be investigated. Service officers should not undertake any investigation or interview those involved unless prior agreement has been given by the **Head of Audit and Risk Management**.

The Role of Internal Audit

5.44. The statutory responsibility for internal audit derives from the **Section 151 Officer's** responsibilities under the 1972 Local Government Act, the Local Government Finance Act 1988 and the specific duties detailed in the Accounts and Audit (England) Regulations 2011. In accordance with these and the Auditing Practices Board guidelines the **Head of Audit and Risk Management** will provide a continuous audit of the accounting, financial and other operations of the Authority.

5.45. Internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates, and reports on the adequacy of internal control. It does this by objectively reviewing and advising management upon the effectiveness of their systems of internal control. It aims to provide assurance on the design and operation of internal controls and provide constructive and positive advice on control improvement and risk management.

5.46. The **Head of Audit and Risk Management** has authority to:

(a) enter at any time all Council premises or land;
(b) have unrestricted access to all records, personnel, documents, assets and correspondence relating to any financial and other transactions that the auditors consider necessary for the purpose of their work;
(c) remove and/or secure any computer equipment, record, document, and correspondence of the Council as considered necessary;
(d) require and receive such explanations as s/he considers necessary concerning any matter being examined; and
(e) obtain from Council employees cash, stores or any other property owned, hired, leased or borrowed by the Authority.

5.47. The decision to report financial irregularities to the Police shall be made by the **Head of Audit and Risk Management**. Where employees are involved, the **Head of Audit and Risk Management** will inform the **Chief Executive** and appropriate **Corporate Directors**.

5.48. The **Head of Audit and Risk Management** has authority to report to any body of the Council matters which are considered to adversely affect the efficient/proper use of the Council's resources.

Unofficial Funds

5.49. The **Section 151 Officer** shall be notified of any funds arising from unofficial sources, including school funds, and shall approve audit and accounting arrangements for these funds:

(a) that come under the control of any **Committee,** or **Panel** of the Council**;**
(b) where a member of staff is involved as a result of their employment with the Authority.

6. Financial Planning

Introduction

6.1. **Full Council** is responsible for agreeing the Council's policy framework and budget, which will be proposed by the **Cabinet**. The Council uses the the Council Plan as its framework for determining priorities and is delivered through the business planning process. In terms of financial planning, the key elements are:

(a) the medium term financial strategy;

(b) the budget; and
(c) the capital programme.

Policy framework

6.2. The **full Council** is responsible for approving the policy framework and budget. The policy framework comprises the statutory plans and strategies set out in the Constitution and the budget. Pensions Committee and Board approves the policy framework for the Pension Fund; namely the Investment Strategy Statement (including responsible investment policies) and Funding Strategy Statement.

Preparation of the Council Plan

6.3. The **Council** will produce an updated Borough Plan every four years and report this to the **Cabinet** for consideration before its submission to the **full Council** for approval.

Budgeting

Budget format

6.4. The general format of the budget will be proposed by the **Cabinet** and approved by the **full Council** on the advice of the **Section 151 Officer**. The draft budget should include allocation to different services and projects, proposed taxation levels, adequacy of the proposed financial reserves and contingency funds.

Budget preparation

6.5. The **Section 151 Officer** is responsible for ensuring that a revenue budget is prepared on an annual basis and a financial plan over three years for consideration by the **Cabinet**, before submission to the **full Council**. The **Section 151 Officer** also has responsibility to confirm budget pressures, robustness of estimates and adequacy of reserves in accordance with Section 25 of the Local Government Act 2003. The **full Council** may amend the budget or ask the **Cabinet** to reconsider it before approving it.

6.6. It is the responsibility of **Corporate Directors** to ensure that realistic budget estimates reflecting agreed service plans are submitted to the **Cabinet** and that these estimates are prepared in line with guidance issued by the **Cabinet,** through the **Section 151 Officer**. The Budget risk is managed through the Council's budget management process in which the variances are analysed and decisions made accordingly.

Budget management and control

6.7. The **Section 151 Officer** is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The **Section 151 Officer** must monitor and control expenditure against budget allocations and report to the **Cabinet** on the overall position on a regular basis. There will be a monthly budget management process determined by the **Section 151 Officer**. Any decision to alter or increase any of the existing services of the Council in such a way as may result in a material increase in the expenditure to be provided for in the budget for the current and future financial years will be subject to the approval of the **Cabinet**.

Resource allocation

6.8. The **Section 151 Officer** is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's policy framework.

Preparation of the capital programme

6.11. The Section 151 Officer is responsible for ensuring:

(a) the preparation of the Council's medium-term capital programme on an annual basis, for consideration by the **Cabinet** before submission to **full Council;**
(b) the preparation of the Council's Capital Strategy, that it is in accordance with guidance and is kept up-to-date;
(c) financial monitoring of the capital programme;
(d) the Capital Programme is managed flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources;
(e) preparation of an Asset Management Plan;
(f) value for money objectives are met;
(g) adherence to CIPFA Prudential guidelines;
(h) adherence to the Council's Treasury Management Strategy Statement;
(i) maximisation of external funding opportunities; and
(j) financial appraisal/evaluation of proposed capital schemes and options.

6.12. The medium-term capital programme models income and expenditure and resource requirements (both internal and external financing) over a minimum of three years and is reviewed and updated at least annually.

6.13.

The Capital Strategy will provide the following:-

a) a high-level long-term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
b) an overview of how the associated risk is managed
c) the implications for future financial sustainability

The aim of the strategy is to ensure that all of the Council's elected members and other stakeholders fully understand the overall long-term policy objectives and resulting Capital Strategy requirements, governance procedures and risk appetite.

6.14. Capital expenditure will only be incurred when the appropriate **Corporate Directors** and **Section 151 Officer** have jointly reported the financial implications to the **Cabinet** for approval. All such reports requesting financial provision must be supported by a professionally prepared estimate of the costs of the project. Once financial approval has been obtained the specifications and assumptions upon which the written appraisal of costs was based cannot be substantially altered without the further approval of the **Cabinet**.

Guidelines

6.15. Guidelines on budget preparation may be issued to **Members** and **Corporate Directors** by the **Cabinet** following agreement with the **Section 151 Officer**. The guidelines will take account of:

(a) legal requirements;
(b) medium-term planning prospects;
(c) available resources;
(d) spending pressures;
(e) best value/value for money and other relevant government guidelines;
(f) other internal policy documents; and
(g) cross-cutting issues (where relevant).

Maintenance of Reserves

6.16. It is the responsibility of the **Section 151 Officer** to advise the **Cabinet** and the **full Council** on prudent levels of general reserves for the Council. When fixing the level of reserves an assessment is made of the key financial risks facing the Council.

7. Risk Management and Control of Resources

Introduction

7.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services. The effective identification and management of risks is a responsibility that sits with all **Corporate Directors**

Risk Management

7.2. The **Audit Committee** is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The **Section 151 Officer** is responsible for and has delegated authority to ensure that proper insurance exists where appropriate.

7.3. The **Monitoring Officer** is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.

7.4. At a service area level **Corporate Directors** should ensure that the Council's risk management strategy is complied with. The Management of Risk Policy and Strategy specifies that **Corporate Directors** must align the assessment of their risks and the actions to manage these to the Council's business planning processes. This must be done so that the Council is able to identify any significant risks that could jeopardise delivery of business plans in the following year and for which appropriate actions will need to be taken.

Internal control

7.5. Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded. The Council prepares an Annual Governance Statement each year. **Corporate Directors** have a role to provide assurances to support the production of the Annual Governance Statement and to maintain appropriate systems of governance and internal control.

7.6. The **Section 151 Officer** is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

7.7. It is the responsibility of **Corporate Directors** to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency, propriety, regularity and effectiveness and for achieving their financial performance targets.

Audit requirements

7.8. The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit. The rights of the internal audit function are set out in Regulation 5.

7.9. Public Sector Audit Appointments Ltd is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 20 of the Local Audit and Accountability Act 2014.

7.10. The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs who have statutory rights of access.

Preventing fraud and corruption

7.11. The **Monitoring Officer** is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. **Corporate Directors** shall notify the **Head of Audit and Risk Management** immediately of any suspected fraud, theft or misuse of the authority's assets or resources. Further guidance can be found in the Haringey Anti-fraud and Corruption Policy and Strategy (which includes the Council's Whistleblowing Policy).

7.12. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

7.13. The Council's expectation of propriety and accountability is that members and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and good practices.

7.14. The Council also expects that individuals and organisations (e.g. suppliers, contractors, and service providers) with which it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Assets

7.15. **Corporate Directors** should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. Any disposal of any asset no longer required by the Council shall be for the best available consideration. Inventories of the Council's assets, other than stores, must be kept by the **Budget Holder** concerned. The inventories must be in a form approved by, and include the items defined by, the **Section 151 Officer**. Any write-off of stocks must be in accordance with the Council's stock write-off policy.

Treasury Management

7.16. The Council has adopted the Code of Practice contained within The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2021). The Council will create and maintain, as cornerstones for effective treasury management:

(a) a Treasury Management Strategy Statement (TMSS) which states the Council's policies, objectives and approach to risk management with respect to its treasury management activities;
(b) suitable treasury management practices setting out how the Council will achieve those policies and objectives and prescribing how it will manage and control its treasury management activities;
(c) the TMSS and treasury management practices will follow the recommendations in Sections 6 and 7 of the CIPFA Code of Practice. They may be subject to amendment where necessary to reflect the particular circumstances of Haringey Council but will not deviate materially from the Code's key principles.

7.17 The **Audit Committee** will formulate the TMSS and amendments to it. The Cabinet Member for Finance and Corporate Services will be consulted on the draft TMSS because of the budget implications. The **Overview and Scrutiny Committee** will scrutinise the draft TMSS annually before considered by Cabinet and its adoption by **full Council**. The **full Council** is responsible for approving and adopting the TMSS setting out the matters detailed in The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2021). The **Section 151 Officer** has delegated authority for implementing and monitoring the TMSS. The Council sets its TMSS in line with the indicators required under the Prudential Code for Capital Finance in Local Authorities introduced by CIPFA 1 April 2004 and subsequently revised in 2017 and 2021.

7.18 All decisions on borrowing, investment, leasing or financing shall be delegated to the **Section 151 Officer**, who is required to act in accordance with the TMSS and The Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2021).

7.19 The **Section 151 Officer** is responsible for reporting to the **Audit Committee** each quarter, or as near as practicable, on the implementation and regular monitoring of the treasury management policies and practices and on the exercise of his/her delegated treasury management powers.

7.20 The **Section 151 Officer** is responsible for consulting the Cabinet Member for Finance and Corporate Services on the mid-year monitoring report and an out-turn report after the close of the year concerning treasury management policies and practices before these reports are considered by the **Audit Committee** and **full Council.**

Arrangements for Cash and Banking

7.21. All money in the hands of the Council is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, in the Council's case the **Section 151 Officer** and save as allowed in the Financial Regulations for Schools where, in any case, arrangements shall be made for the **Section 151 Officer** to be able to exercise control upon the withdrawal of delegation or otherwise, no officer other than the **Section 151 Officer** (or those officers to whom the S151 Officer has granted delegated authority to) may:

(a) open a bank or credit/purchase card account.
(b) agree to or sanction the arrangements for the handling of any liquid resource, cash or instrument of payment.

(c) make payments, save through imprest accounts; or
(d) authorise direct debits.

7.22. The **Section 151 Officer** makes imprest advances to certain officers for giving out petty cash disbursements on behalf of the Council. The value of any advance is subject to the agreement of the **Section 151 Officer**. The officer named as responsible for each imprest is accountable for the full value of the sum advanced at any time. Imprest accounts must be operated in accordance with the procedures set down by the **Section 151 Officer**. Detailed imprest account procedure rules are available from Corporate Procurement Division.

Amenity, Trust and Other Unofficial Funds

7.23. Funds held by the Council on behalf of other bodies or persons must be dealt with in accordance with procedures set down by the **Section 151 Officer**. **Corporate Directors** must ensure such funds are held securely and in such a way that they can be identified, accounted for and reconciled, at any time, separately from Council monies. **Corporate Directors** are accountable for the appropriate expenditure from such funds or repayment thereof.

Staffing

7.24. **Full Council** is responsible for determining how officer support for Executive and non-Executive roles within the Council will be organised.

7.25. The Head of Paid Service (**Chief Executive**) is responsible for providing overall management to staff. The **Chief Executive** is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

7.26. **Corporate Directors** are responsible for controlling total staff numbers by:

(a) advising the **Cabinet** on the budget necessary in any given year to cover estimated staffing levels;
(b) adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs; and
(c) the proper use of appointment procedures.

8. Systems and Procedures

General

8.1. The **Section 151 Officer** is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by **Corporate Directors** to the existing financial systems or the establishment of new systems must be approved by the **Section 151 Officer**. However, **Corporate Directors** are responsible for the proper operation of financial processes in their own service area in line with overall procedures set by the Council and the **Section 151 Officer**.

8.2. Any changes to agreed procedure notes by **Corporate Directors** to meet their own specific service needs should be agreed with the **Section 151 Officer**.

8.4. **Corporate Directors** should ensure that their staff receive relevant financial training that has been approved by the **Section 151 Officer**.

8.5. **Corporate Directors** must ensure that staff are aware of their responsibilities under data protection, freedom of information legislation and the Computer Misuse Act.

8.6. **Corporate Directors** must ensure that proper business continuity planning is in place for the delivery of financial services in the event of any incident that affects systems.

Income and expenditure

8.7. It is the responsibility of **Corporate Directors** to ensure that a proper scheme of delegation in respect of financial matters has been established within their area and is operating effectively. The **Section 151 Officer's** Scheme of Financial Delegation provides detailed procedures for:

(a) expenditure;
(b) income including grants, fees & charges, cash and banking;
(c) control of assets, stocks and stores;
(d) human resources.

Payments to employees and members

8.8. The **Section 151 Officer** should approve any amendments to the approval processes for the payment of all salaries, wages, pensions, compensation, other emoluments and any ex-gratia payments. **Corporate Directors, Directors and Heads of Service** must supply such certificates relating to the employment of staff as the **Section 151 Officer** deems necessary. The **Chief People Officer** is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

Taxation

8.9. The **Section 151 Officer (and the Chief People Officer)** for PAYE and NI) are responsible for advising **Corporate Directors**, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. **Corporate Directors** should discuss with the **Section 151 Officer** potential tax implications of any new initiatives. **Corporate Directors** have a responsibility for the proper application of tax rules as advised.

8.10. **Corporate Directors** are responsible for ensuring that the appropriate controls and procedures are operated within the relevant service area in relation to taxation issues.

8.11. The **Section 151 Officer (and the Chief People Officer)** for PAYE and NI) are responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

8.12. **All staff** and **Councillors** should adhere to VAT rules & regulations and also guidance issued by the **Section 151 Officer**.

Trading accounts/business units

8.13. It is the responsibility of the **Section 151 Officer** to advise on the establishment and operation of trading accounts and business units. **Corporate Directors** have a responsibility to advise the **Section 151 Officer** on any plans to utilise trading arrangements.

Debt Write Off

8.14. All individual debt accounts which remain unpaid may be written off in accordance with the below authorities:

a) up to and including £1,000, the approval of relevant **Director** and reported to the **Section 151 Officer.**
b) Over £1,000 and up to and including £50,000 on the approval of the **Section 151 Officer** upon the advice of the relevant **Director**;
c) Over £50,000 on the approval of the **Cabinet Member with responsibility for Finance** upon the advice of the relevant **Director** and the **Section 151 Officer**.

Corporate Finance shall keep a record of all such sums written off.

8.15. All debts written off will be reported in summary to the **Cabinet** in the regular budget monitoring reports.

8.16. It is important that Council income is maximised and therefore to ensure that systems and procedures are in place to collect income promptly and to minimise the level of any bad debts.

Procedure Notes

8.17. From time to time the **Section 151 Officer** may issue procedure notes pursuant to these Financial Regulations or his statutory duties or otherwise. Failure to comply with a lawful instruction is a disciplinary offence.

9. External Arrangements

Introduction

9.1. The Council provides a distinctive Leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

9.2. The Council works closely with other agencies and private service providers. Other Government funding streams also provide additional resources to enable the Authority to deliver services to the local community.

Partnerships

9.3. The **Cabinet** is responsible for approving delegations, including frameworks for partnerships. The **Cabinet** is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

9.4. The **Cabinet** can delegate functions – including those relating to partnerships to officers. These are set out in the scheme of delegation that forms part of the Council's Constitution. Where functions are delegated, the **Cabinet** remains accountable for them to the **full Council**.

9.5. The Head of the Paid Service (**Chief Executive**) represents the Council on partnership and external bodies, in accordance with the scheme of delegation.

9.6. The **Section 151 Officer** is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

9.7. The **Section 151 Officer** must ensure that the accounting arrangements to be adopted relating to partnerships, pooled budgets and joint ventures are satisfactory.

9.8. The **Monitoring Officer** must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

9.9. **Corporate Directors** are responsible for ensuring that appropriate approvals both internal and external are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

9.10. **The Section 151 Officer** is responsible for ensuring that all funding noted by external bodies is received and properly recorded in the Council's accounts.

Work for Third Parties

9.11. The **Cabinet** is responsible for approving the contractual arrangements for any work for third parties or external bodies. Advice should be obtained from the **Section 151 Officer** and the **Monitoring Officer** before entering into a contract for supply to others.

10. Retention of Records

10.1 Records held locally in establishments shall be retained in accordance with the approved guidance, which in turn must meet the Council's standards.

10.2 **Corporate Directors and Budget holders** shall be responsible for ensuring that financial records are carefully and systematically filed and retained for inspection by the **Section 151 Officer** or agencies (e.g. HM Revenue & Customs) in line with the approved local management information schemes that meets relevant statutory requirements.

10.3 The list is not exhaustive and, where there is uncertainty, the advice of the **Section 151 Officer** and the Council's **Director of Legal and Governance** must be sought. Periods referred to are in addition to the current year of account, which ends at the conclusion of the annual external audit of the Council's accounts (i.e. 30 September following the end of the financial year).

10.4 The **Section 151 Officer** or his representative shall have access to documents as deemed necessary.

10.5 The information governance framework assists services to meet the requirements of the Data Protection Act, the Freedom of Information Act and other statutory requirements.

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Part Four, Section J

Contract Standing Orders

GLOSSARY **1**

0. Statement of Principles **6**

CONTRACT STANDING ORDERS **7**

1. Introduction **7**

2. Roles & Responsibilities **8**

3. Scope of the CSO's **12**

4. Public Procurement Rules and Procedures **12**

5. Contract Value and Aggregation **13**

6. Social Value **13**

7. Frameworks **14**

8. Dynamic Purchasing Systems **14**

9. Dynamic Markets **15**

10. Direct Awards **15**

11. Procedure for Contracts below £25,000 ..... **15**

12. Procedure for Contracts valued above £25,000 ..... **16**

13. Electronic communications, procurement documents, receipt and opening of Bids **17**

14. Abnormally Low Bids **17**

15. Post Tender Clarifications/Confirmations **17**

16. Bid Acceptance 18

17. Conditions Applying to All Contracts: 18

18. Waivers, Extensions, Variations and Novations 20

19. Contract Termination 22

20. Contract Management.....22

21. Application of CSOs to Grants 23

22. Subsidy Control 24

GLOSSARY

In these Contract Standing Orders the following terms shall have the meanings set out below (as amended from time to time).

Term	Meaning
Approved Electronic Means	means such electronic means of authenticating the formation and sealing of a Contract, which may include the use of electronic seals and signatures, positive approval using check boxes or other similar means, as may be expressly approved by the Monitoring Officer from time to time or for a specific Contract.
Approved Form of Contract	means a Contract approved by the Monitoring Officer for use within procurement activity.
Best Value	means the duty, which Part 1 of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by Council.
Bid(s)	means Tenders of Quotations (as applicable).
Cabinet	means the Council's Executive committee comprising the Leader of the Council and up to 9 individual Cabinet members selected by the Leader.
Cabinet Member	means individual members (Councillor) of the Cabinet, selected by the Leader with a particular portfolio (area) of responsibility.
Central Digital Platform	means the online system referenced in the Procurement Act and Procurement Regulations where Notices, documents and other information required to be published/made available.
Chief Finance Officer	also known as the **Section 151 Officer**, the Council's most senior finance officer who has the responsibility under section 151 Local Government Act 1972 for the proper management of the Council's financial affairs and occupies the post of Director of Finance.
Chief Procurement Officer	means the Council's most senior procurement officer, as appointed from time to time.
Constitution	means the constitution of the Council which sets out; (i)how it operates; (ii) how it makes decisions; and (iii) the procedures which it must follow.
Concession Contract	means a Contract for the supply, for pecuniary interest, of works or services to the Council, where (i) at least part of the consideration for that supply is a right for the supplier

Term	Meaning
	to exploit the works or services; and (ii) under the Contract the supplier is exposed to real operating risk.
Contract	means any Council Contract in writing and of monetary value for the execution of works or the supply of goods and the provision of services. For avoidance of doubt: (i) any contract of Services, Supply and/or Works; (ii) any Framework ; (iii) any Concession Contract; or (iv) any Utilities Contract but does not include in any circumstances (v) an employment contract; or (vi) a Grant agreement
Contract Standing Orders (CSO's)	means these Contract Standing Orders which provide the constitutional basis for the Council's procurement of works, goods and services.
Corporate Contracts Register	means the central register of Council Contracts as managed and maintained by the Chief Procurement Officer.
Corporate e-Sourcing System	means the following: (i) The designated corporate e-sourcing system, that manages the following activities; sourcing, Contract and performance management and management of commercial invoices, referred to in the Procurement Code of Practice; or (ii) Such other systems as may be approved by the Chief Procurement Officer from time to time
Council	means London Borough of Haringey Council, Alexandra House, 10 Station Road, Wood Green, N22 7TR
Director	means an employee of the Council holding a post designated as: (i) The Chief Executive; (ii) A member of the Strategic Leadership Team; or (iii) A Director or Assistant Director.

Term	Meaning
Dynamic Market	means a list of qualified suppliers who have met the conditions of membership of the dynamic market who are eligible to participate in future procurements as defined in the Procurement Act.
Dynamic Purchasing System (DPS)	means a completely electronic system which can be used for commonly used purchases of works, goods or services as defined in Regulations.
Extension	means an extension to an existing Contract as described in more detail in CSO 18.02.18.02
Financial Regulations for Schools	means financial duties and procedures stated by the Council and all legislation relating to the financial management of schools.
Forward Plan	means the document that lists all decisions that the Cabinet will take together with all Key Decisions to be taken and by whom.
Framework	means a Contract between a contracting authority and one or more Suppliers that provides for the future award of Contracts by a contracting authority to a Supplier or Suppliers as more particularly described in the Regulations or Procurement Act (as applicable).
Grant(s)	means a payment to help the recipient (e.g. school, charity or voluntary organisation) to deliver an agreed outcome in return, the grant funder (e.g. the Council) gets no direct service delivery ("the Grant Agreement"). A grant is usually provided subject to conditions that state how the grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities).The Grant Agreement will normally set out general instructions as to how this is to be achieved, and any particular conditions in regard to claw-back if those wider objectives are not met.
Head of Audit & Risk Management	means the Councils most senior officer with responsibility for leading the Council's audit and risk management function.
Key Decision	has the meaning attributed to it in the Access to Information Procedure Rules at Part 4 Section D of the Constitution.
London Living Wage	means as defined by the Living Wage Foundation (https://www.livingwage.org.uk/what-real-living-wage)

Term	Meaning
Monitoring Officer	means the most senior legal officer with responsibility for leading the Council's legal and governance function and with responsibility under section 5 Local Government and Housing Act 1989 for supporting and advising the Council in relation to the lawfulness and fairness of the decision-making of the Council, and has the title of Assistant Director for Legal & Governance.
Notice	means a notice any one of the various types of notices that is required to be published in accordance with the Procurement Act and the Regulations.
Officer(s)	means an Officer as employed by the Council with relevant and appropriate authority to act on behalf of the Council.
Pensions Committee	means the Council's committee exercising the functions of Administering Authority, being responsible for the management and monitoring of the Council's pension fund.
Procurement Act	means the Procurement Act 2023 which comes into force on 28 February 2025 and associated Procurement Regulations 2024 as may be amended from time to time.
Procurement Code of Practice	means the separate document referenced in these CSO's titled Procurement Code of Practice where more detailed information about the Council's procurement and contract procedures can be found.
Procurement Policy Notice (PPN)	means any relevant Procurement Policy Notice as issued by government (as may be updated and issued from time to time). PPN's can be found via – https://www.gov.uk/government/collections/procurement-policy-notes
Procurement Threshold	means the applicable financial thresholds at which the Procurement Act or Regulations (as applicable) applies with effect from 1 January 2024 (as may be updated from time to time).
Provider Selection Regime	means the Health Care Services (Provider Selection Regime) Regulations 2023 as may be amended from time to time.
Quotation	means an offer submitted in writing to the Council by a Supplier in response to a request for quotation (RFQ)) (without the formal commencement of a public procurement exercise).

Term	Meaning
Regulations	means the: (i) the Public Contract Regulations 2015; (ii) Utilities Contract Regulations 2016; or (iii) Concession Contract Regulations 2016; as applicable
Scheme for Financing Schools	means the Council's published scheme of finance for schools as amended from time to time.
Scheme of Delegation	means the Council's scheme of delegation which can be found at Part 3 of the Constitution.
Social Value	means social, economic and environmental considerations aligned with the Council's priorities and policies, the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement.
Strategic Procurement	means the Councils centralised procurement department managed by the Chief Procurement Officer.
Supplier	means any individual or organisation(s) invited to submit a quotation or Tender or where a Contract has been awarded a Contract, the counterparty to a Contract with the Council who is responsible for delivering goods, services or works in accordance with the terms and conditions of Contract.
Technical Guidance	means the Technical Guidance published by the Government Commercial Function in relation to the Procurement Act. Further details can be found at – https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents
Tender	means a Supplier's proposal submitted in response to an invitation to tender as part of a competitive tendering exercise.
Utilities Contract	means a Contract for the supply of goods, services or works wholly or mainly for the purpose of utility activity.
Variation	means a modification to an existing Contract (such as additional services, exercising extension options, changes in price or a change in Supplier).
Waiver	means an exemption (i.e. "waiver") from the requirement to comply with all or part of these CSOs.

0. Statement of Principles

0.01. These CSO's provide the constitutional basis for the Council's procurement of works, goods and services. Following them will assist in ensuring statutory compliance, value for money, propriety and the proper spending of public money.

0.02. The Procurement Code of Practice provides more detail and shall govern Council procurement process and contract award procedures. The Chief Procurement Officer shall issue and maintain the Procurement Code of Practice. Any procurement activity shall proceed in accordance with these CSO's and the Procurement Code of Practice and all such other guidance issued by the Chief Procurement Officer.

0.03. The Chief Procurement Officer shall make the latest version of these CSO's and the Procurement Code of Practice available to every Director, Cabinet Member and Officer of the Council. Directors, or Officers acting on their behalf, shall apply the requirements of the CSO's and the Procurement Code of Practice when engaging in any procurement activity.

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

0.05. Every Contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory obligations or approved objectives and shall conform to all relevant laws of England and Wales.

0.06. All procurement activity constituting Key Decisions shall comply with the requirements of the Access to Information Procedure Rules set out in Part 4 and the Protocols for Key Decisions and for Decision Making set out in Part 5 of this Constitution.

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

0.08. Where in these CSOs a decision is required by the Cabinet, this may also be taken by the Leader or by a Cabinet Member with the Leader's agreement.

0.09. Directors must ensure that robust audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.

0.10. No Cabinet Member of the Council or Council Officer shall enter into any Contract on the Council's behalf.

0.11. No Cabinet Member or Officer of the Council shall be permitted to become security under any Contract.

CONTRACT STANDING ORDERS

1. Introduction

1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value is obtained when procuring works, goods and services. Efficient use of resources to achieve Best Value is therefore imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.

1.02. For these reasons it is a disciplinary offence to fail to comply with these CSO's and the Procurement Code of Practice when the Council is procuring Contracts for works, good and services and raising orders with suppliers. This also includes situations where the Council procures works, goods and/or services for and on behalf of other public bodies.

1.03. Council employees have a duty to report breaches of these CSO's to an appropriate senior manager and the Head of Audit & Risk Management.

1.04. Unless otherwise provided within these CSO's or the Procurement Code of Practice or with the express approval of the Chief Procurement Officer, all procurement processes, regardless of value, should be conducted via the Corporate e-Sourcing System.

1.05. Reference should be made to the Procurement Code of Practice for more detailed information on procurement processes.

1.06. All Officers will need to familiarise themselves with and comply with these CSO's and any other policies (including the National Procurement Policy Statement) / guidance (including Technical Guidance) / Procurement Policy Notices[1], the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024, Regulations and Procurement Act (as applicable).

1.07. Throughout these CSO's references are primarily made to the "Procurement Act".

[1] Where applicable

However, there are also instances where references are made to the "Regulations" to capture instances where Contracts fall under an alternative procurement regime. The relevant procurement legislation that will be applicable to procurement activity should be considered on a case-by-case basis. As such, advice should therefore be sought from Strategic Procurement as to the applicable procurement regime a proposed public Contract may need to be awarded in accordance with.

1.08. In the event of any doubt as to the interpretation of these CSO's or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Chief Procurement Officer.

1.09. Unless stated otherwise, all financial references to pounds sterling in these CSO's are to be exclusive of VAT.

1.10. Subject to Regulations or Procurement Act (as applicable), all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

2. Roles & Responsibilities

2.01. **The Cabinet** (and Pensions Committee where relevant) will:

a) hold Directors accountable for any decisions they make under their delegated authority or under these CSO's;

b) approve commencing a procurement exercise for proposed Contracts valued at £500,000 or more;

c) approve awards of Contract valued at £500,000 or more;

d) approve any Variation or Extension with an aggregate value of £500,000 or more (see also CSO 18);

e) ensure that the award of any Contract and any Extension or Variation with an aggregated value at £500,000 or more is treated as a **'Key Decision'** and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.

2.02. Where a Contract has previously been awarded under CSO 2.01c) and:

a) that Contract includes an Extension within its terms (see CSO 18); and/or

b) that Contract is to be subject to a Variation;

following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an aggregated value of less than £500,000.

2.03. Where the additional cumulative value of all Variations and Extensions of the original award is £500,000 or more, this will be treated as a 'Key Decision' and CSO 2.01e) will apply.

2.04. Where a Director undertakes a decision in relation to CSO 2.02, details of the Extension and/or Variation must be reported retrospectively via the quarterly financial update report to Cabinet.

2.05. **Directors**

2.05.1 Each Director has responsibility for all Contracts let under their control and is accountable to the Cabinet for the performance of their duties in relation to Contract letting and management, which are:

a) to ensure compliance with the laws of England and Wales and the Council's Policies;

b) to ensure value for money in all procurement processes;

c) to ensure compliance with these CSO's and the Procurement Code of Practice;

d) to maintain a departmental Scheme of Delegation;

e) to ensure that all relevant Officers are familiar with the provisions of these CSO's and the Procurement Code of Practice and that they receive adequate training on their operation;

f) to ensure compliance with any guidelines issued in respect of these CSO's;

g) to ensure all relevant regulatory consultations have been considered and complied with, including but not limited to Local Government Act 1999 Section 3 Best Value Consultations, Landlords and Tenants Act 1985 Section 20 etc.

h) to take immediate action in the event of a breach of these CSO's or the Procurement Code of Practice within their service;

i) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will be £2,000,000 or more, no later than 31 March of each year. The pipeline is to include procurements due to

commence within the following two financial years;

j) to submit to the Chief Procurement Officer a pipeline of proposed procurements where the anticipated Contract value will exceed £25,000 every three months. The pipeline is to include procurements due to commence within the following 12 months as a minimum;

k) to seek Cabinet approval to commence a procurement process for proposed Contracts the value of which is £500,000 or more;

l) to keep:
   i. copies of all concluded Contracts as required by the Regulations or Procurement Act (as applicable), and ensure electronic copies of such Contracts are stored in the Corporate e-Sourcing System, and
   ii. proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the Contract, as required by the Regulations or Procurement Act (as applicable);

m) to keep records of Waivers of any provision of these CSO's and forward a copy of such signed records to Strategic Procurement;

n) approve award, vary and extend Contracts with an aggregated value of less than £500,000;

o) Where a Contract has previously been awarded under CSO 2.01c) and following consultation with the Cabinet Member responsible for the relevant portfolio, a Director may approve any subsequent Contract Extension(s) and/or Variation(s) up to an additional aggregated value of less than £500,000.

p) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is either signed by two people or authenticated by Approved Electronic Means as provided for in these CSO's;

q) to record all Contracts in the Corporate Contracts Register;

r) to ensure effective management of all Contracts under their control, and to a level deemed appropriate in regard to risk or value of each Contract;

s) to ensure that no Contract is let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget;

t) to record and report on decisions taken under the Officer Scheme of Delegation in accordance with Part Three Section E Section 1 - paragraphs 3.01 to 3.06 of the Councils Constitution;

u) Approve the termination of any Contract having regard for CSO 19.

2.06. **Pensions Committee**

2.06.1 The Pensions Committee shall have the same powers and duties of the Cabinet specified in these CSO's but limited to its responsibilities for procurements relating to the Pension Fund.

2.07. **Alexandra Palace and Park**

2.07.1 These CSO's apply to the procurement of works, goods and services by or on behalf of the above Alexandra Palace and Park Charitable Trust and any on the following basis:

a) The Chief Executive of the relevant organisation shall have the powers of a Director specified in these CSO's;

b) The Executive Board shall have the powers of the Cabinet and a Cabinet Member specified in these CSO's;

c) In the event of any conflict, the requirements of the Charities Act 2011, any regulations made under that Act or charity law in general shall prevail over the provisions of these CSO's.

2.08. **Schools**

2.08.1 In accordance with the requirements of the Council's Scheme for Financing Schools and the Financial Regulations for Schools, where a school acts as an agent for the Council, these CSO's apply to all schools within the London Borough of Haringey except for academy and trust schools.

a) A school's governing body shall have the powers of the Cabinet specified in these CSO's, except in relation to Waivers (CSO 18).

2.09. **Other wholly owned subsidiaries/arms-length organisations owned by the Council**

2.09.1 These CSO's apply to the procurement of works, goods and services by wholly owned subsidiary or arms-length organisation owned by the Council where they are subject to the Regulations or Procurement Act on the following basis:

a) The Chief Executive of the relevant organisation shall have the powers and duties of a Director specified in these CSO's;

b) The Board shall have the powers and duties of the Cabinet and a Cabinet Member specified in these CSO's.

3. Scope of the CSO's

3.01. These CSO's shall apply to all Contracts awarded by the Council for works, goods and services) unless otherwise expressly stated or these requirements are waived in accordance with CSO 1818.01.

3.02. Where the Council:

a) secures funding from an external funding body; or
b) is involved in joint working funded partly or entirely by external funding to the extent that the money passes through the Council's accounts; or
c) intends to Grant funding to an external body;

for the purposes of securing the provision of works/ goods or services, these CSO's shall apply.

3.03. These CSO's shall **not apply** to Contracts falling within the specific exclusion provisions within the Regulations or in the case of the Procurement Act, exempted contracts as defined in Part 2 of Schedule 2 of the Procurement Act. For the avoidance of doubt, this exclusion applies to (amongst other things) Contracts of employment, certain Contracts for legal services, certain financial services and debt finance and agreements for the sale of land (including leases), or other exclusions as amended from time to time.

4. Public Procurement Rules and Procedures

4.01. Where the Council wishes to award a Contract for the provision of works, goods or services it will need to do so in accordance with the Regulations or Procurement Act (as applicable).

Provider Selection Regime

4.02. The Council will need to procure in accordance with the Provider Selection Regime where it is seeking to procure relevant in scope health care services for the purpose of the health service in England, whether alone or as part of a mixed procurement.

4.03. Advice should be sought from the Strategic Procurement prior to seeking to award a

contract under the Provider Selection Regime.

5. Contract Value and Aggregation

5.01. Directors must ensure that a pre-tender estimate of the total Contract value is prepared and recorded in writing and is an accurate reflection of the expected Contract value (to the extent of the information available to Directors at the time), to determine whether it falls within the scope of the Regulations or Procurement Act.

5.02. Total Contract value or an estimated total Contract value in these CSO's means the aggregate value payable in pounds sterling exclusive of Value Added Tax, over the entire Contract period, including any extension periods in the proposed Contract. Procurements falling within the scope of the Procurement Act will need to have their estimated value calculated in accordance with Section 4 of the Procurement Act.

5.03. A Contract's value must not be artificially under or overestimated or divided into two or more separate Contracts with the intention of avoiding the application of these CSO's, the Regulations or the Procurement Act.

6. Social Value

6.01. The Council is committed to fulfilling its obligations under The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement. Officers shall maximise the potential to generate social value outcomes from procurement activity.

6.02. Contracts valued at £500,000 or more must include Social Value as part of the evaluation criteria. Such consideration should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.

6.03. For Contracts valued over £500,000 Social Value is to be included as part of the evaluation criteria. The Social Value weighting must be between 10% and 25% of the total award criteria.

6.04. Unless otherwise agreed with Chief Procurement Officer in writing, the Social Value Portal is to be used to record, manage and monitor these contractual Social Value commitments.

6.05. Social Value must be considered for Contracts valued below £500,000 where appropriate. However, such considerations should be proportionate and appropriate to the size and nature of the Contract. Officers must follow guidance as stated in the Code of Practice.

6.06. Any Social Value commitments made as part of a Tender submission must form part

of the contractual obligations to be delivered by the Supplier under the Contract.

7. Frameworks

7.01. The Council may establish Frameworks for its own use or use by other contracting authorities.

7.02. The Council may access and call-off from Frameworks established by other public sector organisations where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Frameworks, including those operated by the London Construction Program (LCP). Where the Council operates such Frameworks and are deemed suitable for the requirements being sought, use of these Frameworks shall take precedence over the use of any other third-party Framework, unless otherwise agreed by the Chief Procurement Officer.

7.03. Where an accessible Framework exists in respect of the subject matter, and there is an absence of compliant objective criteria to directly award, or prices have yet to be determined, then a mini competition is to be undertaken in accordance with the terms of the Framework. The Council will also need to act in accordance with Regulations or Procurement Act (as appropriate) alongside any terms stated in the use of such Frameworks.

7.04. The Council's decision to enter into a Contract with the recommended Supplier under a Framework must be made in accordance with CSO 16.

8. Dynamic Purchasing Systems

8.01. Where the Council operates its own DPS (including the LCP) for a works, goods, or service category, suitable for its requirement this must be used to carry out the procurements related to those categories; or

8.02. The Council may access and call-off from a DPS established by other public sector organisations that have been established in accordance with the Regulations, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established DPS, including those operated by the LCP. Where the Council operates a DPS and is deemed suitable for the requirements being sought, use of the Council DPS shall take precedence over the use of any other third-party DPS, unless otherwise agreed by the Chief Procurement

Officer.

8.03. Electronic formation of individual Contracts within a DPS is permitted, subject to CSO 17.

9. Dynamic Markets

9.01. The Council may establish Dynamic Markets for its own use or use by other contracting authorities.

9.02. The Council, acting in accordance with Procurement Act can establish Dynamic Markets for the purposes of awarding Contracts by reference to Suppliers' participation in those arrangements which must remain open for new Suppliers to join at any time.

9.03. Where the Council operates its own Dynamic Market (including the LCP) for a works, goods, or service category, that is deemed suitable for its requirement this must be used to carry out the procurements related to those categories;

9.04. The Council may access and call-off from a Dynamic Market established by other public sector organisations and that has been established in accordance with the Procurement Act, where it is deemed suitable and appropriate to do so. However, consideration should first be given to the use of the Council's own established Dynamic Market, including those operated by the LCP. Where the Council operates a Dynamic Market and is deemed suitable for the requirements being sought, use of the Council Dynamic Market shall take precedence over the use of any other third-party Dynamic Market, unless otherwise agreed by the Chief Procurement Officer.

9.05. Electronic formation of individual Contracts within a Dynamic Market is permitted, subject to CSO 17.

10. Direct Awards

10.01. The Council can directly award a public Contract to a supplier without undertaking a competitive procurement process in accordance with the limited situations described in the Regulations, sections 41-44 and Schedule 5 of the Procurement Act or in accordance with the Provider Selection Regime (as applicable).

10.02. Prior to seeking to rely on this CSO 10 to award a public Contract, advice should be sought from the Chief Procurement Officer.

11. Procedure for Contracts below £25,000

11.01. All Contracts with an estimated value below £25,000 must be procured in accordance with the Code of Practice via the Corporate e-Sourcing System, except where an alternate e-sourcing system is mandated by a Framework, a DPS or an alternative e-sourcing system has been pre-approved in writing by the Chief Procurement Officer.

11.02. Where a Contract has an estimated value of less than £25,000, the relevant Director should act in the manner most expedient to the efficient management of the service, having regard for CSOs 7.01, 8 and 9 and retaining a record of the procurement activity and related approval.

12. Procedure for Contracts valued above £25,000

12.01. All Contracts let with a value of £25,000 or more must be undertaken in accordance with the Code of Practice having regard for CSOs 7.01, 8 and 9 in the first instance.

12.02. Except as otherwise expressly permitted by or under these CSO's, for all Contracts with an estimated value of £25,000 or more but less than £500,000, and where the value of the Contract does not exceed the relevant Procurement Threshold requiring a Contract to be advertised, at least three competitive Quotations should be sought via the Corporate e-Sourcing Solution, without the need for an advertisement (unless required to do so by the Procurement Act), or to follow the competitive tender procedure. Where the intention is to advertise the opportunity, the relevant Notices must be published in accordance with the Procurement Act. This activity will be managed by the Chief Procurement Officer, unless agreed otherwise by the Chief Procurement Officer.

12.03. Except as otherwise expressly permitted by or under these CSO's, all Contracts that exceed the relevant Procurement Threshold requiring a Contract to be advertised, or which have an estimated value of £500,000 or more must be let following publication of an appropriate advertisement (Tender) in accordance with the Regulations or Procurement Act (as applicable). This activity will be managed by the Chief Procurement Officer.

12.04. Where Tenders are to be invited, the regulatory procedure to be followed, shall be determined prior to advertising and be managed by the Chief Procurement Officer and shall comply with the Regulations or Procurement Act and the Procurement Code of Practice.

12.05. The Chief Procurement Officer may decide that processes in this CSO 12 are not appropriate in order to secure value for money for the Council and to ensure general procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a Supplier, which will meet best value criteria and/or ensure compliance with procurement law. The decision and process must be properly documented.

12.06. All Contracts let require the publication of relevant Notices in compliance with the Regulations or the Procurement Act (as applicable).

13. Electronic communications, procurement documents, receipt and opening of Bids

13.01. Subject to the terms of Regulations and Procurement Act, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement, or the date on which an invitation to confirm interest was sent.

13.02. Electronic Bids received securely may be opened at the appointed date and time by a Council Officer or the Council's appointed consultant.

13.03. Records of any non-compliant Bids and of the date and time of receipt of any late Tenders must be kept by Officers.

13.04. Late Bids may only be accepted in exceptional circumstances and with the written authorisation of the Chief Procurement Officer.

14. Abnormally Low Bids

14.01. Abnormally low bids should be dealt with in accordance with the Regulations or Procurement Act (as applicable).

15. Post Tender Clarifications/Confirmations

15.01. Negotiation after receipt of formal bids and before the award of contract is only permitted:

a) as part of a tender process allowed for by the Regulations or Procurement Act;

b) in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process, and

c) if the prior authority of the Chief Procurement Officer has been obtained.

15.02. Tender clarifications are permitted in circumstances which do not breach the Regulations/Procurement Act or put other Suppliers at a disadvantage, distort competition or adversely affect trust in the competitive process

15.03. All communication with Suppliers during a formal procurement shall be performed using electronic means in accordance with the Regulations or Procurement Act (as applicable).

16. Bid Acceptance

16.01. Bids are to be accepted on the basis that the award is compliant with the Regulations or Procurement Act (where applicable) and as determined by the application of the published award criteria.

16.02. Where a Contract has been awarded the Council is required to published Notices in accordance with the Regulations or Procurement Act (as applicable).

16.03. Where a purchasing card is used to procure goods, works or services it cannot be used to circumvent these CSO's. The relevant approvals in accordance with these CSO's must be in place prior to procuring the goods, works or services.

16.04. Where the provision of works, goods or services under a Contract is required to commence prior to the issuance and execution of a formal Contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal Contract. However, the maximum cover afforded by any Letter of Intent shall not exceed £100,000 or 10% of the total Contract price, whichever is the higher value; except when the Contract price is £100,000 or less, where the maximum cover afforded must not exceed 50% of the Contract price.

17. Conditions Applying to All Contracts:

17.01. The procurement documents in respect of every Contract to which the Regulations or Procurement Act apply, shall provide for the Contract to include provisions enabling the Council to terminate the Contract in each of the circumstances as set out in Regulations or the Procurement Act.

17.02. The procurement documents in respect of every Contract to which the Procurement Act or Regulations apply shall include a requirement that the Council may require the successful Supplier to enter into a collateral Contract in a form approved by the Monitoring Officer which provides for the allocation of risks between the Parties where the Contract has been declared ineffective by a court.

17.03. The decision as to whether or not a collateral Contract will be required in respect of a Contract will ultimately be made, before the formal Contract is issued and executed, by the Monitoring Officer or an Officer acting under their delegated authority.

Contracts valued £25,000 or more

17.04. All Contracts valued at £25,000 or more must be in writing by way of a document prepared, or on a basis approved, by the Monitoring Officer.

17.05. Every Contract valued at £25,000 or more must be an Approved Form of Contract unless otherwise agreed by the Monitoring Officer

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

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

17.08. All Contracts for works and services must include provisions for the payment of London Living Wage.

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

17.10. A Contract valued at less than £250,000 does not require sealing and should either be signed or electronically approved on behalf of the Council by the relevant Director, Assistant Director, or the Head of the relevant business unit, where permitted to do so under the Scheme of Delegation. Where the nature of the works, goods or services is such so as to pose a high risk of significant latent defects, then the Chief Procurement Officer may decide to have the Contract with a value of less than £250,000 executed under seal as a deed.

Contracts Valued £250,000 or more

17.11. In addition to the provisions above regarding Contracts valued over £25,000 the following requirements apply to Contracts exceeding £250,000.

17.12. A Contract valued at £250,000 or more must be executed on behalf of the Council under seal as a deed, and to ensure original sealed Contract documents are held by the Monitoring Officer for safekeeping. Where appropriate, electronic sealing of Contracts is permitted.

17.13. Every Contract valued at £250,000 or more must contain clauses to cover the following:

a) if it is a Contract for works, that the Council may require the Supplier to provide security for completing the Contract in the form of a bond;

b) that, where the Supplier is a subsidiary or group company, the Supplier may be required to provide a parent or group company guarantee;

c) or other means of surety as agreed by the Chief Finance Officer or an Officer acting under their delegated authority.

17.14. The decision as to whether or not a bond or parent company guarantee will be required in respect of a Contract valued at £250,000 or more will ultimately be made by the Chief Finance Officer or an Officer acting under their delegated authority.

18. Waivers, Extensions, Variations and Novations

18.01. **Waivers**

18.01.1 Any Waiver relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging with any Supplier to provide goods, services or works in accordance with this CSO 18.

18.01.2 A Waiver may be agreed after considering a written report that demonstrates:

a) the Contract is one entered into between entities within the public sector in circumstances permitted by the Regulations or Procurement Act (as applicable); or

b) the Contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by the Regulations or Procurement Act (as applicable); or

c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (under the law of England and Wales); or

d) the value of the Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act (as applicable) and:
   (i) complies with below threshold provisions within the Regulations or Procurement Act (as applicable);

   (ii) the nature of the market for the works to be carried out or the goods or services

to be provided has been investigated and is such that a departure from the requirements of these CSO's is justifiable;

(iii) it is in the Council's overall interest; or

(iv) there are other circumstances which are genuinely exceptional.

18.01.3 All Waiver requests must be approved before any related Contract award and/or Variation occurs.

18.01.4 CSO's other than CSO 4 (which relates to the Regulations and the Procurement Act) may be waived on the basis set out in this CSO 18 by:

a) the Cabinet where the Waiver concerns a Contract with a value of £500,000 or more; or

b) a Director where the Waiver concerns a Contract with a value of less than £500,000 (save that the Director shall not have authority to waive CSO 17).

18.01.5 Any waiver valued at £100,000 or above relating to these CSO's must be agreed by the Chief Procurement Officer prior to engaging the supply chain.

18.01.6 A record of the decision approving a Waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Chief Procurement Officer.

18.01.7 Where an additional Waiver of these CSO's is sought in relation to the same individual Contract, whereby the aggregated value of the Contract increases to £500,000 or more, the Waiver must be agreed by the Cabinet.

18.02. **Contract Variations and Extensions**

18.02.1 A Contract may be extended before its expiry provided that the Extension is provided for in the original Contract terms or is permitted by the Regulations or Procurement Act (as applicable)

18.02.2 Contract Extensions shall be approved in accordance with CSO 2.

18.02.3 All Variations and Extensions must be recorded in writing and an electronic copy retained in the Corporate e-Sourcing System.

18.03. **Contract Variations**

18.03.1 Prior to seeking to vary an existing Contract, appropriate advice should be sought

from Strategic Procurement on a case-by-case basis as to whether the Variation needs to be considered in accordance with the Regulations or Procurement Act (as applicable).

18.03.2 Prior to and following the Variation of a Contract subject to the Procurement Act, the Council may be required to publish a Notice(s) in accordance with section 75 of the Procurement Act.

18.03.3 Contract Variations shall be approved in accordance with CSO 2.

18.04. **Novations (Transfers)**

18.04.1 In circumstances permitted in the Regulations or Procurement Act, or where the value of a Contract is below the applicable Procurement Threshold pursuant to the Regulations or Procurement Act, the Council may agree to the novation or assignment of a Contract.

18.04.2 A Director may approve the assignment or novation of a Contract where the value of the remaining term including any Extension is less than £500,000.

18.04.3 The Cabinet will approve the assignment or novation of a Contract where the value of the remaining term including any Extension is £500,000 or more.

18.04.4 A record of the decision approving a Novation and the reasons for it must be kept and a copy sent to the Chief Procurement Officer.

19. Contract Termination

19.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated Contract(s) and initiate alternative arrangements as may be required considering CSO 18.04 in cases of novation or CSO 3.01 in cases that warrant the re-letting of a Contract(s).

19.02. Subject to CSO 19.01 (above) prior to deciding to terminate a Contract early, approval must be sought from a Director and reported to the Chief Procurement Officer.

19.03. In all cases of Contract termination for whatever reason where the awarded Contract value was £500,000 or more, a report must be presented at the earliest opportunity to Cabinet.

19.04. Where a Contract is terminated and the Procurement Act applies the Council is also required to publish a Notice in accordance with section 80 of the Procurement Act.

20. Contract Management

20.01. It is the responsibility of the Director to ensure effective contract management is undertaken for Contracts under their control and management.

20.02. Directors must assign a contract owner for all Contracts above £25,000 and record this information in the Corporate e-Sourcing System.

20.03. It is the responsibility of the Director to ensure all contract owners manage Contracts under their control, to ensure the Supplier delivers their contractual commitments, and where required, record the performance of the Supplier in the Corporate e-Sourcing System.

20.04. Contract Managers must follow any guidance issued by the Chief Procurement Officer and stated in the Procurement Code of Practice regarding contract and performance management.

20.05. Where a Supplier fails to deliver its contractual commitments to the extent it results in a breach of contract, this must be referred to Chief Procurement Officer and considered in accordance with the Procurement Act (where applicable).

20.06. Contract performance monitoring must be in accordance with the Procurement Act and any relevant Notices published as required.

21. Application of CSOs to Grants

Approval for Receipt of Grants by the Council from External Bodies

21.01. Where the Council receives a Grant from an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2 (i.e. the Director may approve receipt of a Grant valued at less than £500,000. For approval of receipt of Grants valued at £500,000 or more, a Cabinet decision is required).

21.02. The Council's requirements in respect of execution of Contracts as deeds (CSO 17.12) shall not apply in respect of Grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the business unit or authenticated by Approved Electronic Means.

Expenditure of Grant funding

21.03. Where a below threshold public Contract is to be funded by a Grant, Officers must seek the advice of the Chief Procurement Officer in respect of requirements to advertise to ensure transparency of the procedure and compliance with funding requirements.

21.04. Where an above threshold public Contract is to be funded by a Grant, that Contract should be awarded in accordance with the Regulations or Procurement Act (as applicable) and these CSO's.

21.05. Where the conditions of Grant funding agreements and/or applicable guidance documents conflict with these CSOs, the provisions of the Grant/funding agreements and/or guidance documents shall prevail.

Approval for Payment of Grants from the Council to External Bodies

21.06. Where the Council awards a Grant to an external body, the process for approving or varying the agreement for the Grant shall be the same as that set out in CSO 2.05.1n) and CSO 2.05.1o) (i.e. the Director may approve awards/Variations of Grants valued less than £500,000. For approval of award/Variation of Grants valued at £500,000 or more, a Cabinet decision is required in accordance with CSO 2.01c) or CSO 2.01d).

22. Subsidy Control

22.01. The Council will ensure that all projects and procurements comply with the UK Subsidy Control Regime (formerly "State Aid").

Part Four, Section K Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, the Mayor or officer of the Council; or of the partner of such persons.

(ii) Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.

(iii) No candidate so related to a councillor, the Mayor or an officer will be appointed without the authority of the Assistant Director for Human Resources or an officer nominated by him/her.

(iv) Every Member and senior officer of the authority who knows of a relationship to a candidate for appointment must report the details to the Assistant Director for Human Resources.

(b) Seeking support for appointment.

(i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or the Mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) No councillor or the Mayor will seek support for any person for any appointment with the Council. This rule does not prevent a Member from offering or providing a written reference about a candidate but the Member shall not take part in the appointment process involving that candidate.

2. Recruitment of Head of Paid Service, Directors* and Statutory Officers*

Where the Council proposes to appoint a Head of Paid Service, a Director or a Statutory Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and
(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

(d) all applicants for the post shall be interviewed, or a short list of the more suitable applicants shall be drawn up and those applicants shall be interviewed.

3. Appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer

a. The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Panel

b. The Council may only make or approve the appointment of the Head of Paid Service where:

(i) no objection has been made by any member of the Cabinet, or
(ii) if any objection is made, the Appointments Panel has declared itself satisfied that the objection is not material or well-founded

c. The procedures in (a) and (b) above will apply to the appointment of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

3.1 Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

a) The Council will approve the dismissal of the head of Paid service following the recommendation of such a dismissal by the Disciplinary, Grievance and Dismissal Panel.
b) The Council may only make or approve the dismissal of the Head of Paid service where:

i)no objection has been made by any member of the Cabinet or
ii) if any objection is made the Disciplinary, Grievance and Dismissal Panel has declared itself satisfied that the objection is not material or well-founded

c) The procedures in a) and b) above will apply to the dismissal of the Chief Finance officer and the Monitoring Officer

***the terms Director and Statutory Officer have the meaning given at Part 3 Section E Section1; 2.01 of this Constitution**

4. Appointment of Directors

(a) The Appointments Panel will appoint Directors.

(b) The procedures in (a) above will not apply to the appointment, of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.

(c) An offer of employment as a Director shall only be made where:

(i) no objection has been made by any Cabinet Member, or
(ii) if any objection is made, the Appointments Panel or the Chief Executive is satisfied that the objection is not material or well founded.

5. Dismissal of Directors

The Disciplinary, Grievance and Dismissal Panel will dismiss Directors.

The Dismissal of a Director shall only be made where:

(i) no objection has been made by any Cabinet Member, or
(ii) if any objection is made, the Disciplinary, Grievance and Dismissal Panel or the Chief Executive is satisfied that the objection is not material or well founded.

a) The procedures in paragraph 5 above will not apply to the dismissal of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to dismiss that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.

6. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the Assistant Director for Human Resources in consultation with the Monitoring Officer.

7. Other appointments

(a) Appointment of all other officers (other than assistants to political groups) will be made by the Head of Paid Service or his/her nominee.

(b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group to which the post has been allocated under section 7 of the Local Government and Housing Act 1989 employees of a local authority must be appointed on merit. However, Section 9 provides an exception to this principle. This section advises that the appointment of each political assistant is down to the political group each post (political assistant) is to represent. The appointee can take account of the candidate's political activities during the selection process, although the posts are 'politically restricted' (as described above).

(c) The appointment of Political Assistants must be conducted in accordance with the Council's procedures and statutory requirements. The maximum level of remuneration is determined by the Local Government (Assistants for Political Groups) (Remuneration) (England) Order 2021.

(d) An appointment of a Political Assistant is dependent on the Council passing a resolution in support of the principle of appointing Political Assistants and subject to the following standing order relating to such appointments(as set out in Section 9(5) of the Act):

- A prohibition on the making of an appointment until the Council has allocated a post of Political Assistant to each group that qualifies for one:
- A prohibition on the allocation of a Political Assistant's post to a group which does not qualify for one;
- A prohibition on the allocation of more than one Political Assistant post to any one group.

8. Disciplinary action

a) The Disciplinaries, Grievance and Dismissal Panel will take forward disciplinary, conduct and capability decisions relating to the Head of Paid Service, Section 151 Officer and Monitoring Officer, and determining whether these officers should be suspended in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.

b) The Disciplinaries, Grievance and Dismissal Panel will hear and decide substantive grievances either about or from the Head of Paid Service. The Monitoring Officer will decide whether or not the grievance is substantive.

c) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

d) Independent Panel. No other disciplinary action may be taken in respect of any of those officers until the Authority has invited relevant independent persons to form an Independent Panel to advise on such matters as set out in the Local Authorities (Standing Orders)(England) Regulations 2001.

e) Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

f) The Disciplinaries, Grievance and Dismissal Panel will exercise functions in respect of Grievance decisions related to Director level direct reports of the Head of Paid Service , if (and only if) referred to the Panel by the Head of Paid Service due to a conflict-of-interest issue.

g) The above will not apply to disciplinary action concerning the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the disciplinary action in consultation with the Alexandra Palace and Park Board or its appointed Panel.

9. Dismissal

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

b) Independent Panel. In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, before the taking of a vote at the relevant meeting on whether to approve or not a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

(i) any advice, views or recommendations of the Independent Panel; (ii) the conclusions of any investigation into the proposed dismissal; and
(iii) any representations from the relevant officer.

c) Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

10. Definitions

In these Rules:

- "Director " has the meaning given at Part 3 Section E Section 1; 2.01 of this Constitution and shall include the following officers:
  - ✦ Members of the Council Leadership Team
  - ✦ All Directors and Assistant Directors
  - ✦ The Chief Executive of Alexandra Palace & Park(as appropriate)

"Council Leadership Team " means:

- ✦ Director for Environment and Resident Engagement
- ✦ Director of Placemaking and Housing,
- ✦ The Director of Children's Services
- ✦ The Director for Adults, Health and Communities
- ✦ The Director of Culture Strategy and Engagement
- ✦ The Director for Finance

Part Five
Codes and Protocols

Section A: Members' Code of Conduct

Section B: Protocol on Member-Officer Relations

Section C: Protocol for Key Decisions

Section D: Protocol for Decision-Making

Section E: Planning Protocol

Section F: Local Licensing Procedure Rules for Hearings Under the Licensing Act 2003 and the Gambling Act 2005

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Part Five, Section A
Members' Code of Conduct

MEMBERS' CODE OF CONDUCT

Part 1: GENERAL PROVISIONS

1. The General Principles

1.1 **Selflessness**
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

1.2 **Integrity**
Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

1.3 **Objectivity**
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

1.4 **Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities. They should co-operate fully and honestly with any scrutiny appropriate to their particular office, including any formal standards investigations.

1.5 **Openness**
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

1.6 **Honesty**
Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

1.7 **Leadership**
Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence.

2. Application of the Code

2.1 This Code applies to you as a member of Haringey Council.

2.2 In your capacity as a member you should at all times adhere to the general principles set out at paragraphs 1.1 – 1.7 above.

2.3 It is your responsibility to comply with the provisions of this Code.

2.4 In this Code "meeting" means any meeting of

(a) the Council; or
(b) the executive of the Council; or
(c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" means an elected member and a co-opted member

"co-opted member" means a person who is not an elected member of the Council but who has been appointed to a committee or sub-committee of the Council or represents the Council on a joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2.5 You must comply with this Code whenever you are acting in your capacity as a member

2.6 This Code regards you as acting in your capacity as a member when you

(a) conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed); or
(b) act as a representative of your authority; or
(c) claim to act or give the impression you are acting as a representative of your authority.

2.7 This Code does not have effect in relation to your conduct other than where you are acting in your capacity as a member.

2.8 Where you act as a representative of your authority

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it

conflicts with any other lawful obligations to which that other body may be subject.

2.9 "Relevant authority" as referred to in paragraph 2.8(a) above is as for the time being defined in section 43 Localism Act 2011 and currently means –

(a) a county council,
(b) a county borough council,
(c) a district council,
(d) a London borough council,
(e) the Common Council of the City of London in its capacity as a local authority,
(f) the Council of the Isles of Scilly,
(g) the London Fire and Emergency Planning Authority,
(h) a metropolitan county fire and rescue authority, or
(i) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of the Act applies.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must not

(a) do anything which may cause your authority to breach any of its equality duties;

Additional section to cover bullying as follows:

(b) bully or harass any person through any means;

(i) bullying includes conduct such as: offensive, intimidating, malicious or insulting behavior; or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure someone;

(ii) harassment includes conduct such as: unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual;

(iii) examples of bullying or harassment include but not be limited to:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – including touching, standing too close, display of offensive materials, asking for sexual favours, making lewd or sexual ~~comments~~ remarks, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

(c) intimidate or attempt to intimidate any person who is or is likely to be

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with this Members' Code of Conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority; or

(e) make trivial or malicious allegations against any other person, including another member.

3.3 You must not

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where

(i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so;
(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
(iv) the disclosure is
(aa) reasonable and in the public interest; and
(bb) made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute

3.5 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

3.6 You must when using or authorising the use by others of the resources of your authority

(a) act in accordance with your authority's reasonable requirements;

(b) ensure that such resources are not used improperly for political purposes (including party political purposes);
(c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.7 When reaching decisions on any matter you must have regard to any relevant advice provided to you by

(a) the Council's Chief Finance Officer; or
(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his/her statutory duties.

3.8 You must give reasons for all decisions you make in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: MEMBERS INTERESTS

4. Disclosable Pecuniary Interests

4.1 You have a disclosable pecuniary interest in any matter to be considered or being considered by your authority if it is of a description set out at Appendix A and either:

(a) it is an interest of yours, or
(b) it is an interest of

(i) your spouse or civil partner
(ii) a person with whom you are living as husband and wife, or
(iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

4.2 You must comply with the statutory requirements to register, disclose and withdraw from participating and voting in respect of any matter in which you have a disclosable pecuniary interest

5. Personal Interests

5.1 You have a personal interest in any matter to be considered or being considered by your authority where your interest is not a disclosable pecuniary interest in that matter and either

(a) the matter relates to or is likely to affect

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
(ii) any body
(aa) exercising functions of a public nature;
(bb) directed to charitable purposes; or
(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;

(iii) the interests of a person from whom you have received a gift or hospitality with an estimated value of at least £25 or

(b) a decision in relation to that matter might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

5.2 For the purpose of Paragraph 5.1(b) a "relevant person" is

(a) a member of your family or any person with whom you have a close association; or
(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
(d) any body of a type described in Paragraph 5.1(a)(i) and (ii) above of which such persons are members or in a position of general control or management.

5.3 "Family member" as referred to in paragraph 5.2(a) above is for the time being defined as –

A spouse, partner, parent, parent in law, son, daughter, step son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and partner means a member of a couple who live together.

6. <u>Prejudicial Interests</u>

6.1 Where you have a **personal interest** in any matter to be considered or being considered by your authority you also have a prejudicial interest in that matter where 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 your judgment of the public interest and where that matter

(a) affects your financial position or the financial position of a person or body described in Paragraph 5 above, or

(b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in Paragraph 5 above.

6.2 A personal interest in any matter to be considered or being considered by your authority is not a prejudicial interest where that matter relates to the functions of your authority in respect of

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members;

(vi) setting council tax or a precept under the Local Government Finance Act 1992

PART 3: REGISTRATION OF MEMBERS' INTERESTS

7. Notification and Registration of Members' Interests

7.1 You must, within 28 days of adoption of this code or of becoming a member notify the Monitoring Officer of any disclosable pecuniary interest, or personal interest as set out in Paragraph 5 (1)(a) above, which you have, and the Monitoring Officer shall, subject to Paragraph 8 (Sensitive Interests) below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under the Localism Act 2011.

7.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under Paragraph 7.1 above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to Paragraph 8 (Sensitive Interests) enter the interests notified in the Register of Members' Interests.

7.3 You must observe the notification provisions relating to disclosable pecuniary interests which arise at meetings or when a member is acting alone which are set out at Paragraphs 9.4 and 9.6 respectively.

Registration of Gifts and Hospitality

7.4 You should record in your Register of Interests any gifts or hospitality you are offered in your role as a Member or co-opted member of the Council with an estimated value of at least £25. You should record any such gifts or hospitality within 28 days of their being offered and in any event review and update your declaration form once per quarter.

8. Sensitive Interests

8.1 Where you have an interest (whether or not a disclosable pecuniary interest) and the nature of it is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence and intimidation if the interest is entered in the Register of Members' Interests then copies of the register available for inspection and any published version of the register must not include details of the interest but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

8.2 If Paragraph 8.1 above refers to the entry of the interest in the Register of Members' Interests that provision is to be read as requiring you to disclose not the interest but merely the fact that the you have a disclosable pecuniary interest in the matter concerned.

8.3 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 8.1 above is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

PART 4: DISCLOSURE OF MEMBERS' INTERESTS AND EFFECT UPON PARTICIPATION AT MEETINGS

9. Disclosure of Interests

9.1 Subject to paragraphs 9.3 to 9.6 below, where you have a disclosable pecuniary interest or a prejudicial interest in any matter being considered by your authority and you are present at a meeting of the authority or of any committee, sub-committee, joint committee, or joint sub-committee of the authority at which the matter is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered in the Register of Members' Interests or for which you have made a pending notification.

9.2 Where you have a personal interest in any matter being considered by your authority which is not a disclosable pecuniary interest nor a prejudicial interest and you are present at a meeting of the authority or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, at which the matter is considered, you are under no obligation to make a disclosure to the meeting but you may do so if you wish.

9.3 Paragraphs 9.1 - 9.2 above only apply where you are aware or ought reasonably to be aware of the existence of the interest.

9.4 Where you have disclosed a disclosable pecuniary interest pursuant to Paragraph 9.1 above, and that interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

9.5 Where you have an interest in any matter to be considered or being considered by your authority which would be disclosable by virtue of Paragraph 9.1 but by virtue of Paragraph 9 (Sensitive Interests) details of the interest are not registered in the Council's published Register of Members' Interests, at a meeting at which you are present you must disclose the fact that you have a disclosable interest in the matter concerned but details of that interest need not be disclosed.

9.6 If a function of the Council may be discharged by **a member acting alone** and you have a disclosable pecuniary interest or a prejudicial interest in any matter to be dealt with or being dealt with in the course of discharging that function:

(a) if the interest is a **disclosable pecuniary interest** and is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date upon which you first became aware of having the interest in relation to the matter;

(b) you must not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).

10. Effect of Disclosable Pecuniary Interest or Prejudicial Interest on participation at meetings

10.1 Subject to Paragraph 10.3, if you are present at a meeting and you have a **disclosable pecuniary interest or a prejudicial interest** in any matter to be considered, or being considered at the meeting;

(a) You may not participate, or participate further, in any discussion of the matter at the meeting, or
(b) participate in any vote, or further vote, taken on the matter at the meeting, and
(c) You must withdraw from the room or chamber where the meeting considering the matter is being held,

unless you have obtained a dispensation from your authority's Standards Committee.

10.2 Subject to Paragraph 10.3, if you are present at a meeting and you have a **disclosable pecuniary interest or a prejudicial interest** in any matter to be considered, or being considered at the meeting;

(a) You may not exercise executive functions in relation to that matter, or
(b) seek improperly to influence a decision about that matter.

10.3 Where you have a **prejudicial interest** in any matter to be considered or being considered at a meeting of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Appendix A

Disclosable Pecuniary Interests

In the extract from the Regulations* below, 'M' means the member and 'relevant person' means the member, the member's spouse or civil partner or a person with whom the member is living with as spouse or as if they were civil partners.

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify the interests above as disclosable pecuniary interests for the purposes of Chapter 7 of Part 1 of the Localism Act 2011.

The Regulations provide the following definitions of terms used in the specification of disclosable pecuniary interests:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority.

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of becoming aware of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting
- As an executive member discharging a function alone, takes steps or further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member)

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

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Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct

1. Introduction

1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.

1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition, the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.

1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub- committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.

Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.
Standards Committee	A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.
Assessment Sub-Committee	A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.
Hearing Sub-Committee	A Sub-Committee of Standards Committee established to conduct hearings into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. Additional wording as follows A person may not be appointed (i) if they are currently a Member or coopted Member or employee of the Council, or they are a relative or close friend of such a person and or, (ii) they have been a Member, coopted Member or employee of the Council in the five years prior to appointment,

3.2 The Council appoints two Independent Persons. The persons appointed shall have responded to a public advertisement for the vacancies and submitted an application for the posts. The appointment of the successful applicants shall be approved by a majority of the members of the Council.

3.3 The views of an Independent Person shall be sought and taken into account by:

(i) the Monitoring Officer when deciding whether to undertake a formal investigation on an allegation.

(ii) the Hearing Sub-Committee before it makes its decision on an allegation it has been asked to investigated.

3.4 The views of an Independent Person may be sought:

(i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.

(ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made in writing, wherever possible, using the Complaint Form on the Council's website to:

Fiona Alderman
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

fiona.alderman@haringey.gov.uk

4.2 The Monitoring Officer plays a key role in promoting and maintaining ethical standards and standards investigations. The role is broad and is particularly varied. Paragraph 12 below sets out the procedure in place to address any conflicts of interest when undertaking a standards investigation, including the Deputy Monitoring Officer or a Monitoring Officer from another Council to oversee and undertake the investigation as set out in these arrangements.

4.3 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

4.4 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.

4.5 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

4.6 The Monitoring officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in his opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

5.1 The Monitoring Officer will review every allegation received and will consult an Independent Person before taking a decision as to whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.

5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.

5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and will consult with an Independent Person and if necessary the appropriate party group whips and party leaders. The

decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:

(a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or

(b) It is about someone who is no longer a member or a co-opted member of the Council, or

(c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or

(d) The same or a similar allegation has been investigated and determined, or

(e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or

(f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or

(g) the complaint is considered to be frivolous or vexatious, or

(h) If the complaint discloses such a minor, insufficiently serious or technical breach of the Code that it is not in the public interest to pursue,

(i) If the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration; or

(j) If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration.

(k) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation.

Powers of the Monitoring Officer on Assessment

(l) The Monitoring Officer (in consultation with the Chair of Standards Committee) to require that the complaint be investigated, without consideration at the Standards Sub Assessment Committee, to determine whether there has been a breach of the Code and the seriousness of the breach; and

m) to conclude that the circumstances of the complaint indicate that an offence under Chapter 7 of Part 1 of the Localism Act 2011 may have been committed and that the complaint ought to be investigated, by the police where appropriate, to determine whether a prosecution should be brought.

5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the member of the outcome, giving reasons for the decision. The Monitoring Officer will also provide an annual report to the Standards Committee on complaints dealt with under 5.3 above, as well as keeping the Chair of Standards Committee regularly informed throughout the year to help provide a view to expanding the powers available to the Monitoring Officer as appropriate. Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub Committee for consideration.

5.5 The Assessment Sub-Committee shall determine whether the allegation:

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

(b) merits further investigation.

5.6 The Assessment Sub-Committee will take into account the view of the Independent Person as provided to the Monitoring Officer under 5.1 and/or 5.3 above. It may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:

(a) The allegation is not considered sufficiently serious to warrant investigation, or

(b) The allegation appears to be motivated by malice or is 'tit-for-tat', or

(c) The allegation appears to be politically motivated.

5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation.

5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person

making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.

6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Hearing Sub-Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.

6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Hearing Sub- Committee and an Independent Person.

7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.

7.1 In these circumstances the Monitoring Officer will refer the matter to the Standards Committee. When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

(a) accept the recommendation resolve that no further action is required and dismiss the allegation, or

(b) remit the report to the Monitoring Officer for further consideration, or

(b) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.

7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of an Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult an Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

9.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:

(a) agree a date for the hearing with all the relevant parties;

(b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;

(c) establish whether the member will be represented or accompanied at the hearing;

(d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;

(e) provide information about the procedure to be used at the hearing;

(f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;

(g) establish whether the Investigating Officer intends to call any witnesses.

9.2 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.

9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request

the person making the allegation to attend and give evidence to the Standards Committee.

9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

9.5 If a member fails to attend the hearing, the Hearing Sub-Committee may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date

9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.

9.7 The Hearing Sub-Committee, having sought and taken into account the views of an Independent Person may conclude:

(a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or

(b) that the member did fail to comply with the Members' Code of Conduct.

9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of an Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:

(a) Publish its findings in respect of the member's conduct;

(b) Report its findings to Council for information;

(c) Issue the member with a formal censure or be reprimanded, a report of which may be submitted to Council;

(d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

(e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

(f) Instruct the Monitoring Officer to arrange training for the member;

(g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet;

(h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or

(i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings;

(j) Take no further action

(k) Any other appropriate sanction which may be available to the Sub-Committee.

10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub Committee has resolved to take.

10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee.

10.5 The decision notice shall include a brief statement of facts, the provision of the Code of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

10.6 As soon as reasonably practicable, the decision will be communicated as follows:

(a) a copy of the decision notice will be sent to the person making the allegation and to the member concerned.

(b) the decision notice will be made available for public inspection at the Council's offices and on the Council's website.

(c) the decision will be reported to the next convenient meeting of the Council.

11. Appeals

11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee.

11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Conflicts of Interest

12.1 No member or officer of the Council will participate at any stage of this protocol if he or she has a conflict of interest in the matter.

12.2 Any member or officer with a potential conflict of interest must disclose it to the Monitoring Officer/Investigating Officer as soon as reasonably practicable.

12.3 The Monitoring Officer/Investigating Officer shall consider the appropriate steps to be taken in the event of a potential conflict of interest and may consult an Independent Person. Where appropriate, the deputy monitoring officer or a monitoring officer from a different authority may undertake the investigation.

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.

2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.

3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.

5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer.

6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.

7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses.

8. Members of the Sub-Committee may question the Member and any witnesses.

9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.

10. The Member or his/her representative may sum up his/her case and make a closing speech.

11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.

12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-

    (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or

    (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

    The Sub-Committee will give reasons for its decision.

13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.

15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision.

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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Part Five, Section B

Protocol on Member/Officer Relations

Contents

1. Introduction....2
2. Role of Members and Officers....2
3. Expectations....3
4. Provision of information....5
5. When Things Go Wrong....9

1. Introduction

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

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

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

2. Role of Members and Officers

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

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

Members

2.2 Members have four main areas of responsibility:

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

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

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

2.4 All members, including members of the Opposition or of Scrutiny Committees or Panels, have the same rights and obligations as individual members in their relationships with officers and should be treated equally.

Members of the Cabinet, Chairs and Vice Chairs

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

Officers

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

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

Communications

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

Children's Services

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

Arms-Length Organisations

2.10 When the Council establishes arms-length organisations to exercise its functions, for example Homes for Haringey, the employees of the organisation should be considered as officers for the purposes of this protocol.

3. Expectations

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

(a) A working partnership;
(b) An understanding of and support for respective roles, workloads and pressures;

(c) Respect, dignity and courtesy;
(d) Integrity, mutual support and appropriate confidentiality;

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

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

Limitations upon behaviour

3.4 The distinct roles of members and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:
(a) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception by others that a particular member or officer may secure advantageous treatment. They should therefore be avoided;

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

4. Provision of information

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

Members of the Cabinet, Chairs and Vice Chairs

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

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

Ward Councillors

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

Major Incidents and Emergencies

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

Members' Enquiries

4.6 Any member may ask the relevant Director to provide him or her with such factual information, explanation and advice about the Department's functions as he or she may reasonably need in order to assist him/her in discharging his

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

or her role as a member of the Council or acting for and on behalf of the Council as an appointed representative to another body. These requests will be met where the member has a legal right to the information. If that right arises under the Freedom of Information Act, the Member shall not be required to make a formal FOI request.

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

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

4.9 Any requests for information made by political group assistants on behalf of members of their group should be treated in exactly the same way as if those members had made the request themselves. The political group assistants, when making such requests should clearly indicate on which member's behalf they are acting.

Briefings to political groups

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

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

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

Officer attendance at political group meetings

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

4.14 Attendance at a meeting of a political group should be on the basis of equality of access, and members and officers should avoid officers being exposed to

political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

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

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

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

Members' Access to Reports and background papers

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

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

4.19 The rights of members can be summarised as follows:

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

4.20 It is important to note that these rights only apply where members are clearly carrying out their role as elected representatives. Where any member has a disclosable pecuniary interest or a personal and prejudicial interest in a matter

the member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/Committee/Sub-Committee Agenda. In these circumstances, the member must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.

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

Confidential/Exempt Information

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

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

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

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

Use of Council Information – Confidentiality

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

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

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

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

5. When Things Go Wrong

5.1 Rarely, the relationship between members and officers will fall short of expectations. In such instances, it would always be preferable to deal with matters at an early stage and informally through conciliation through a senior manager or political group leadership or whips. This may not always be possible, in which case the following procedures should be followed.

Procedure for officers

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

Procedure for Members

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

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Part Five, Section C
Protocol for Key Decisions

1. The Council has adopted the statutory definition of key decisions as set out in Regulations. This is: an Executive decision which is likely:-

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

2. The Council has not set thresholds of savings and expenditure for different services and budget heads where decisions on expenditure or savings above these limits would be key.

3. The reasons for defining a matter as a key decision is so that it will be included in the Forward Plan and that papers relating to that decision will be publicly available, in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution. The meeting of the Executive at which that decision will be taken will also be public, subject to the Access to Information Procedure Rules.

4. In terms of the first part of the definition set out above, the following shall be key decisions:

   ~~(a)~~ Award of contracts or expenditure estimated at £500K or above except “spot contracts” and contracts for the supply of energy to the Council
   (b) Virements between service area revenue cash limits of £250k or above
   (c) Virements between service area capital budgets.

5. In terms of the second part of the definition set out above, Directors are required to consider in respect of each decision whether it is likely to affect more than one ward. If it does, Directors are required to consider whether the impact on those wards is significant. The following factors should be taken into account:

   (a) Extent of the impact (i.e. how many wards will be affected)
   (b) Likely views of those affected (i.e. is the decision likely to result in substantial public interest)

(c) Where the decision may incur a significant social, economic or environmental risk

6. Where there is any doubt, Directors should refer the decision to the proper officer for the Leader to decide whether or not it is key.

7. Officers are prohibited from taking key decisions. Key decisions may only be taken in accordance with Part 4 Section F of this Constitution.

Part Five, Section D
Protocol for Decision-Making

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

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

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

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

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

1.1. All decisions shall be allocated by the Leader to the Cabinet or Cabinet Member or delegated to a Committee or Sub-Committee.

1.2. No decision shall be taken except upon a written report in accordance with this Protocol.

1.3. A Director shall prepare a written report which shall be the subject of consultation with

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

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

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

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

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

1.7. Urgent Decisions

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

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

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

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

Planning Protocol 2026

Section	Title	Page
1	**PURPOSE OF THE PROTOCOL**	**3**
2	**PLANNING FUNCTIONS**	**3**
	Administration of Planning Functions in Haringey	**4**
	Planning Applications by Councillors or Officers of the Council	**4**
	Planning Applications by the Council	**5**
	Referring applications to the Planning Sub-Committee	**5**
3	**THE MEMBERS' CODE OF CONDUCT**	**6**
4	**CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE**	**6**
	Training	**6**
	Open and fair decisions	**6**
	General Principles including Bias and Predetermination	**6**
	Declaring an interest	**8**
	Disclosable pecuniary interests	**8**
	Other interests	**9**
	Council Owned Land	**9**
	Consistency	**10**
	Party political whips	**10**
	Members' engagement with planning decisions	**10**
	Discussions and negotiations while the application is current but prior to determination	**11**
	Approaches by applicants to Members	**11**
	Lobbying and representations	**12**
	Residents/Local Groups/Other Occupiers	**13**
	'Decision Maker' role	**14**
	'Local Member' role of a Planning Sub-Committee Member	**14**
	Non Planning Sub-Committee /Local Ward Member role	**14**
	Effect of Prejudicial etc Interests	**15**
	Social Contacts	**15**
	Hospitality	**15**
5	**MEETINGS AND BRIEFINGS**	**16**

Section	Title	Page
	Briefings to Members from applicants	**16**
	Planning Forum	**19**
	Quality Review Panel	**22**
6	**MEMBERS NOT ON PLANNING SUB-COMMITTEE**	**22**
7	**OTHER CONDUCT OUTSIDE COMMITTEES**	**23**
8	**SANCTIONS**	**23**
9	**MEMBERS AND OFFICERS OF THE COUNCIL**	**24**
	The role of elected Members	**24**
	The role of officers	**24**
	Contact between Members and officers	**25**
10	**PROTOCOL FOR PLANNING SUB-COMMITTEE MEETINGS**	**25**
	At Committee	**25**
	Legal Advice	**25**
	The Sub-Committee meeting	**26**
	General Principles for hearing representations and petitions	**26**
	The procedure for addressing the Sub-Committee	**27**
	Running order for planning applications	**28**
	Motions and decisions contrary to officer recommendation	**29**
	Deferrals	**30**
	For larger or more contentious applications	**31**
	Equal Opportunities	**31**
11	**SITE VISITS**	**32**
	Procedure	**32**
	Procedure for individual Members	**32**
12	**REVIEW OF THE PROTOCOL**	**33**

1. PURPOSE OF THE PROTOCOL

1.01. This Protocol has been adopted by Haringey Council to explain and supplement the Members' Code of Conduct in relation to planning matters.

1.02. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and are vital to the discharge of the Council's planning functions, which adherence to the Protocol is intended to build public confidence in.

1.03. The purpose of the Protocol is:

(a) to explain how Members of the Planning Sub-Committee should exercise the discharge of the Council's functions, including behaviour in relation to applicants, residents and other third parties;

(b) to ensure a consistent and proper approach by all Members to the exercise of planning functions;

(c) to ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;

(d) to ensure the probity of planning matters and the high standards expected in public office; and

(e) to ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.

1.04. This Protocol is supplementary to The Members' Code of Conduct in Part Five Section A of the Council's Constitution, which shall all continue to have full force and effect.

1.05. Copies of this Protocol will be made publicly available online and will be kept under review.

2. PLANNING FUNCTIONS

2.01. Planning law requires the Local Planning Authority ("LPA") to determine all planning applications "in accordance with the development plan unless material planning considerations indicate otherwise" (Section 38(6) 2004 Act). The development plan in Haringey comprises the London Plan together with the Council's local plan and when adopted further local plan documents (e.g. area action plans) and if applicable neighbourhood development plans (together "the Development Plan"). In cases of development involving works within a conservation area, or where the development is likely to affect the setting of a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a duty on the Council to the desirability of preserving the listed building or its setting and Section 72 of that Act requires LPAs to

pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In accordance with the NPPF, in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development.

2.02. The responsibilities of the LPA must be performed without undue influence or consideration of a personal interest. When determining planning applications Members must only take into account the Development Plan and any material planning considerations. The Members of the authority are elected to represent the interests of the whole community in planning matters. Views relating to material planning considerations expressed by neighbouring occupiers, local residents and any other third parties must be taken into account but local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission.

2.03. The planning system does not exist to protect the interests of one person against the activities of another. The issue is not whether owners and occupiers of neighbouring properties would experience financial or other impacts as a result of a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Administration of Planning Functions in Haringey

2.04. The performance of the Council's planning function is largely delegated to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (See table below). Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the Committee to focus on the most significant proposals.

2.05. The Planning Sub-Committee will receive, for its information, a regular report identifying the planning applications which have been determined by officers under the scheme of delegation, and the decisions thereon.

Planning Applications by Councillors or Officers of the Council

2.06. When a planning application is submitted by a serving member; or senior officers (Senior Leadership Structure); or officers within the Planning & Building Standards directorate; or by a close relative or a close friend of either an officer or member; or by a member acting as agent for the applicant, the member or officer concerned will:

- take no part in the processing and determination of the application; and
- advise the Monitoring Officer and the Director/Head of Service of the application.

2.07. The report of the Director/Head of Service will include confirmation from the Monitoring Officer that these requirements have been met.

Planning Applications by the Council

2.08. Subject to the provisions of the Town and Country Planning General Regulations 1992 planning applications made by or on behalf of the Council will be treated in the same way as those made by or on behalf of private applicants.

Schedule 1 and Schedule 2 and Own -Interest Applications

2.09. All Members of the Council receive copies of the weekly list detailing which applications have been received. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 requires applications identified in Schedule 1 to the Regulations summarised in the table below to be determined by officers and Schedule 2 also summarised below, unless the Nominated Member (Chair or in their absence the Vice-Chair of the Planning Sub-Committee) and the Nominated Officer (Head of Development Management and Planning Enforcement or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service) agree that the application should be referred to Planning Sub Committee.

Category	**Delegated to**	**Application type**
Schedule 1	Officers	1. Certificates of **appropriate alternative development** 2. An application made under section 26H (1) of the Listed Buildings Act (**certificate of lawfulness** of proposed works) 3. A **householder** application 4. A **minor commercial** application (floorspace less than 1,000 sq,m. on a site less than 1 hectare) 5. A **minor residential** application (between one and 9 dwellings on a site less than 0.5 hectare)

		6. An application for **permission in principle** 7. An application made under section 73(1) of Town and Country Planning Act (TCPA) 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission – i.e. **material amendments** 8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle) i.e. **non-material amendments** 9. In respect of a **planning obligation** that the authority considers is connected with a Schedule 1 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations) (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations) 10. An application made under section 191(1) of TCPA 1990 (**certificate of lawfulness of existing use or development**) 11. An application made under section 192(1) of TCPA 1990 (**certificate of lawfulness of proposed use or development**) 12. The submission of a **biodiversity gain plan** under paragraph 13(2)(a) of Schedule 7A to TCPA 1990 13. **A reserved matters approval application** in respect of an outline

		planning permission, other than a large outline permission 14. An application made under article 27 (1) of the Development Management Procedure Order (applications made under a **planning condition**) 15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**21**) for— (a) **prior approval**, or (b) a **determination as to whether prior approval is required**.
Schedule 2	Officers **UNLESS** the Chair of the Planning Sub-committee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee'	1. **An application for listed building consent** made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).* 2. An application made under section 19(1) of the Listed Buildings Act (**variation or discharge of conditions of listed building consent**).* 3. An application for planning permission that the authority considers is connected with an application specified in 1 or 2. **4.** An application for planning permission that is **not—** **(a) a householder application,** **(b) a minor commercial application, or** **(c) a minor residential application.** 5. An application made under section 73(1) of TCPA 1990 i.e. **material amendment application** (application to develop land without compliance

		with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission. 6. An application made under section 73A (1) of TCPA 1990 i.e. **material amendment application** (planning permission for development already carried out) 7. In respect of a **planning obligation** that the authority concerned considers is connected with a Schedule 2 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations); (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations). 8. **A reserved matters approval application** in respect of a large outline permission (at least 500 homes and/or 50,000m2 floorspace created) 9. An application made under regulation 9 (1) of the Town and Country Planning (**Control of Advertisements**) (England) Regulations 2007 (application for express consent to display advertisement)* 10. An application made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (**application**

		for consent under tree preservation order)*
Own-interest applications	Officers. **UNLESS** the Chair of the Planning Sub-committee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee	Schedule1 and/or Schedule 2

Gateway Test

2.10. Deciding which Schedule 2 or Own-Interest applications are to be referred to Planning Sub Committee is referred to in the statutory guidance issued by the Secretary of State, which states that regard must be had to the 'Gateway Test'.

The matters for consideration at the Gateway Test are whether the application raises:
(a one or more issues of economic, social or environmental significance to the local area, OR
(b) one or more significant planning matters having regard to the development plan and any other material consideration

The statutory guidance provides that the following circumstances are unlikely to raise a significant planning matter:
1. where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application;

2. where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the Nominated Officer has compelling reasons to consider otherwise).

Gateway Request

2.11. For Schedule 2 applications (* with the exception of applications for Advertisement Consent, Listed Building Consent, applications to vary/modify applications to discharge conditions for a listed building consent, works to a tree protected under a TPO and works to a tree located within a conservation area) any Member of the ward within which the application site is situated may make a 'Gateway Request', asking that the application be considered by the Nominated Member and Nominated Officer against the Gateway Test. The request must be in writing within the statutory consultation period for the application, and set out the planning reasons why it is considered that the matter should be referred to the Planning Sub Committee for decision. A Gateway Request does not confer any entitlement for the application to be referred to Planning Sub Committee and does not constitute a member call-in. The Nominated Member and Nominated Officer shall determine whether referral is justified having regard to the Gateway Test.

Own- Interest Applications

2.12. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 do not require that the Nominated Member and Nominated Officer consider the Gateway Test when deciding whether a Schedule 1 or 2 application made by or on behalf of the Council, a member or officer or the Council, a member or an officer has an interest in should be referred to the Planning Sub-committee, but the statutory guidance provides that such applications may be referred in the interests of transparency and public accountability.

3. THE MEMBERS' CODE OF CONDUCT

3.01. The Members' Code of Conduct ("the Code of Conduct" Part 5 Section A) applies to Members of the Planning Sub-Committee as to all Members of the Council. The parts of the Code of Conduct on personal and prejudicial interests, the register of those interests and receipt of gifts and hospitality are particularly relevant. Members of the Sub-Committee should also have regard to the general principles of conduct when exercising their planning functions.

4. CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE

Training

4.01. No Member of the Planning Sub-Committee nor any substitute Member shall attend a meeting of the Sub-committee as a voting member unless

training regarding the planning system has been undertaken and thereafter at least 5 hours of training is undertaken per municipal year.

Open and fair decisions

4.02. For a decision to be open and fair:

- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a disclosable pecuniary interest or prejudicial interest (see below for further information about these) in the outcome;
- Previous decisions may be a material consideration; and
- The reasons for the decisions should be clearly set out.

General Principles including Bias and Predetermination

4.03. With regard to decision making:

4.04. Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

4.05. Do consider open and impartial professional advice from their Planning Officers. Do make planning decisions having considered the written officers' report and their advice at the Sub-committee.

4.06. Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision.

4.07. Don't take a decision regarding a planning application with a closed mind or inclination or prejudice for or against a party or interest to avoid legal challenges on the ground that a Member had pre-determined their decision or where perceived to be or where biased.

4.08. Do be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.

4.09. Where any Member makes representations in support or objection to the 'Planning Service', in writing or orally, in relation to any application, those representations will be recorded for inclusion in the officers' report. Where these representations constitute a closed mind on the development, the Member will not take part in the deliberations of the Sub-Committee but may exercise the rights of a Ward Member. Where you do:

- advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
- remove yourself from the seating area for members of the Committee for the duration of that item;
- remove yourself from the room when you are not exercising your speaking rights or answering questions from Committee members; and
- ensure that your actions are recorded in accordance with the Authority's committee procedures.

4.10. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.

4.11. Section 25 of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because:

- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter; and
- the matter was relevant to the decision.

4.12. This provision does not change the law on bias and pre-determination which means that Sub-Committee Members must still take planning decisions with an open mind and having taken into account all relevant material planning considerations. What s.25 does provide is that statements made by Members cannot be used in court as evidence that the Member in question had or appeared to have a closed mind. Other evidence or any evidence that a Member has taken into account irrelevant considerations, however, is not so restricted by s.25.

4.13. Notwithstanding the s.25 provisions, the safest course is for Sub-Committee Members to avoid making public statements (including expressing views in emails) as to their support for or opposition to any application which would indicate they had made up their minds before the formal consideration of the application at the meeting. If a Sub-Committee Member has made such a statement they must be satisfied that they can still consider the application with an open mind and are prepared to take into account any new matters or any new arguments in favour of or against the proposed development until the decision is made otherwise they should not take part in any decision on the application in question. In which case it is to be treated the same as any other prejudicial interest, as will cases of perceived bias, and the Member shall declare this interest and leave the room for the item in question as set out below.

Declaring an interest

4.14 Members shall declare any disclosable pecuniary interest or prejudicial interest in any application on the agenda for a Planning Sub-committee meeting before any application is considered at a meeting like at other Council committee meetings and shall withdraw from the meeting room as it is not possible to participate in any discussion or vote on an application if a Member has such interest as set out in paragraphs 9.3 and 10.1 of the code.

4.15. When declaring an interest a Member must describe the nature of that interest and how it relates to an application as outlined in See paragraphs 4, 6, 7 and 8 of the code.

Disclosable pecuniary interests

4.16. 'Disclosable pecuniary interests' are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix A to the Code of Conduct. The categories of disclosable pecuniary interests include employment or office, interests in land in the Borough and contracts with the Council.

4.17. An interest is a 'disclosable pecuniary interest' if it is of a type described above and it is an interest of the Member or of their spouse or civil partner, a person with whom they are living as husband and wife or a person with whom they are living as if they were civil partners and the Member is aware of the interest. Members should note the criminal sanctions for failure to comply with these requirements (as outlined in Appendix B of the Code of Conduct).

Other interests

4.18. A Member may have other interests such as 'Personal' interests which it is advised, be declared in the public interest. For example, such an interest may arise where the Sub-Committee Member resides near a development which is the subject of the planning application under consideration.

4.19. All Members who are not members of the Planning Sub-committee shall, if in attendance at a meeting of the Planning Sub-committee, declare any disclosable pecuniary interest or prejudicial interest in an application on the agenda for a meeting.

4.20. Members should seek advice from the Monitoring Officer in advance of a Planning Sub-Committee meeting if they are not clear whether a declaration of interest should be made at a meeting of the Sub-committee or where that is not possible, advice should be sought from the legal officer in attendance at the Planning Sub-committee meeting so that they can decide whether or not they have an interest which means they cannot

participate in the consideration of a planning application which the interest relates to.

Council Owned Land

4.21. The Planning Sub-Committee from time to time considers applications involving land owned or recently owned by the Council. Members will consider carefully whether they should take part in the deliberations of the Sub-Committee on an application, involving that land, where they took part in any decision of the Cabinet or other Council body in relation to the land. They will take into account whether an observer with knowledge of all the relevant facts would suppose that there might be any possibility that the involvement in the decision on the land could amount to reaching prior conclusions on the planning issues, or other-wise adversely affect the Member's judgement in any way.

4.22. Any Member, whether or not a Member of the Cabinet, will take great care in the consideration of applications, or local plan proposals, affecting land owned or recently owned by the Council to ensure that the planning decision is made and seen to be made solely on planning grounds.

Consistency

4.23. Previous decisions may be a material consideration. The Sub-Committee report will set out the relevant considerations and will draw attention to decisions on any other similar cases where appropriate.

Party political whips

4.24. Planning decisions cannot be made on a party political basis. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration. Political Meetings can never dictate how Members vote on a planning issue.

Members' engagement with planning decisions

4.25. Members will want to actively and positively engage with planning decisions. All Members can:

- advise objectors/applicants/others on planning processes and how to get involved;
- give advice about adopted planning policies and local priorities
- direct lobbyists, applicants or objectors to the relevant planning officer so that their opinions can be included in the officer's report;
- lead on local discussions in the preparation of the development plan documents, area action plans and supplementary planning documents;
- provide input into the preparation of planning briefs and guidance;
- receive and pass on information, for example weekly lists and briefings from officers on key proposals;
- attend Planning Forum meetings, ask questions there; and
- raise issues important to local people and to the applicants.

4.26. To ensure that Members and the Council are not open to challenge Members should:

- preface relevant discussions with a disclaimer; the nature of this will depend on their role within the authority in the context of planning;
- clearly indicate that any discussions with them are not binding on the Council;
- be clear about the distinction between giving advice and engaging in negotiation so only engaging in the former;
- involve officers where this will help to safeguard transparency and the appearance of bias;
- be aware of relevant policies included in the Council's adopted plans but give consideration to other matters relevant to planning; and
- seek the advice of the Monitoring Officer when they are unsure of what they are able to do and in relation to any potential "interest".

4.27. Members should not:

- expect to lobby and actively support or resist an application/decision and subsequently vote at Committee or Cabinet; or
- seek to put undue pressure on officers or Members of a deciding Committee to support a particular course of action in relation to a planning application or other planning decision and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

4.28 This does not mean that a Councillor may not question robustly or argue forcefully for a particular course of action.

Discussions and negotiations while the application is current but prior to determination

4.29. Once an application has been submitted, officers are working to strict deadlines to ensure that the application can be efficiently and properly determined. They may, during that period, enter into discussions, and sometimes negotiations, with the applicant or their agent in order to clarify aspects of the scheme or to ensure that the applicant is aware of the council's policy requirements. Sometimes such discussions will also convey to an applicant the views of third parties or consultees.

4.30. At this stage it is not appropriate for Members, whether or not they are on the Planning Sub-Committee, to enter into direct discussions and /or negotiations with applicants or consultees. Members should recognise the clear distinction between negotiation and listening without prejudice to views which may be expressed to them (see the section on Lobbying below). For Members to enter into negotiations whilst an application is current at best sends a confused message to applicants and consultees about who is officially speaking on behalf of the Council, and at worst will without doubt result in the Member appearing to show bias or pre-disposition. However, this does not prevent Members at this stage asking officers for information about an application, or from passing on the views of constituents or others, indeed this would be a proper area of Member activity. Members should at the same time ensure that any requests for advice or interpretation are passed to officers.

Approaches by applicants to Members

4.31. Members of the Planning Sub-Committee will discourage any applicant or agent, or other interested party such as a landowner from approaching them directly in any way in relation to planning proposals. If an approach is received, the Member will take care not to give any commitment, or the impression of a commitment that he or she holds any particular view on the matter.

4.32. If an approach is received by a Member of the Planning Sub-Committee from an applicant or agent or other interested party in relation to a particular planning application, then the Member will:

(a) Inform the applicant that such an approach should be made to Officers of the Council;
(b) Keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
(c) Disclose the fact and nature of such an approach at any relevant meeting of the Planning Sub-Committee.

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

4.33. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Director/Head of Service in order that those representations may be taken into account in any report to the Planning Sub-Committee.

Lobbying and representations

4.34. The proper place for supporters to make comments or objectors to raise their concerns is in writing in response to public consultation on a planning application or by making representations at a Sub-Committee meeting. Sub-Committee Members may nevertheless receive lobbying material through the post or by email from either the applicant or the objectors or be approached personally by interested parties. In dealing with such approaches, it is important for Sub-Committee Members not to do or say anything that could be construed as bias or pre-determination.

4.35. Where Sub-Committee Members receive lobby material through the post or by email they should forward it to the Director/Head of Service. If Sub-Committee Members feel it is necessary to acknowledge receipt of or comment on the correspondence, they should consider the advice on bias or predetermination in this Protocol and should send a copy of their response to the Director/Head of Service.

4.36. If a Sub-Committee Member is approached by an individual or an organisation in relation to a particular planning application, they may listen to what is said but they should explain that because they are a Member of the Sub-Committee they must keep an open mind until they have seen all the material before the Sub-Committee. A Sub-Committee Member might suggest that the individual or organisation should:

- Where an application is not yet on a Sub-Committee agenda, write to the Planning Officer responsible for the particular case who will take

into account any material planning considerations raised in the representations when preparing a report for the Sub-Committee; or

- If the application is already on a Sub-Committee agenda, contact the Sub-Committee Clerk to make a request to speak at the Sub-Committee meeting.

4.37. In either case contact another Member who is not a Sub-Committee Member to seek their support. Generally speaking, this should be the Ward Councillor for the Ward within which the application is made.

4.38. If a Sub-Committee Member does decide to become involved in organising support for or opposition to a planning application or has offered an opinion on a planning application, then that Sub-Committee Member must take into account the advice on bias or predetermination in this Protocol. If after considering that advice the Sub-Committee Member comes to the view that on an objective assessment they cannot sit on the Sub-Committee and decide the application with an open mind, they should not be part of the Sub-Committee that decides the application. They can however attend the Sub-Committee meeting and speak on their constituent's behalf and adopt the role of local Member rather than decision maker.

Residents/Local Groups/Other Occupiers

4.39. If a Member of the Planning Sub-Committee is approached by local residents, business or other occupiers in relation to an application, which the residents or others wish to object to or support, the Member will listen to the views but will take care not to give any commitment, or the impression of a commitment that they hold any particular final view on the application.

4.40. Members of the Planning Sub-Committee will:

(a) Encourage the interested party to contact another Ward Member or other elected Member who is not a Member of the Planning Sub-Committee;
(b) In the case of significant meetings on planning matters keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
(c) Disclose the fact and nature of significant discussions at and relevant meeting of the Planning Sub-Committee.

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

4.41. Meetings and discussions with constituents are an important part of a Ward Member's functions, and this Protocol is not intended to harm those contacts unnecessarily. Members of the Planning Sub-Committee

should avoid taking an active role in meetings to promote residents' objections to applications. Nothing in this Protocol prevents Members from listening to local concerns, giving factual information about an application or the planning process, or from directing residents to other sources of information or assistance.

4.42. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Director/Head of Service in order that those representations may be taken into account in any report to the Planning Sub-Committee.

'Decision Maker' role

4.43. A Councillor who is a Member of the Planning Sub-Committee or a suitably trained substitute and who takes part (or who intends to take part) at a meeting of the Planning Sub-Committee in the determination of particular Planning Application will for the purposes of this Protocol be a "Decision Maker" in relation to such Planning Application.

4.44. A Councillor who is a Decision Maker shall comply with the provisions of the Code of Conduct generally.

'Local Member' role of a Planning Sub-Committee Member

4.45. Where a Planning Sub-Committee Member wishes to make representations on behalf of his/her constituent(s), for the purposes of this Protocol he/she will be a "Local Member" in relation to that planning application. He/she may attend a meeting of the Planning Sub-Committee to make representations about the planning application on behalf of their constituents

4.46. A Councillor who is a Local Member shall comply with the Public Speaking Provisions and the Code of Conduct generally. Further provisions relating to the "Local Members" role are also contained in the next following section.

Non Planning Sub-Committee /Local Ward Member role

4.47. Subject to the provisions of the Code of Conduct generally a Councillor who is not a Member of the Planning Sub-Committee (whether or not he/she plays or intends to play the role of "Local Member") will be free to:

- discuss any planning application with the applicant / agent / objector / lobby group;
- attend any locally organised meeting concerning the application;
- attend any meeting concerning the application and speak about the application (including expressing a view either for or against the application);
- relay relevant information about the application to a planning officer;

- seek information/clarification about the application from a planning officer; and
- should follow the rules on lobbying in accordance with this Protocol.

Effect of Prejudicial etc Interests

4.48. Where a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the Member's judgement of the public interest, then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct (Part 5 Section A of the Council's Constitution). The Member must abstain from discussion and voting on the matter and leave the room while that application or other matter is under discussion except as provided below. The Member must also avoid any attempt to influence the decision improperly.

4.49. A Member declaring a prejudicial or any other interest that precludes their determination of an item may attend during that item but only for the purposes of making representations about the matter, answering questions or giving evidence about it and then only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.

Social Contacts

4.50. Members of the Planning Sub-Committee will minimise their social contacts with known applicants and refrain altogether from such contacts when developments are known to be contemplated or applications are being proposed, or where controversial decisions are likely to be needed.

Hospitality

4.51. Members of the Planning Sub-Committee will reject any offers of gifts, hospitality or future favours made personally or by way of deals for the Council or the community, from lobbyists. Any such improper approach will be reported immediately to the Chief Executive.

5. MEETINGS AND BRIEFINGS

Briefings to Members from applicants

5.01. Enabling an applicant to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible. Early Member engagement in the planning process is encouraged and supported by the NPPF, the Local Government Association Planning Advisory Service guidance on Probity in Planning (2019) and the Royal Town Planning Institute Practice Advice on Probity and the Professional Planner (2020).

5.02. Haringey proposes to achieve this objective through formal briefings of relevant Cabinet Members and the Planning Sub-Committee in accordance with procedures set out in this Protocol. Cabinet and Sub-Committee Members taking part in such briefings should do so in their strategic borough-wide capacity rather than in their local 'ward' capacity. No decision will be taken at such meetings and the final applications will be the subject of a report to a future meeting of the Sub-Committee.

5.03. The purpose of briefings are:

- To enable Members to provide observations that support the development of high quality development through the pre-application process, and avoid potential delays at later stages;
- To enable Members to highlight strategic Council and Local Plan objectives and requirements set out in planning policy or guidance that are particularly relevant to an application;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Sub-Committee;
- To make subsequent Planning Sub-Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

5.04. What sort of presentations would be covered in the briefings?

- Presentations on proposed large-scale developments of more than 50 homes, or 5,000 sq m of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Director/Head of Service considers early discussion of the issues would be useful; and
- Presentations on other significant applications, such as those critical to the Council's placemaking programmes, significant Council developments, or those requested by the Chair of the Sub-Committee.

Applicant's briefings to relevant Cabinet Members and the Chair "Strategic Planning Briefings"

5.05. Frequency and timings of meetings

As required by agreement with the Leader of the Council / Cabinet Member with responsibility for Planning and Director/Head of Service.

5.06. Invitees to meetings

- Relevant Cabinet Members which could include:
  - The Leader of the Council;
  - The Cabinet Member with responsibility for Planning;
  - The Cabinet Member with responsibility for Placemaking;
  - Other relevant Cabinet Members;
- Chair of the Planning Sub-Committee;
- Director of Planning & Building Standards;
- Head of Service;
- Other relevant officers.

5.07. Format of the meetings

- The meeting will be chaired by either the Leader of the Council or the Cabinet Member with responsibility for Planning who will ask Members attending to disclose any relevant interests; and
- The applicant will supply presentation materials including any models;
- Officers to introduce the proposal and advise of issues arising from the Planning Forum (where this has taken place):
- The applicant will be invited to make a presentation of up to 15 minutes;
- Members will be able to highlight strategic objectives of the Local Plan and ask questions to the applicant and officers. These questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a Member being perceived as taking a fixed position on the proposals;
- Summary of the comments raised.

5.08. These meetings would not be held in public to respect the confidentially of the pre-application process and protect applicants' commercial interests but a short note of the meeting summarising Members' comments would be made. If and when a planning application relating to the proposal discussed is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

Applicant's briefings to Planning Sub-Committee "Pre-application briefings to Committee"

5.09. Frequency and timings of meetings

Once a month or by agreement with the Chair and Director/Head of Service.

5.10. Invitees to meetings

- All Members of the Planning Sub-Committee;
- Relevant Cabinet Members;
- Ward Members;
- Local amenity groups;
- Director;
- Head of Service;
- Other relevant officers.

5.11. Format of the meetings

- The meeting will be chaired by the Chair of the Planning Sub-Committee who will ask Members attending to disclose any relevant interests; and
- The applicant will supply presentation materials including any models;
- Officers to introduce a report, the proposal and advise of issues arising from the Planning Forum (where this has taken place):
- The applicant will be invited to make a presentation of up to 15 minutes or longer if agreed by the Chair due to the scale or complexity of the proposal;
- Ward Members will have the opportunity to give their views for a maximum of three minutes each.
- The Cabinet Members will have the opportunity to give their views for a maximum of three minutes each.
- Members of the Planning Sub-Committee will be able to highlight strategic objectives of the Local Plan and ask questions to the applicant and officers. These questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a Member being perceived as taking a fixed position on the proposals;
- Comments of Members of the Planning Sub-Committee; and
- Summary of the comments raised.

5.12. These meetings are held in public and are webcast although there are no public speaking rights including amenity groups.

5.13. A short note of the meeting summarising Members' comments would be made. If and when a planning application relating to the proposal discussed is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is

submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

5.14. Applicant participation in the Applicants' briefings to Planning Sub-Committee would not normally happen prior to a Planning Forum or other public meeting or public consultation being held relating to the site or prior to attendance at the Quality Review Panel subject to programming and scheduling pressures.

5.15. Comments and questions can be raised, and this can also include positive engagement about the proposed development. However, Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.

Planning Forum

5.16. The Council has established a Planning Forum to facilitate the discussion of large-scale or contentious planning proposals. The forum does not reach a decision about a proposal. Its purpose is to allow participants to raise issues of concern and obtain answers to questions about the particular application. The aim is to allow early discussion by Members and members of the public on planning issues related to these planning proposals and to explore the scope for agreement between all parties in a positive and constructive way prior to the later decision being made at the Planning Sub-Committee. Forum meetings will usually take place prior to the submission of an application but can take place at an early stage of the formal process before the Planning Sub-Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to address the Planning Sub-Committee when an application is to be determined or the holding of exhibitions and or public meetings where these are considered appropriate.

<u>What applications does the forum consider?</u>

5.17. Applications that may be considered by the forum include major applications and those of significant local interest. It is not possible to prescribe the exact type of proposals but they may include the following:

- Applications which involve more than 50 homes or over 5,000 sq m of floor space;
- Those that do not meet the threshold above but are likely to generate significant local interest
- Those applications that involve a major departure from the Council's planning policy; or
- Those applications that involve tall buildings i.e. over 6 storeys.

5.18. Applications that will not generally be considered by the forum include:

- Minor planning applications to alter or extend houses;

- Applications to confirm whether a use of land or buildings needs planning permission (a 'lawful development certificate');
- Applications to put up advertisements;
- Amendments to applications or those which have already been the subject of a forum discussion; or
- Applications where there will be a recommendation for refusal.

5.19. A forum meeting will be held when the Director/Head of Service, in consultation with the Chair of the Planning Sub-Committee, considers that a forum would be beneficial in resolving issues on a particular planning proposal. For forum meetings held at the pre application stage site notices and emails to local groups and councillors will be sent advising them of a proposed meeting. For those meetings held following the submission of a planning application consultees will be advised in accordance with the Council's consultation policy as set out in the Council's Statement of Community Involvement (SCI) in force at the time as part of the consultation on the planning application.

Who can attend?

5.20. Meetings are open to all Members, local businesses and residents. Normally one application or proposal will be considered at each forum to allow for effective discussion. To assist the running of the meeting an agenda is prepared and a short briefing note on the proposal is available.

5.21. The format of the meeting is as follows:

- A senior planning officer chairs the forum. They ensure that all planning issues arising from the proposal are raised. Planning officers provide information on the progress of the proposal.
- The applicant is invited to make a presentation of the proposal for a maximum of 15 minutes.
- Local residents and organisations have an opportunity to present their views either for or against the proposal.
- The applicant responds to questions from Members of the Planning Sub-Committee, ward councillors and local business and residents.

5.22. An attendance record is kept and a note of the meeting is made. If and when a planning application relating to the proposal considered by a Planning Forum is submitted the note of the meeting would be published as part of the publicly-accessible planning application file and is reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

All Members

5.23. All Members can attend Planning Forum meetings which are called to promote early exploration of issues relevant to a particular development. They do not seek to reach any decision about the likely outcome of an application.

5.24. The particular role that Members can play at the meetings is dependent on whether or not they have a formal role within the planning system of the authority, for example are a Member of Planning Sub-Committee or the Cabinet, but all Members will need to take account of the generic guidelines for example, publicly clarifying their particular role.

5.25. All Members can:

- use the meeting to understand the development, the issues important to local people and to the applicant, and how the relevant policies are being applied by asking questions;
- give advice about adopted planning policies and local priorities and clarify or seek clarification of policies and priorities;
- give advice about planning processes or direct those present to relevant officers or other sources of advice and information both present or outside the meeting;
- refer local objectors or supporters to ward colleagues who are in a position to take a wider role if theirs is limited and further Member assistance is required; and
- seek advice from officers as to the process to be followed, issues being reviewed and the likely policy position.

5.26. Members should not use the forum to undertake negotiations or appear to put undue pressure on the officers in relation to any future decision on the scheme. Members are however entitled to robustly question applicants and officers in order to fully understand issues before the forum.

Ward Members

5.27. Ward Members who are not on the Planning Sub-Committee can greatly assist this process by taking an active part in the forum meeting, asking questions, commenting on planning policies and local priorities, and advising on the planning process. They can usefully draw attention to local circumstances and issues, and comment on the appropriate weight to be given to those. It will be important that Ward Members ensure that their remarks and advice are based on adopted Council planning policies as far as possible. This is important to avoid creating any confusion in the minds of applicants or local people about who speaks for the Council in negotiations or about the Council's negotiating position.

Quality Review Panel

5.28. As part of the pre-application process for major and /or sensitive applications, the Council encourages applicants to present their proposals to the Quality Review Panel. The panel is a group of independent and objective experts, including experienced architects and other built environment professionals, who meet on a regular basis. The Panel's advice is provided for the benefit of the Planning Sub-Committee. The advice will also be used to help officers and the applicant to improve upon the quality of the scheme as it evolves.

5.29. The best design outcomes generally occur when schemes are presented to the panel at the pre-application stage, as this allows applicants sufficient time to amend proposals following panel feedback.

5.30. If and when a planning application relating to the proposal presented to the Quality Review Panel is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

6. MEMBERS NOT ON PLANNING SUB-COMMITTEE

6.01. The Code of Conduct applies to all Members of Council. The parts of the Protocol which will be particularly kept in mind as a general context for the exercise of planning functions are set out above.

6.02. Where any Member submits representations in writing or orally in relation to any matter before the Sub-Committee those representations will be recorded for inclusion in the officer's report.

6.03. Councillors who are not Members of the Planning Sub-Committee may attend meetings of the Sub-Committee, and may address the Sub-Committee, the Committee Procedure Rules (Part 4 Section B of the Council's Constitution) will apply. This requires the Member to give written notice to the Chair of the Sub-Committee of his/her attendance, preferably before the meeting but in any event as soon as the Member arrives at the meeting. In order to promote efficient business of the Sub-Committee, and in order to give certainty to the applicant of the time available for speaking, Members are asked to register their intentions to speak by midday on the working day prior to Sub-Committee with the Sub-Committee Clerk.

6.04. Where a Councillor who is not a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or has any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the Member's judgement of the public interest then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct. The Member

may only attend the meeting as provided in paragraph 6.05 below. The Member must also avoid any attempt to influence the decision improperly.

6.05. A Member declaring a prejudicial interest may attend the meeting but only for the purposes of making representations for or against the relevant application, answering questions or giving evidence about it and only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.

6.06. Where an approach has been received by an elected Member (not being a Member of Planning Sub-Committee) from an applicant, agent or other interested party in relation to a planning application, that Member will, in any informal discussions with any Member of the Planning Sub-Committee, disclose the fact and nature of such an approach and have regard to the matters set out at paragraph 7.01 below.

7. OTHER CONDUCT OUTSIDE COMMITTEES

7.01. In discussions between Members generally and Members of the Planning Sub-Committee (at party group meetings or other informal occasions) Members will have regard to: -

(a) the principles governing the conduct of Members set out in the Code of Conduct.
(b) the principles governing the conduct of Members of Planning Sub-Committee set out in this Protocol.
(c) the obligations placed on Members of the Planning Sub-Committee not to give commitments in relation to any planning application prior to consideration of the full officer report, advice and representations at the Sub-Committee meeting dealing therewith.

8. SANCTIONS

8.01. Please refer to the Complaints Against Members Protocol for the complaint procedure against Members and possible sanctions where there is an alleged breach of this Protocol and the Code of Conduct.

9. MEMBERS AND OFFICERS OF THE COUNCIL

The role of elected Members

9.01. In respect of any planning application Members will:

- declare any pecuniary or non-pecuniary interest and take no part or a restricted part, as appropriate, in the processing and determination of the planning application;
- act impartially and honestly;
- approach each application with an open mind;
- take into account and carefully weigh up all relevant issues;
- determine each application on its own merits and in accordance with the requirements of planning law and the guidance of planning policy;
- avoid inappropriate contact with interested parties (see also the section on lobbying); and
- ensure the reasons for their decision are recorded in writing.

The role of officers

9.02. Officers in their role of advising and assisting elected Members in their determination of planning applications will provide:

- impartial and professional advice;
- consistency of interpretation of the planning policies; and
- complete written reports which will include:
    - a clear and accurate analysis of the issues in the context of the relevant development plan policies and all other material considerations;
    - the substance of the representations, objections, and views of all those who have been consulted;
    - a clear written recommendation of action and where that recommendation is contrary to the development plan, the material considerations which justify the departure; and
    - all necessary information for the decision to be made.

9.03. Members should not put any pressure on officers for a particular recommendation and, as required by the Code of Conduct or the Protocol on Member/ Officer Relations (Part Five Section B of the Council's Constitution), should not do anything which compromises, or is likely to compromise, their impartiality. Members should recognise that officers are part of a management structure and should address any concerns which they may have about the handling of a planning application to a departmental manager at the appropriate level of seniority. In general, however, officers and Members should adopt a team approach to the determination of planning proposals, and should recognise and respect each other's different roles.

9.04. In common with Members generally, all Members of the Planning Sub-Committee may contact the relevant Planning Officer to seek information in relation to any planning application.

9.05. Members of Planning Sub-Committee will not attempt in any way to influence the contents of the Officer's report or the recommendation made on any matter. Representations made by Members whether or not in writing will be recorded by the relevant officer and included in the report.

9.06. Any criticism of Planning Officers by Members of the Planning Sub-Committee shall be made in writing, to the Director or the Head of Service and not to the Officer concerned. Members will endeavour to avoid any public criticism of officers but this does not prevent Members asking officers proper questions.

Contact between Members and officers

9.07. Involving Members early and throughout the application and determination process leads to better Committee meetings, better decisions and better developments. Pre-Committee meetings between officers and the Chair and other senior Members can enable strategic applications to be highlighted and procedural Committee issues agreed. Other contact is described elsewhere in this protocol including Planning Committee briefings.

10. PROTOCOL FOR PLANNING SUB-COMMITTEE MEETINGS

At Committee

10.01. The responsibilities of Members of the Planning Sub-Committee in considering planning matters are set out above. At the Sub-Committee, Members will, in particular, avoid expressing any view on the matters under consideration until the report has been presented, any other relevant advice is given, and all oral representations have been heard. In order to participate and determine an item, Members must be present for the entire duration and not miss any part of that item.

Legal Advice

10.02. The Director of Legal and Governance / Monitoring Officer will ensure that a suitably experienced legal officer is present at all Sub-Committee meetings to give legal, governance and procedural advice.

10.03. Members need to be mindful of the rules on declarations of interests and if Sub-Committee Members or other Members require advice about possible disclosable pecuniary interests or other interests or if Sub-Committee Members are in any doubt as to whether they have expressed a view that could give rise to the appearance of bias or that they have

pre-determined a matter they may seek advice from the Monitoring Officer in advance of the Sub-Committee meeting. If that has not proved possible they should seek advice from the legal officer to the Sub-Committee before the meeting starts. Once advice has been given, it is up to the Member to make their own decision on whether or not they have a declarable interest and whether or not they can participate in the decision.

The Sub-Committee meeting

10.04. Planning Sub-Committee meetings generally start at 7.00pm and the Council's standing orders provide that they will end at 10.00pm except that discussion of the specific item or case in hand at 10.00pm may continue thereafter at the discretion of the Chair.

10.05. There are 11 Members of the Sub-Committee. The quorum for making a decision as set out in the Council's constitution is at least one quarter of the whole number of voting Members are present i.e. at least 3.

10.06. Where notified in advance to the Sub-Committee Clerk and subject to them having attended the mandatory training, substitute Members may attend in place of a Planning Sub-Committee Member, pursuant to the Committee Procedure Rules. Substitutes will be from the same political party, to maintain the political balance at Sub-Committee and will be subject to clearance from the group's Chief Whip. The substitute will be for the duration of the entire agenda and will not be used for individual items.

General Principles for hearing representations and petitions

10.07. The Planning Sub-Committee will operate this Protocol with two particular aims regarding representations:

(a) to allow those who have applied to make representations to be heard by the Sub-Committee on items on the agenda for the meeting; and
(b) to get through the agenda expeditiously to avoid delay to applications and wasted journeys by the public.

10.08. Objectors or supporters, including Ward or other Members where possible, should advise the Council by noon on the working day immediately prior to the Sub-Committee meeting (for a Monday meeting this would be by noon on the Friday prior to the Sub-Committee) in order to allow appropriate administrative arrangements to be put in place. The number of speakers will usually be limited to two speaking against the proposal with a time limit of 3 minutes each i.e. a maximum of 6 minutes. Members will have a time limit of 3 minutes each. Those supporting a proposal will be given the same time as those speaking against (including time taken by any Members objecting less any time by Members supporting).

10.09. Speaking should take place immediately before the Sub-Committee debates a particular application (see running order for the Sub-Committee) and after the planning officer has set the scene and updated the meeting on any late matters not dealt with in the published report.

10.10. The circulation of materials will not normally be accepted during the meeting. If new or further material is to be allowed following the publication of the Sub-Committee papers it should be received in advance of the meeting so that it can be circulated to Members of the Sub-Committee and the detail considered by officers and members.

10.11. For petitions, as per the Committee Procedure Rules, the Democratic Services Manager or Committee Clerk should be notified of any petitions by 10 a.m. five clear days[1] in advance of the Committee meeting. The petition will be handed to the Chair, and recorded as received by the Democratic Services Manager or Committee Clerk. If the petition is accepted, the Chair shall invite officers to advise the Planning Sub-Committee regarding planning policies and material considerations raised in the petition which may be debated by Members. If the petition is not considered at the meeting, the Chair shall report the response to the petition at the next ordinary meeting of the Committee.

10.12. Speakers should not be allowed to engage in discussion with Members of the Sub-Committee during public speaking or the Sub-Committee deliberations, to avoid any risk of accusation of bias or personal interest.

The procedure for addressing the Sub-Committee

10.13. Although the Committee Procedure rules allow for Members not on the Planning Sub-Committee, or officers outside the Planning Service who wish to address the Sub-Committee, to give written notice of their attendance to the Chair of the Sub-Committee rather than inform the Sub-Committee Clerk by 12 noon on the working day prior to Committee Members and Council Officers are asked to inform the Sub-Committee Clerk by 12 noon on the working day prior to Committee where possible.

10.14. The Chair will allow those persons outside the Council completing the form to address the Sub-Committee except where there are several people applying to speak, in which case there will be a limit as shown below. The right to speak shall be on a first come first served basis.

10.15. For any issue which is within the Sub-Committee's terms of reference, but for which there is not a report on the agenda, members of the public may use the Deputations Procedure in accordance with the Committee Procedure Rules to make their representations to the Sub-Committee.

[1] Five clear days does not include weekends or national holidays and excludes both the day of the meeting and the day on which notice of the meeting is given

Running order for planning applications

10.16. Declarations of interest will be taken at the start of the meeting (Members will be invited to *clearly state their interest in an item and whether they believe it to be personal, prejudicial (including bias and predetermination) or pecuniary. To include whether they will leave, stay, refrain from debate and whether they will vote).*

(a)	Announce application and give a summary of the description and recommendation.
(b)	Name the public speakers.
(c)	Advise the meeting of the declarations of interest that have been made in relation to the item
(d)	Local Member declaration to represent their constituents or vote *(Where a local Member sits on the Sub-Committee they should state whether they intend to vote on the application or instead to represent their constituents. If representing their constituents they should move to the area reserved for speakers and remain there as applicable e.g. until the end of their contribution subject to then leaving the room).*
(e)	Planning officer presents case including update of any late representations or new issues, with possible supplementary presentation from other officers.
(f)	Members ask any clarification questions of the planning officer This should be through the Chair, relating to points of fact relating to material planning considerations only
(g)	Speaking arrangements Objectors - up to 2 speakers with a total time of 3 minutes each.
(h)	Members ask any clarification questions of the objectors This should be through the Chair, relating to points of fact relating to material planning considerations only
(i)	Any interested Councillors who have informed the Sub-Committee Clerk or the Chair in advance of the meeting may address the Sub-Committee for up to 3 minutes each.
(j)	Members ask any clarification questions of the Councillors This should be through the Chair, relating to points of fact relating to material planning considerations only
(k)	The Applicant and any supporters of the proposal will have the right to speak if there are any speakers against the proposal and then will be allowed to speak for an equivalent length of time as given to those objecting to the application i.e. maximum of 6 minutes (subject to any Members' speaking time) the total time to be divided between them.
(l)	Debate – Members through Chair with support from officers / legal providing clarification. Sub-Committee Members debate the case and consider the recommendation including conditions.
(m)	Summing up – Chair brings discussion to conclusion and seeks a decision on the recommendation/alternative recommendation proposed.
(n)	Vote and explicitly record decision(s), taking vote(s) as necessary. Following the vote, there will be no further discussion of the item.

(For certain cases the procedure may be varied to allow for adjournments for confidential legal advice.)
The Sub-Committee will be aware that some parties listed as "objectors" can be overall in support of a development but be looking, for example, for some amendment or condition to protect their amenity.

Motions and decisions contrary to officer recommendation

10.17. Decisions on planning proposals have to be taken in accordance with the development plan[2] unless material considerations indicate otherwise. In determining planning and other applications the Committee is entitled to decide the weight to be attached to the various planning considerations which are relevant to the application. This can lead to a decision which is contrary to the recommendation of the Officers. The Committee can for example decide to:

- refuse planning permission where officers have recommended approval;
- agree with officers that permission should be refused[3] but for different reasons; or
- grant permission subject to different conditions or legal requirements than those recommended.

10.18. Where any Committee Member puts forward a motion, the following process is to be followed:

- Members, through the Chair, at any time, may ask planning & legal officers for clarification on planning policies, material considerations & implications of their reasons and decisions, to inform a potential motion
- The Chair may ask Members if there are any other issues or reasons which may be relevant to inform a potential motion, and ask for officer clarification regarding these too
- The Member proposing a motion should state and explain their reasons and relevant planning policies and material considerations
- Another Member must second the motion, otherwise the motion falls away
- The Chair will restate the motion and reasons to Sub-Committee
- The Chair shall invite the planning and legal officers to advise the Sub-Committee regarding the relevant planning policies, material considerations and implications (if any) of approving the motion
- The Chair may adjourn the meeting so that reasons for approving the motion can be considered and/or drafted by officers
- The Chair will restate the motion and reasons to Sub-Committee
- The Members will debate the motion

[2] And National Development Management Policies when the relevant provisions come into force

[3] Although noting that applications that are to be refused by officers under delegated authority will not normally be determined at Planning Sub-Committee

- Following the debate, the Chair will ask for the affirmative votes, the negative votes, then abstentions
- The Chair will announce the result of the voting, instruct the relevant officers to take the necessary action and introduce the next item of business

10.19. When the Planning Sub-Committee makes a decision which is contrary to the recommendation of the planning officers, whether the decision is one of approval or refusal, a detailed minute of the Sub-Committee's reasons for its decision and any changes to conditions of obligations will be made. A copy of the minute will be kept on the application file.

10.20. When a decision is made which is contrary to the Plan the material considerations which led to this decision and the reason(s) why they are considered to override the development plan will be clearly identified and minuted.

Deferrals

10.21. It should only be in exceptional circumstances that an item is deferred to a future meeting. It is Committee's role to make decisions on items presented to it. It should not be expected that there will be changes made to a proposal during a deferment, as Committee must make a decision on the item presented to it and not any other hypothetical proposal. The NPPF states that there is a presumption in favour of sustainable development and that for decision-making this means "approving development proposals that accord with an up-to-date development plan without delay" (emphasis added).

10.22. Once an item is published as part of an agenda for a Sub-Committee meeting it must be heard and can only be deferred at the meeting itself. Normally, the Sub-Committee will hear representations on both / all sides before they make a motion and decision to defer for any reason. Where any Committee Member puts forward a motion, the process to be followed is the same as that set out earlier on in paragraph 10.18 of this Protocol.

10.23. In order to take part in the discussion regarding, and be able to vote upon, an application, a Councillor must be present throughout the whole of the Committee's consideration of an application including the officer introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee. Where an application is deferred and its consideration recommences at a subsequent meeting only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be reconsidered afresh.

10.24. Officers may also change the recommendation from a recommendation to approve to a recommendation to defer if there are exceptional

circumstances that occur between a Sub-Committee agenda and reports being published and the meeting taking place.

10.25. When a deferred application is re-submitted to the Sub-Committee, further representations will normally only be allowed if some fresh matter has arisen since the first Sub-Committee meeting. If this further submission is exceptionally allowed, the number of people speaking will be limited to one objector for a further 3 minutes. The applicant/supporter will have a right to reply of 3 minutes.

For larger or more contentious applications

10.26. (a) In relation to larger and/or more controversial applications (as agreed by the Sub-Committee), the Chair may allow more speakers, with the equivalent of the total length of time to be divided between them) if they consider it necessary to hear a wider range of views.
(b) For example: in relation to para. 10.2 above this would be four speakers with a total of 12 minutes divided between them.
(c) The applicant and any supporters will normally have a right to reply of the same length of time as taken by the objectors.

10.27. The Sub-Committee will aim to deal with all applications, except those of exceptional significance, within one hour, and the Chair will take active steps to keep to these time-scales in the interests of all participants. Members will also act to deal fairly and expeditiously and will therefore commit not to repeat questions. It is expected that there will be a maximum of 30 minutes of questions and comments for any one application.

Equal Opportunities

10.28. The adoption and publication of a Protocol giving clear information about planning procedures and getting involved in decisions would improve access to the system by all communities in the Borough, as well as potential investors. Arrangements will be put in place to make the policy principles within this protocol available in pamphlets in different languages and in larger print.

11. SITE VISITS

11.01. The Director/Head of Service, in consultation with the Chair of the Sub-Committee, will decide which planning applications require a site visit which will be scheduled during daylight hours for the week before the Sub-Committee meeting at which an application will be determined. Examples of when a site visit would not normally be appropriate for a planning application include where:

1. purely policy matters or issues of principle are to be determined;
2. the report, together with drawings, photographs and other material is sufficient to provide the necessary information regarding a proposed development; or
3. Councillors have already visited the site within the last 12 months.

11.02. To ensure Members of the Sub-Committee are able to see a site in order to reach an informed decision whilst maintaining fairness and probity, the following procedures will be followed.

Procedure

11.03. Access to the site will be arranged with the site owners or their agent and adjoining owners where necessary by planning officers.

11.04. Planning officer(s) will show the Members around the site(s) / area / adjoining properties, showing relevant scheme drawings, or any other material and pointing out significant features attached to/identified in the Sub-committee report. If the applicant's or agent's presence is required at the site, it will be solely to provide access to the site. An attendance list of the Members attending a site visit should be recorded.

11.05. A site visit will be adjourned and rearranged where the Director and/or Head of Service consider that Members of the Sub-committee are being lobbied/Members safety is at risk due to demonstrations at a site.

11.06. Members of the Sub-Committee may ask planning officers to provide further information regarding a planning application as part of the presentation for that application to the Sub-Committee.

11.07. If a Member of the Sub-Committee is unable to attend a site visit organised by planning officers, they may determine a planning application at the Sub-committee meeting if they consider they have all relevant information regarding the site, because it is a site they are familiar with/they have viewed the site from a public vantage point.

Procedure for individual Members

11.08. Where a Member is unable to attend a site visit organised by planning officer they may wish to undertake a site visit on their own from a public vantage point before the Sub-Committee meeting. A Member of the Sub-

Committee should not arrange to meet site owners or their agents or neighbouring owners at the site visit.

11.09. If a Sub-Committee Member is approached at their site visit by any party they should seek to avoid discussion of the planning application for the site and not give any indication of their views or the likely decision of Sub-Committee regarding the application. Where it is not practical to avoid some discussion the Member should make a note of what was discussed and with whom and pass that information to planning officers, so that it can be made available at the Sub-Committee meeting.

12.0 **REVIEW OF THE PROTOCOL**

12.01. The protocol will be regularly reviewed to take account of:

- new planning legislation;
- changes to national codes of conduct; and
- emerging examples of good practice.

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

A. Interpretation

1. "Acts" means the Licensing Act 2003 and the Gambling Act 2005.

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

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

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

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

"Council" means the Council of the London Borough of Haringey.

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

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

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

"Interested party" has the meaning prescribed in the Acts.

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

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

" Licensing Committee" means the Council's statutory Licensing Committee under the Acts.

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

"Licensing Service" means the Council department responsible for administering the Council's functions under the Acts.

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

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

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

"Other person" has the meaning prescribed under the Licensing Act 2003 as amended.
"Party/Parties" means the applicant(s) and/or the objector(s) in relation to any particular application.

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

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

"Responsible authority" has the meaning prescribed in the Acts.

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

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

B. Scope and Application

2. These Rules apply to all applications and hearings made in accordance with the Acts, or Regulations made thereunder. These Rules should be read and interpreted in conjunction the Hearings Regulations and the Acts.

3. The Committee Procedure Rules contained in Part Four, Section B of the Constitution do not apply when the Licensing Sub-Committee is conducting a hearing except in so far as they relate to the appointment of Substitute Members (Rule 6).

4. All hearings will be held in person except for Licensing hearings which will be held remotely, unless the Chair of the Licensing Sub-Committee considers it in the interests of justice to hold the meeting in person e.g. if any of the parties do not have access to technology or would be disadvantaged if the hearing was held remotely.

C. Pre-Hearing Procedure

5. The Licensing Service will notify the relevant Ward Councillors of each application, notice or relevant representation relating to premises within their Ward within 2 working days of receiving such application, notice or relevant representation. This requirement is in addition to any requirement arising under the Hearings Regulations.

6.. The Licensing Service may seek to mediate between the parties to an application with a view to securing: -

(a) the withdrawal of any relevant representation or notice, or
(b) the agreement of the parties that a hearing is unnecessary.

7. If, in any case, the parties agree that a hearing is unnecessary, the Licensing representative, , shall decide whether the Council consider that a hearing is unnecessary to determine the application and shall give notice of that decision to the parties forthwith.

8. In any case where it has been decided that a hearing is necessary, the Sub-Committee shall consider the application at a hearing in accordance with these Rules.

9. Subject to Rule 4, Licensing hearings will take place remotely via Microsoft Teams.

10. Prior to the remote hearing a link will be sent by the Committee Clerk to all parties to enable those parties to attend the virtual meeting.

11. The link will be posted on the Council's website to enable members of the public to observe the meeting, however they will not be allowed to speak at the meeting.

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

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

D. Membership and Quorum for Hearings

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

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

16. A Councillor who has participated in a decision by the Council to make any application, or to support or assist an application made by another person, shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee.

17. The quorum for any hearing of a Sub-Committee shall be three Members.

~~11.~~

18. If any Member needs to leave during the hearing the Chair will adjourn the meeting until they return.

E. Attendance at Hearings

18A. Only applicants and Parties that have made a valid representation or their named representative/substitute or witness will be allowed by the Chair to speak at the hearing.

F. Non-Attendance at Hearings

19. Where a party has not notified the Council that he/she does not intend to attend or to be represented at a hearing, and that party fails to attend the hearing then the Sub-Committee may either: -

    (a) adjourn the hearing to a specified date where it considers this to be necessary in the public interest, or
    (b) hold the hearing in the party's absence.

20. Normally, a party who fails to attend a hearing in the circumstances described in Rule 19 above, will be allowed one further opportunity to attend the hearing adjourned to a specified date.

21. Where an adjournment is granted, the Licensing representative shall make every reasonable endeavour to contact the party who failed to attend by telephone or in person in order to warn them of the new date for the adjourned hearing and the likelihood that the application will be determined in that party's absence in the event of further failure to attend.

G. Calling Witnesses

22. Where a party wishes to call a witness to give evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing stating: -

    (a) the name of the witness, and
    (b) a brief description of the point or points upon which the witness' evidence may assist the Sub-Committee in making its decision on the application.

23. Where a party has given notice under Rule 22, the Licensing Service shall forthwith communicate this notice to the other party/parties, if possible by electronic means or by the most rapid practicable alternative means.

24. Where a party has given notice under Rule 22, the Sub-Committee shall consider at the commencement of the hearing whether it will permit the party to call the witness for the purpose(s) notified. Such permission shall not be unreasonably withheld at a hearing where there has not been full compliance with Rule 22.

H. Documentary Evidence

25. Where a party wishes to rely upon documentary evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. This notice shall be accompanied by six copies for the Council and sufficient additional copies of all the relevant documentary evidence for each other party made known to the notifying party. Compliance with this Rule is especially important in relation to documents that are not easy to photocopy because, for example, they are coloured or not A4 size.

26. Where a party has given notice under Rule 25, the Licensing Service shall forthwith communicate all the relevant documentary evidence to the other party/parties if possible by electronic means or by the most rapid practicable alternative means.

27. Where a party has complied fully with Rule 25, that party shall have the right to have the relevant documentary evidence admitted and, subject to the provisions of the Hearings Regulations, the Sub-Committee shall take such evidence into account in making its decision.

28. In any case where a party wishes to rely upon documentary evidence but has not fully complied with Rule 25, then at the commencement of the hearing the Sub-Committee shall follow this procedure: -

    (a) the Chair shall establish whether the other party/parties consent to the documentary evidence being admitted, and
    (b) if all the other parties so consent, then the documentary evidence shall be treated as if Rule 27 applied to it, or
    (c) if any party does not so consent, and the documentary evidence has only been made available to all the parties at the hearing, then the Sub-Committee shall generally refuse to admit it, or
    (d) if any party does not so consent, and the documentary evidence has been made available to all the parties before the hearing but there has not been full compliance with Rule 25, then the Sub-Committee shall decide whether to admit the documentary evidence nonetheless, and
    (e) in making its decision under Rule 28(d), the Sub-Committee shall have regard to any reasons given for the late production of the documentary evidence, or other non-compliance with Rule 25.
    (f) in making its decision under Rule 28(d), the Sub-Committee shall consider how far any other party may be prejudiced by the late production of the documentary evidence, or other non-compliance with Rule 25, and also the extent of the prejudice to the party seeking to rely upon the evidence if its admission is refused.
    (g) in making its decision under Rule 28(c) and/or 28(d), the Sub-Committee shall consider whether it would be desirable in the public interest to adjourn the hearing for any period of time, or to another date, in order to allow any other party a reasonable opportunity to consider the documentary evidence.

(h) in making its decisions under Rules 28(d) and 28(g) above, the Sub-Committee shall consider any representations by the parties and the advice of its legal representative.

29. Where a party wishes to rely upon documentary evidence at a hearing but considers that any details of that evidence should be treated as confidential e.g. the name or address of the signatory of a letter, then the party may request that such details are redacted and the Licensing Authority will decide whether the information can be kept confidential or whether an application should be made under rule 30. Any notice given or relevant representation made to the Licensing Authority must state the originator's name and address in order for it to be valid.

30. In any case where there is a request for confidential details to be excluded under Rule 29, the Licensing Service must be informed whether a request will be made by the party under Rule 37. If permission is refused under Rule 38, the whole or part of the relevant documentary evidence may be excluded from consideration. If permission is granted to exclude any confidential details, this may affect the weight to be given to the rest of the related evidence under Rule 55.

31. Where a party wishes to rely upon a model, or any form of evidence that cannot be photocopied, at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. The party seeking to rely upon such evidence shall indicate in the notice, so far as practicable, the nature of that evidence and the purpose(s) of producing it.

32. Where a party has given notice under Rule 31 the Licensing Service shall forthwith communicate all relevant information about the evidence to the other party/parties if possible by electronic means or the most rapid practicable alternative means.

33. Rules 25 to 28 shall be applied to evidence of the type described in Rule 31 with a presumption that such evidence will be admitted if it materially helps the Sub-Committee to understand relevant issues between the parties at the hearing.

I. Petitions

34. Petitions shall on each page state their purpose and contain a warning to potential signatories that they are liable to be made public and that a copy will be supplied to other parties to the application. Each person signing should print their name and address legibly. At the end a petition must state the name(s) and address(es) of the persons circulating the petition and the dates on which this took place.

35. A petition must comply with Rule 34 unless the Sub-Committee decide to waive compliance with any requirement(s) for a good reason. A petition shall also be treated as documentary evidence and Rules 25 to28 shall apply.

J Private Hearings and Confidential Evidence

36. In accordance with the Hearings Regulations, hearings shall take place in public unless a decision to the contrary is made under Rule 38 in any case.

37. Where a party or a witness consider that any giving of evidence, or part of any evidence, or part of a hearing, should be held in private, then the party or their witness shall make such request to the Chair at the commencement of the hearing.

38. The Sub-Committee may decide to exclude members of the public from any part of a hearing and/or treat any evidence as confidential where the Sub-Committee consider that the public interest in preserving the confidentiality of any evidence outweighs the public interest in that part of the hearing taking place in public.

39. For the purposes of Rule 38, a party, a witness and any person assisting or representing a party, may be excluded from any part of a hearing or from hearing or seeing any particular evidence. Where the Sub-Committee decide to hold part of a hearing in private, a party and/or his/her representative shall only be excluded in exceptional circumstances.

40. Where the Sub-Committee decide to hold part of a hearing in private, the officers of the Licensing Service shall only be excluded in exceptional circumstances. The Committee Clerk and legal representative shall not be excluded.

41. Before making any decision under Rules 38 or 40, the Sub-Committee shall consider the advice of its legal representative.

42. Where any part of a hearing takes place in private, the hearing will be adjourned immediately thereafter for a period of time sufficient to enable the Committee clerk to prepare a fair summary of the evidence and proceedings heard in private. This summary will exclude all details that the Sub-Committee, acting with the advice of its legal representative, consider should remain confidential. Upon the resumption of the hearing, the summary will be read out publicly in the presence of all the parties.

43. Rules 36 to 42 shall apply as nearly as may be practicable to documentary evidence where, with the consent of the Sub-Committee, confidential details may be disclosed to the Sub-Committee but excluded from disclosure to the public or persons mentioned in Rule 39.

44. Rules 36 to 42 shall apply, as nearly as may be practicable, where a witness wishes to disclose his/her name and/or address or other details only to the Sub-Committee and Council officers but not to the public or persons mentioned in Rule 39.

45. Whenever any evidence or information has been treated as confidential under Rules 36 to 44, the Sub-Committee shall consider whether to alter the weight given to that evidence in accordance with Rule 55.

K. Commencement of the Hearing

46. At the commencement of each hearing the Sub-Committee shall follow this procedure but may omit or abridge any step or Rule as appropriate -

(a) The Chair will introduce him/herself and invite the Members and officers to introduce themselves
(b) The Chair will invite the parties to introduce themselves and their representatives (if any)
(c) The Chair will invite Members to disclose any contacts they may have had before the hearing with the parties or lobbyists for them which do not constitute a personal, prejudicial or disclosable pecuniary interest in accordance (see the guidance contained in section Q).
(d) If any party fails to attend the hearing, the Sub-Committee shall decide whether to proceed with the hearing in the absence of that party or whether to adjourn the hearing to another date. The Sub-Committee shall have regard to Rules 19 and 20 and Regulations 12 and 20 of the Hearings Regulations in making such decisions.
(e) The Chair will explain the procedure to be followed by reference to these Rules and the Summary procedure for that hearing.
(f) The Chair will suggest the order of the topic headings for discussion at the hearing and will then invite the comments of the parties. In the light of such comments the Sub-Committee will confirm the order of the topic headings or amend them.
(g) The Chair will ascertain whether there are any requests by any of the parties to call a witness and the Sub-Committee will then determine any such request under Rule 24.
(h) The Chair will ascertain whether there is likely to be a request from any of the parties to cross-examine a witness called by another party and, if so, the reasons given for seeking a cross-examination. The Sub-Committee will then determine whether to allow such cross-examination in the interests of establishing relevant facts.
(i) The Chair will ascertain whether there are any requests by any of the parties to produce documentary evidence, including models etc., and whether there has been full compliance with Rules 25 to 32. In the event of any non-compliance these Rules, the Sub-Committee shall decide whether to admit the evidence and/or adjourn the hearing under Rules 28 to 33.
(j) The Chair will ascertain whether there are any requests by any of the parties to treat any evidence as confidential or to hear any of the evidence, or hold any part of the hearing, in private. If so, the Sub-Committee shall decide the request under Rules 38 to 44.
(k) In any case where the Licensing Service has informed a party that there are particular points on which the Sub-Committee will need clarification, the Chair will then invite the party to provide such clarification.

L. Procedure and Evidence at Hearing

47. For remote hearings all Members and parties must have their cameras on for the duration of the hearing.

48. All Members and parties should mute their microphones until invited to speak by the Chair and only one person should speak at any one time. If anyone wishes to speak during the hearing they should press the raise my hand button on the menu bar and wait to be called by the Chair.

49. In accordance with Hearings Regulations, the hearing shall take the form of a discussion led by the Chair. With permission of the Chair the other Members of the Sub-Committee may ask questions of the parties, their representatives and witnesses and may lead the discussion on specific topics or points. When making their initial representation, each representative/party will be given 5 minutes to address the Sub-Committee with the Chair having the discretion to extend this time limit if appropriate, e.g. if the application is complex.

50. The hearing shall follow the order of the topic headings determined under Rule 46 (f) unless there is a good reason to depart from this agreed by the Sub-Committee.

51. The Chair, or Member leading the discussion, shall endeavour to ensure that each party has a reasonable opportunity to explain their case under each topic heading. The parties, their representatives and witnesses have a duty to make their evidence and comments succinct and relevant to the issues under discussion.

52. A party shall not be permitted to cross-examine another party or their witness unless this has been allowed under Rule 46 (h). If a party has concerns relating to the evidence or comments of another party or their witness, this should be explained to the Sub-Committee so that the Chair can question the other party/witness about these concerns before completing that topic heading.

53. Where permission has been given to a party to call a witness, that witness may give evidence in one or more stages when the discussion covers the appropriate topic heading(s). Normally, a witness will be invited by the Chair to make a statement. The witness will then be subject to cross-examination by the other party/parties if this has been allowed under Rule 46 (h). Then the Sub-Committee may question the witness. A party shall not re-examine his/her own witness except with the consent of the Chair to clarify a significant point in earlier evidence.

54. At the end of each topic heading the Chair shall invite the Licensing Service or legal representative to make any comments that they may consider necessary. With the consent of the Chair, these officers may question parties or witnesses directly or put their questions through the Chair.

55. Strict legal rules of evidence shall not apply. However, in considering what weight to place on the evidence or comments of any party or witness, the Sub-Committee shall have regard to the extent to which information was: -

(a) within a witness' direct knowledge, and
(b) clearly and specifically related to the points at issue in the hearing, and
(c) tested by questioning.

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

57. The Chair may require any person to be silent and if necessary may mute their microphone during a remote meeting. The Chair may regulate the order in which persons speak at the hearing. The Chair will endeavour to prevent remarks which are repetitious or irrelevant or which amount to unsubstantiated offensive allegations against any person, present or not.

58. After a warning the Chair may require any person at the hearing who is considered to be behaving in a disruptive manner to leave the meeting and may prohibit his/her return except on compliance with specified conditions. For a remote hearing the Chair may exclude a person from the hearing by muting their microphone or by removing them from the meeting. This can be for a period or for the remainder of the hearing. A person excluded from a hearing under this Rule may put in writing any information or submission they intended for the hearing. For a remote hearing this may be done by way of an e-mail to the Committee Clerk. The Sub-Committee must take any such information into account in reaching its decision.

59.. The Chair on his/her own motion may indicate the decision of the Sub-Committee on any procedural matter within the scope of these Rules notwithstanding that the decision is stated in these Rules to be that of the Sub-Committee. This is subject to the right of any Member, who makes an immediate request, to have the matter put to the vote of the Sub-Committee as a whole. Rules 69 will apply to such a vote.

60. In accordance with the Hearings Regulations, each party has the right to make a closing address to the Sub-Committee in order to summarise his/her case at the end of the hearing. Unless the applicant consents to a different order, the applicant shall have the right to make the final address.

61. Each party must be allowed an equal maximum period of time to make a closing address. Normally, the Chair will invite each party to state how much time that party will require. However, the Sub-Committee may fix a greater or lesser maximum time for each closing address provided that this is reasonable in relation to the weight and complexity of the issues at the hearing.

M. Time Limit for Hearings

62. At 9.30 p.m. the Chair must ask the Sub-Committee to agree –

    (a) to continue the hearing in hand and, if necessary, to suspend these 2ules so as to allow it to continue for a reasonably short time beyond 10.00 p.m. when this is necessary to complete the hearing and advisable in the interests of fairness, or
    (b) to adjourn the hearing until a date to be fixed.

63. Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 9.30 p.m *unless the chair determines that it is urgent.*

64. To facilitate hearings concluding before 10.00 p.m. for all hearings the Chair may impose time limits for representations or closing addresses.

N. Decision Making

65. At the end of a hearing the Sub-Committee may confer publicly or in private and announce its decision on the application(s) immediately.

66. The decision(s) will be summarised in writing and the Sub-Committee will return to the public meeting so that the Committee clerk can read out the decision(s) in the presence of all the parties and their representatives.

67. The Sub Commiittee may give its decision at the end of the hearing. This is most likely where it relates to a TENS application, summary review or a hearing following a closure order.

68. Alternatively, the Sub-Committee may provide the decision in writing within 5 working days commencing with the day of the hearing.

69. In any case, and whether or not Rule 65 applies, the Sub-Committee may retire with the Committee clerk and legal representative to deliberate in private.

70. The Sub-Committee, if making a decision at that time, must reach their decision by a majority vote.

71. If the Sub-Committee require any clarification of matters of fact before reaching their decision(s), and the decision is being made immediately, the Sub-Committee shall return to the public meeting and put questions to the parties, their witnesses or the Licensing representative in the presence of all the parties and their representatives.

72. If the legal representative gives legal advice on any point(s) material to the Sub-Committee's decision(s), this advice will be summarised and read out by the

legal representative in public before the Committee Clerk reads out the decision(s).

O. Waivers and Irregularities

73. The Chair may agree to waive any of these Rules, including any time limit, in the case of any individual application where he/she considers that there is good reason to do so. Excepted from this power to waive are Rules 14 to 17 (inclusive). Any permanent variation of these Rules must be decided by the Licensing Committee.

74. Any irregularity arising from any failure to comply with any provision of these Rules before the Sub-Committee has made a determination shall not of itself render the proceedings void.

75. In any case of such an irregularity the Sub-Committee shall, if Members consider that any person may have been prejudiced as a result of the irregularity, take such steps as Members think fit to cure the irregularity before reaching a determination of the application(s). In any such case the Sub-Committee shall consult the legal representative before deciding upon any steps to cure the irregularity.

76. In any case where it appears after the Sub-Committee's determination that the decision has been vitiated by incorrect information or any procedural or legal error, the Legal Representative shall advise the Chair of this and of the steps necessary to remedy the problem. With the consent of the Chair, the Sub-Committee may reconvene to take the steps advised and/or to amend its decision. With the consent of the Chair in an appropriate case, the Members of the Sub-Committee may signify their consent to any steps advised and/or any amended decision without reconvening in person. When the legal representative so advises, the parties affected shall be invited to a reconvened hearing or, where appropriate, to signify their consent to any steps proposed without attending in person.

P. Councillors who are not Members of the Licensing Sub-Committee

77. A Councillor, who is not a Member of the Sub-Committee determining the application in question, may participate in the hearing but only if the Councillor is an objector who has made relevant representations in accordance with the Hearings Regulations and the Acts, or if the Councillor has been asked to attend by a party in order to act as a witness or a representative for that party.

Q. Cases Remitted by the Magistrates on Appeal

78. On an appeal to the Magistrates Court, the Court may remit the case to the Council for it to determine in accordance with the Direction of the Court. The Chair of the Licensing Committee on legal advice may wish the Council to contest that Direction by further legal proceedings. If not, the Chair will receive advice from the Head of Legal Services on how to comply with the Direction of the Court and will be requested to agree the appropriate

procedure. So far as possible, these Rules will apply to any further hearing with such modifications as are advised to secure compliance with the Direction of the Court.

R. Guidance: Councillors' Participation in Hearings and Members' Interests

1. It is the responsibility of individual Councillors to disclose any interest they may have when sitting as a Member of or participating in a Licensing Sub-Committee hearing.

   The Council's Code of conduct for Members defines three categories of Members' interests:

   - Disclosable pecuniary interests (DPI's)
   - Prejudicial interests
   - Personal interests

   These are explained in detail at sections 4 to 6 and Appendix A of the Members' Code.

2. Whenever a Councillor, sits as a Member of the Sub-Committee, or intends to participate in a hearing in accordance with Rule 65, the Councillor must consider whether s/he has a personal interest or a prejudicial interest or a DPI and make any declaration and/or withdraw from the hearing as required.

3. If the Member has a DPI or a prejudicial interest in the application s/he must declare the existence and nature of that interest and withdraw from the meeting without discussing or voting on the application. Failure to disclose a DPI is a criminal offence (see Appendix B to the Members Code)

4. Where a Councillor has a personal interest in the decision on the application being determined by the Licensing Sub-Committee, although s/he is not obliged under the Member's Code to make a disclosure of that personal interest to the meeting, s/he should disclose the nature of the interest because of the quasi judicial functions of the sub-committee. If a Member has a personal interest (which does not constitute a DPI or prejudicial interest) s/he can participate in debate and vote on determination of the application. However, due to the quasi judicial functions of the sub-committee, a Councillor should avoid doing so where there is a real possibility of actual or perceived bias. The test is what a fair minded and informed observer would conclude and not the views of the Councillor concerned.

5. Any Councillor who has a prejudicial interest in an application (which does not constitute a DPI) may attend the hearing but only for the purpose of making representations, answering questions or giving evidence relating to the application and provided that the public have not been excluded from the hearing or that part of it. The Member must withdraw from the meeting immediately after the matters permitted above are completed and must not seek improperly to influence any decision about the application. A Member who has a prejudicial interest in an application may prefer to be represented at the hearing by an agent or a fellow Ward Councillor who is not a Member of

the Sub-Committee and who would not be required to leave the meeting before the decision.

6. A Councillor, who is a Member of the Sub-Committee determining the application in question, will have a prejudicial interest (as well as a personal interest) in that application if the he/she makes a relevant representation by way of objection to it and may well have a prejudicial interest if he/she has otherwise been involved in supporting or opposing the application. Any Member of a Sub-Committee who has a prejudicial interest for these or other reasons under the Members' Code must not participate in the decision upon the application and must not be present at the hearing except as provided in the preceding paragraph.

7. Sections 9 and 10 of the Members' Code explain in more detail how an interest affects your participation at meetings.

S. Guidance: Prior Contacts, Lobbying of Members and Expressions of Opinion by Members

1. If a Member of a Sub-Committee is approached by a party, a party's representative or a lobbyist for or against an application to be determined by that Sub-Committee, then the Member must: -

   (i) explain that s/he cannot discuss the matter, and
   (j) refer the person(s) to another Councillor who is not a Member of the Sub-Committee or to the Licensing Service who can give further information on the process of dealing with the application, and
   (k) keep an adequate written record of the approach, and
   (l) disclose the fact of the approach before the hearing in accordance with Rule 39(c).

2. If a Member of a Sub-Committee receives any written representation either supporting or opposing an application to be determined by that Sub-Committee, then the Member shall pass the representation to the Licensing Service for appropriate action.

3. Where a Member of a Sub-Committee has had any form of personal or business involvement with a party to an application, which is to be determined by the Sub-Committee, or with any person closely connected to a party, then the Member must consider whether such involvement could gives rise to an interest which should be declared at the hearing and/or requires them to withdraw in accordance with the guidance contained in section Q. If there is any doubt on this matter, the Member must seek the advice of the Monitoring Officer or the legal representative.

4. A Member of a Sub-Committee must avoid expressing any personal opinion about the merits of an application to be determined by that Sub-Committee and must not take any action that would bring into question the Member's capacity to consider the application objectively.

5. A Member of a Sub-Committee must not accept any gift, favour or free hospitality that could be seen as connected to any application to be determined by that Sub-Committee.

6. Members of Sub-Committees are not to be influenced by party political factors or pressures when determining any application.

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Part 6
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 1 April 2026 to 31 March 2027).

2. BASIC ALLOWANCE

2.01 Each Councillor will be entitled to receive the sum of **£12,234.00** by way of Basic Allowance.

2.02 If a Councillor does not serve as such for the whole 12-month period or becomes suspended or partially suspended, 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 also applies to education representatives on scrutiny bodies and employee and employer representatives on the Combined Pensions Committee and Board (co-optees).

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 as Councillors for parking in the Borough.

4. MAYORAL ALLOWANCES

4.01 The additional allowances for the Mayor and Deputy Mayor are:

(a) The Mayor is entitled to an additional allowance of £16,965.
(b) The Deputy Mayor is entitled to an additional allowance of £4,238.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period 1 April 2026 to 31 March 2027, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table A below. If a Councillor does not serve as such for the whole period or becomes suspended or partially suspended, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor and had the special responsibilities.

Table A

Band	Position	Special Allowance	Total Allowance (including Basic Allowance)
Band 4	•Leader	£33,926	£46,160
Band 3B	9 or fewer x Cabinet Members	£25,443	£37,677
Band 3A	• Chair of Overview and Scrutiny Committee	£23,134	£35,368
Band 2B	•Chief Whip •Chair of Strategic Planning and Planning Sub Committee •Chair of Alexandra Palace and Park Board •Leader of the Principal Opposition	£16, 965	£29,199
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	£15, 421	£27,655
Band 1B	•Chair of Combined Pensions Committee and Board •Chair of General Purposes Committee •Chair of Standards Committee • Chair of Audit Committee •Chair of Licensing Committee and Licensing Sub Committee	£8, 482	£20,716

	• Deputy Leader of the Principal Opposition • Chief Whip of the Principal Opposition		

(To note that the Chair of General Purposes Committee is also and Vice Chair of Appointments Panel and the Vice Chair of Disciplinary, Grievance and Dismissal Panel)

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-OPTEES' ALLOWANCES

7.01 Each education representative on scrutiny bodies, and each employee and employer representative on the Combined Pensions Committee and Board, is entitled to an allowance of £154 per meeting attended, to a maximum of £616. 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 the London Living Wage. 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

9.01 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
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

(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 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.

10.03 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 10.05 below.

10.04 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 10.05 below.

10.05 If any Allowance under paragraphs 10.03 or 10.04 is not claimed within the prescribed time limit, the Democratic Services Manager shall have a discretion to make the payment nonetheless.

10.06 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 Democratic Services Manager.

11 MATERNITY, ADOPTION, SHARED PARENTAL, PATERNITY AND SICKNESS PAY

11.01 Subject to this paragraph 11, all Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave, as long as they remain a Councillor. This includes Members becoming parents through surrogacy arrangements.

11.02 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek executive approval from before the point of the 6 months' leave expiry, for the extension of this leave. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.

11.03 The Democratic and Scrutiny Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue.

11.04 Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

Maternity Leave

11.05 A Member is entitled to take up to 52 weeks' maternity leave starting no earlier than the 11th week before the expected week of childbirth, except following a premature birth, and no later than the day following the actual date of birth.

11.06 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take maternity leave in writing no later than 4 weeks before the date they wish the period of maternity leave to start and:

i) Confirm the expected week of childbirth; ii) Provide a copy of the MATB1 (available from a doctor or midwife); iii) Confirm the date on which the Member intends her maternity leave to start.

Adoption Leave

11.07 A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date, or if the child is adopted from overseas, no later than 28 days after the date on which the child enters Great Britain,

11.08 The Member must notify the Democratic Services and Scrutiny Manager in the case of a UK adoption of their intention to take adoption leave in writing no more than seven days after the date on which the Member is notified of having been matched with the child for adoption or, where that is not reasonably practicable, as soon as is reasonably practicable thereafter. In the case of an overseas adoption, the Member must notify the Democratic Services and Scrutiny Manager of their intention to take adoption leave in writing, no more than 28 days after s/he received the official notification and:

i) Confirm the date the child is expected to be placed with him/her for adoption (UK Adoption) or the date on which the Member received an official notification and the date on which the child is expected to enter Great Britain (overseas adoption); ii) Provide a copy of the matching certificate/official notification. The matching certificate must be issued by the adoption agency that matched the Member to the child and must contain the name and address of the agency, the date on which the Member was notified that s/he had been matched to the child, and the date on which the agency expects to place the child with the Member.; (iii) in the case of an overseas adoption, the date of entry of the child into Great

Britain iv) Confirm the date which the Member has chosen his/her adoption leave to start.

Shared Parental Leave

11.09 A Member is entitled to Shared Parental Leave if they are :-

(i) the mother, or expectant mother, of a child, or the father of the child, or at the date of the child's birth the spouse, civil partner or partner of the mother/expectant mother, and at the date of birth the mother and the father/spouse/civil partner/partner share the main caring responsibility for the child; or

(ii) the adopter of a child, or at the date that the child is placed for adoption the person who is the spouse, civil partner or partner of the adopter, and at the date of the placement of the child for adoption the adopter and the spouse/civil partner/partner share the main caring responsibility for the child. Where two people have been matched jointly, the adopter is whoever has elected to be the child's adopter.

11.10 A Member may share up to 50 weeks' leave if the mother/ adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the mother or adopter.

11.11 Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement for adoption of the child.

11.12 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take shared parental leave in writing no later than 8 weeks before the date they wish the period of shared parental leave to start, and must in writing provide the following information

(i) in the case of the birth of a child:-

- the names of the mother and of the father/spouse/civil partner/partner,
- the start and end dates of any period of maternity leave to be taken by the Member,
- the total amount of Shared Parental Leave available,
- the expected week of birth
- the date of birth (where the child is not yet born, this information must be provided as soon as reasonably practicable after the birth and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- how much Shared Parental Leave the mother and the father/spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

(ii) in the case of the adoption of a child:-

- the names of the adopter and of the spouse/civil partner/partner,
- the date that the adopter was notified of having been matched for adoption with the child
- the date that the child is expected to be placed for adoption
- the date of the placement (where the child has yet to be placed for adoption, this information must be provided as soon as reasonably practicable after the placement and, in any event, before the first period of Shared Parental Leave to be taken by the Member)
- the start and end dates of any period of adoption leave to be taken by the adopter,
- the total amount of Shared Parental Leave available,
- how much Shared Parental Leave the adopter and the spouse/civil partner/partner each intend to take
- an indication as to when the Member intends to take Shared Parental Leave. Including the start and end dates for each period of leave.

Paternity Leave

11.13 A Member is entitled to take up to two weeks' paternity leave to help care for the child, or to support the child's mother/adopter, if they are either: the father of the child (whether or not they are the biological father); the spouse, civil partner or partner of the mother/adopter.

11.14 The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within 56 days of the birth or adoption.

11.15 The Member must notify the Democratic Services and Scrutiny Manager of their intention to take paternity leave in writing no later than 4 weeks before they wish the period of paternity leave to start (childbirth) or no more than seven days after the date on which the adopter is notified of having been matched with the child or, where that is not reasonably practicable, as soon as is reasonably practicable; and:

i) Confirm the expected week of childbirth; or the dates on which the adopter was notified that s/he had been matched with the child and on which the child is expected to be placed for adoption with the adopter(UK Adoption); or the dates on which the adopter received official notification and on which the child is expected to enter Great Britain (Overseas Adoption);

ii) or matching certificate/official notification;

iii) Confirm the length of the absence and the date on which the Member has chosen to begin his/her leave

11.16 If the Member wishes to change the start date of a period of leave, they should write to the Democratic Services and Scrutiny Manager no later than 4 weeks before either the original start date 'or' the new start date

(whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.17 If the Member wishes to change the end date of a period of leave they should write to the Democratic Services and Scrutiny Manager at least 4 weeks before either the original end date or the new end date (whichever is earlier). The Democratic Services and Scrutiny Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

11.18 HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

Sickness Leave

11.19 A Member who is sick will continue to receive the basic allowance as long as they remain a Councillor. They will also continue to receive any SRA for a six month period. Extension of this period of leave will require prior 2 months' written notice to be given to the Political Leader of the respective political group. If the extended leave is agreed by that Political Leader, a report will be compiled to seek *executive* approval before the point of the 6 months' leave expiry, for the extension of this leave. This is in accordance with section 85 of the 1972 Local Government Act.

11.20 If a Member decides not to return to office following either during or on their expiry of maternity, adoption, shared parental, paternity or sickness leave, the Chief Executive must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.

11.21 If an election is held during the Member's maternity, adoption, shared parental, paternity or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA, if appropriate will cease from the Monday after the election date when they would technically leave office.

Access to the Local Government Pension Scheme

Since the 11th of May, Councillors in England can now access The Local Government Pension Scheme (LGPS) which provides pension benefits for councillors and mayors (referred to as 'elected members') in England who are under age 75.

Councillors are eligible to join if they receive an allowance or salary from a district council, county council, unitary council, combined authority, combined county authority, London borough council, fire and rescue authority or the Council of the Isles of Scilly. Members of the London Assembly, the Court of Common Council of

the City of London and the Mayor of London can also join the Scheme, with the agreement of their authority.

Councillors will need to complete and return a joining form which is available from the Pensions Team and this needs to be completed and signed with a wet signature and cannot be typed. Once the Pension team receives the form, they will start deducting pension contributions from Councillor's allowance. Councillors can check their payslips to make sure the correct contributions are being taken.

The Council's Pensions Team will set up Councillors a pension record and send through an official notification of membership of the Scheme.

To note that if a councillor receives an allowance or salary from more than one authority and want pension benefits from each role, they must complete ***a separate joining form for each authority****.*

When opting to join the Scheme, councillors will join from the beginning of the next pay period. Councillors should check their payslip to make sure pension contributions are being collected from allowances.

To note that councillors can pay into the LGPS even if they already contribute to another pension scheme. Councillors are allowed to pay into as many pension schemes as they like. In each tax year, councillors can pay up to 100% of their UK taxable earnings into any number of pension arrangements of their choice and still be eligible for tax relief, subject to the annual allowance.

As an elected member, Councillors pay a percentage of their pensionable pay into the LGPS. The Councillor contribution rate is based on how much they are paid. It's currently between 5.5% and 12.5%. Councillors can find out how much the Scheme costs using the contributions calculator on www.lgpsmember.org.

Councillors pensionable pay is the total of all basic allowance, special responsibility allowance, salary and other relevant allowances paid by their authority. Generally, this means that all pay from their authority is pensionable except travel and subsistence allowances. The Council pay the balance of the cost of providing councillor LGPS benefits.

As a member of the LGPS, councillors receive tax relief on the contributions that they pay. Councillors also have the option to exchange part of their pension for tax-free cash when they take it.

Councillors can boost their pension by paying more contributions, which councillors would get tax relief on. Councillors can also pay half their normal contributions in return for half of their normal pension. This is known as the 50/50 section of the Scheme. It is designed to help members stay in the LGPS when times are financially tough.

A councillor's family enjoys financial security, with immediate life cover and a pension for their spouse, civil partner or eligible cohabiting partner and eligible children if councillors die in service. If councillors become seriously ill and councillors have met the two-year qualifying period, councillors could receive their pension straight away.

Once councillors have met the two-year qualifying period, councillors can retire from office and take their pension from age 55. Benefits paid before state pension age will normally be paid at a reduced rate. When councillors retire councillors can look forward to a pension payable for life that increases each year in line with the cost of living.

The Government has announced that the earliest age councillors can take their pension will increase to age 57 from April 2028. The LGPS regulations have not yet been amended to reflect this change.

1/49th of your pensionable pay is put into councillor's pension account every year. The balance in their pension account is adjusted in line with the cost of living every April. When councillors retire, the balance in your pension account is the annual pension payable for life.

If councillors wish, they can give up part of their annual pension to get a lump sum when councillors take their benefits. Councillors can take up to 25% of the value of their pension benefits as a lump sum. For every £1 of annual pension councillors give up, they will receive £12 as a lump sum. The lump sum is usually paid tax-free but there is a lifetime limit of £268,275 across all councillor UK pensions.

Councillors can transfer into the LGPS from another pension scheme or personal pension plan. However, any transfer-in of final salary benefits will not entitle councillors to final salary benefits in the LGPS, councillors will receive an equivalent amount added to their pension account instead. Councillors will generally have 12 months from joining the LGPS to opt to transfer their previous pension.

Councillors can also combine their previous councillor or elected membership of the LGPS with your new elected membership, with some exceptions.

If councillors leave the LGPS before they retire and have at least two years' membership, their pension benefits will be deferred. This means they'll be held for councillors until councillors are ready to retire, which councillors can do from age 55 onwards. The earliest age that councillors can take their pension will increase from age 55 to 57 from 6 April 2028.

If councillors leave with less than two years' membership councillors may be able to claim a return of their contributions, less tax.

All councillors can find more information on the councillors and mayors page of www.lgpsmember.org.