

NOTICE OF MEETING

STANDARDS COMMITTEE

Tuesday, 7th March, 2017, 7.00 pm - Civic Centre, High Road, Wood Green, London N22 8LE

Members: Councillors Kaushika Amin (Chair), David Beacham, Stuart McNamara, Felicia Opoku and Lorna Reith

Quorum: 3

1. FILMING AT MEETINGS

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

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

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business.

4. DECLARATIONS OF INTEREST

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

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

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

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

5. MINUTES OF LAST MEETING (PAGES 1 - 4)

To confirm and sign the minutes of the meetings of the Standards Committee held on 13 October 2016.

6. CHANGES TO THE COUNCIL CONSTITUTION (PAGES 5 - 126)

To consider a report with proposals for changes to the Council's Constitution.

7. MEMBERS' ALLOWANCE SCHEME FOR 2017-18 (PAGES 127 - 146)

To consider a report on proposals for Members' Allowances for 2017-18.

8. NEW ITEMS OF URGENT BUSINESS

9. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for consideration of Items 10 and 11 as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.

10. MINUTES OF STANDARDS ASSESSMENT SUB-COMMITTEE (PAGES 147 - 148)

11. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any items admitted at 2 above.

12. DATES OF NEXT MEETINGS

Michael Kay, Democratic Services and Scrutiny Manager
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Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 27 February 2017

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MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON THURSDAY, 13TH OCTOBER, 2016, 7.00 - 8.30 pm

PRESENT:

Councillors: Kaushika Amin (Chair), Stuart McNamara, Felicia Opoku, Lorna Reith and Viv Ross

1. FILMING AT MEETINGS

The Chair drew attendees' attention to the notice on the summons.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Beacham. Councillor Ross attended as a substitute for him.

3. URGENT BUSINESS

There were no matters of urgent business.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

5. MINUTES OF LAST MEETING

The minutes of the Standards Committee of 13 June were agreed.

6. VERBAL REPORT OF THE ASSISTANT DIRECTOR FOR CORPORATE GOVERNANCE AND MONITORING OFFICER

Alison Vydulinska, Principal Lawyer, attending on behalf of the Assistant Director for Corporate Governance and Monitoring Officer, drew Members' attention to the complaint against a Member that had been received since the last meeting. A meeting of the Standards Assessment Sub-Committee had been held on Tuesday 19 July, where it was agreed the complaint should not be referred to the Monitoring Officer for full investigation. The minutes of the Standards Assessment Sub-Committee were included at item 11 of this meeting.

7. PROPOSED CHANGES TO THE COUNCIL'S CONTRACT STANDING ORDERS

Barry Phelps, Interim Head of Procurement, introduced a report that recommended changes to the Council's Contract Standing Orders, as set out at Part Four Section J of the Council's Constitution.

The purposes of these recommended changes were to support the new Procurement Targeted Operating model, which would transition Procurement to a more commercially focussed department, with support for low-level procurement across the Council supported by the Shared Service Centre. The proposed changes would enable savings to be generated and bring Haringey in line with other London Authorities. They would also support the introduction of new regulations, technologies and correct inconsistencies in the current Standing Orders and minor drafting amendments.

Mr Phelps also drew Members' attention to additional equalities comments that had been prepared for the report and had been tabled at the meeting. This should be included in the report should the Committee agree to recommend it to Council.

The Committee asked whether Homes for Haringey had been engaged with in developing the new procurement processes, and were told that there had been some preliminary engagement, in particular on issues such as amended thresholds of expenditure. There would be further engagement shortly, for example to discuss how the role of Strategic Procurement Partner responsible for construction within the Council would engage with Homes for Haringey.

The Committee noted that Haringey had not updated its Contract Standing Orders, and the thresholds of expenditure they contained, for some time. The Council was therefore not in line with other boroughs.

Noting an assertion that Small and Medium Sized Enterprises were expected to benefit from the new procurement processes, such as the Dynamic Purchasing Systems, and the increased vendor information offered by the new processes, the Committee asked that participation by SMEs in the Council's procurement be monitored upon introduction of these new processes. Officers suggested that, given historic information would not offer the same level of detail, a trend analysis could be prepared after the system had been operational for two years or more to identify whether there was a change in the profile in bidders and vendors.

The Committee noted that the Dynamic Purchasing Systems would allow potential vendors to be vetted according to their performance record and financial viability.

The Committee noted the report set out that the level for contracts to be recorded on the contracts register would increase from £5 000 to £10 000, and queried whether doubling that threshold represented a risk that inadequate records would be maintained. Officers responded that the current requirement to record was not met consistently, and the increase in threshold reflected more proportionate management arrangements. This entailed larger contracts being supported more proactively from the central procurement team, and lower-level contracts, which comprised a fairly low share of the Council's expenditure, receiving more light touch support from the centre.

The Committee were keen that the introduction of these new processes should be accompanied by appropriate democratic oversight to ensure the Council's resources were effectively monitored by the Cabinet and non-executive Members. Officers noted that the contract management and oversight of the procurement system would be possible and a regular part of officers' dialogue with Cabinet Members and lead

committees, and the new processes would be able to provide a greater level of information to support such discussions. The Committee were keen for there to be further thought in this area, aside from the recommendations before it, and for there to be a clear presentation of accountability arrangements under the proposed system.

RESOLVED

To recommend that Council make the following amendments to Contract Standing Orders, Part Four of the Constitution, Section J Contract Procedure Rules:

1. Amendments to support the new Procurement Target Operating Model:
 - 1.1. Increase the threshold of delegated powers for Directors to act in the most expedient and efficient manner from £5,000 to £10,000 (CSO 8.02);
 - 1.2. Increase the values for the procurement process requesting at least 3 competitive quotes from between £5,000 and £100,000 to between £10,000 and £160,000 (CSO 8.03);
 - 1.3. Increase the threshold of goods and services contracts requiring advertisement (tender) with an estimated value of £100,000 to a new threshold of £160,000 (CSO 9.01.1);
 - 1.4. Increase the threshold of Works contracts requiring advertisement (tender) with an estimated value of £25,000 to a new threshold of £500,000 (CSO 9.01);
 - 1.5. Introduce a threshold of £500,000 or more for contracts subject to the Light Touch Regime (social care related) requiring advertisement (tender) (CSO 9.01);
 - 1.6. Increase the threshold for the commencement of works, goods or services under a Letter of Intent from £50,000 to £100,000 or 10% of the total contract value, whichever is the higher (CSO 9.07.3); and
 - 1.7. Require approval from the Chief Operating Officer before entering into any joint procurement activity with other contracting authorities (CSO 7.04).
2. Amendments relating to the introduction of new Procurement related technology platforms:
 - 2.1. Mandate the use of Corporate Procurement related systems to include corporate sourcing and contract management systems (defined in CSO 2.02 c);
 - 2.2. Mandate contracts are stored in the Councils Contract Repository (CSO 3.02 h);
 - 2.3. The threshold requiring all contracts valued at £5,000 or more to be entered onto the corporate contracts register, is increased to a new threshold of £10,000 or more and is now required to be recorded in the Corporate Contracts repository (CSO 3.02 m); and
 - 2.4. Amendments to include provision for sealing, award and signing of contracts by electronic means as provided within the Corporate Procurement Systems (CSO 9.02.4 and 9.08.9).
3. Amendments relating to the use of a Dynamic Procurement System:
 - 3.1. Incorporate amendments to facilitate the use of a Dynamic Purchasing System (CSO 9.04).
4. Amendments to support the introduction of new or updated regulations:

- 4.1. Incorporate amendments to support statutory changes to the Public Contracts Regulations 2015 (as amended) (the “Regulations”) (multiple references throughout the document have been added); and
- 4.2. Incorporate amendments to support introduction of the Concession Contracts Regulations 2016 (the “Regulations”) (multiple references throughout the document have been added).
5. Amendments to address inconsistencies relating to thresholds and Key Decisions
 - 5.1. Increase the threshold for waivers requiring Cabinet approval above £250,000 to a revised threshold of £500,000 or more (CSO 10.01.1 a); and
 - 5.2. Increase the threshold for waivers requiring Director approval below £250,000 to below a revised threshold of below £500,000 (CSO 10.01.1 b).
6. Additional minor drafting amendments to the Contract Standing Orders as required to support the above changes.
7. Extension to the current Consortia drafting (CSO 7.04 d) to make provision for on-going shared services arrangements, whereby procurements may be undertaken by one of the other members of the Consortia on behalf of the Council.

8. NEW ITEMS OF URGENT BUSINESS

None

9. DATES OF NEXT MEETINGS

The Committee’s next meetings were scheduled for 23 January and 4 April 2017.

10. EXCLUSION OF THE PRESS AND PUBLIC

11. MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE

The minutes were approved, with one typographical correction.

12. NEW ITEMS OF EXEMPT URGENT BUSINESS

None.

CHAIR: Councillor Kaushika Amin

Signed by Chair

Date

Report for: Standards Committee

Title: Changes to the Council Constitution 7th March 2017

Report

authorised by : Bernie Ryan, Assistant Director of Corporate Governance

Lead Officer: Michael Kay – Democratic Services and Scrutiny Manager x2920,
Alison Vydulinska – Principal Corporate Lawyer, x2751
Victoria Barman, Senior Corporate Lawyer x4636

Ward(s) affected: Not applicable

Report for Key/

Non Key Decision: Non Key

1. Describe the issue under consideration

- 1.1 The Council Constitution governs the organisation of Council decision making. It is kept under review and when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to full Council, in accordance with Article 14.03 (Changes to the Constitution).
- 1.2 This report proposes changes to the Constitution as follows:
- a) To note the establishment of a joint sub-committee of the Health and Wellbeing Board (HWB) with Islington Council, and consequent changes to the terms of reference of the HWB at Part 3 Section B together with clarifications within the Articles
 - b) Removing the Council and Employees Joint Consultative sub-committee from the Constitution (to be replaced by an informal body by Staffing and Remuneration Committee) at Part 3 Section B
 - c) Review of Statutory, Proper and Specified Officer functions within the Officer Scheme of Delegation at Part 3 Section E
 - d) Other minor amendments to the Constitution for clarification purposes
- 1.3 This report also ask members to note further work to be carried out and brought back to the Committee and Council at a later date.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

- 3.1 That the Standards Committee recommend full Council:

- a) Note the establishment of a joint sub-committee of the Health and Wellbeing Board with Islington Council and consequently, agree the following amendments to the Constitution:
 - (i) Part 2, 'Articles' at paragraph 4.02 (v) and 10.09 (Appendix 6);
 - (ii) Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(v) and Section 2 paragraph 8.1 (Appendix 1)
- b) Approve the removal of the Council and Employees Joint Consultative Committee at Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 3 paragraph 1 (Appendix 1); and associated amendment at Part 4, Section B 'Committee Procedure Rules' rule 58 (Appendix 7);
- c) Approve changes to Statutory, Proper and Specified Officer functions within the Officer Scheme of Delegation together with minor amendments, for clarification purposes, as set out at:
 - (i) Part 3, Section E Officer Scheme of Delegation at Section 3 'Delegations to the Chief Executive and Statutory Officers' (Appendix 2);
 - (ii) Part 3, Section E Officer Scheme of Delegation at Section 4 'Proper Officer and Specified Officer Functions' (Appendix 3);
- d) Approve minor amendments to the Constitution for clarification purposes, as set out at:
 - (i) Part 2, 'Articles' (Appendix 6);
 - (ii) Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(g) and Section 3 (Appendix 1);
 - (iii) Part 3, Section D 'Responsibility for functions: Local Choice Functions' at point 16 (Appendix 4);
 - (iv) Part 3, New Section DA 'Responsibility for functions: Joint Committees and arrangements', to record such arrangements entered into by the Council where these joint committees carry out functions on behalf of the authority (Appendix 5);
 - (v) Part 4, Section B 'Committee Procedure Rules' (Appendix 7)
- e) Approve the following work streams to be taken forward to update and maintain the Constitution:
 - (i) Following the departure of the AD for Corporate Property and Major projects, there will need to be further amendments to the Officer Scheme of Delegation. Council is asked to authorise appropriate amendments to be made to the Constitution by the Monitoring Officer.

Until the reallocation of responsibilities has been determined by the Chief Executive, the existing rules identifying the relevant officer(s) to make decisions in the absence of the AD Corporate Property and Major Projects will pertain;

- (ii) A review of the Procedure Rules in Part 4 of the Constitution in order to reduce duplication and inconsistencies, and make them easier to follow. It is proposed that these changes are reported to Standards Committee in June 2017 for confirmation by full Council thereafter;
- (iii) A review of the Planning Protocol (currently outside the Constitution) to be carried out by Planning Sub-Committee and Regulatory Committee and reported to the Standards Committee in June 2017 for approval as part of the Constitution, and for confirmation by full Council thereafter;
- (iv) A wholesale review of the Member – Officer Protocol, to reflect changes to the Council structure, governance, and officer powers, and bring the document up-to-date with current practices. These changes will be reported to Standards Committee in due course and on to full Council thereafter

4. Reasons for decision

- 4.1 The proposed changes to the Council Constitution seek to ensure that:
 - a) procedures enable efficient, open, accountable and lawful decision-making;
 - b) officers authorised to make decisions are properly authorised by the full Council; and
 - c) the Constitution reflects the current structures and requirements of the Council.
- 4.2 Councils are required to have and maintain a Constitution. Failure to make changes to keep the Constitution up to date could lead to confusion around the processes and authority for Council decisions and those decisions being challenged in court. The Monitoring Officer is responsible for the operation of the Council's Constitution. This includes monitoring and reviewing the operation of the Constitution to ensure that its aims and principles are given full effect, and matters of interpretation of the Constitution's Rules and Procedures as necessary.
- 4.3 Health and Wellbeing Board (HWB):

At their meeting on 31st January 2017, Haringey and Islington councils agreed the establishment of a joint sub-committee of the two HWBs to commence from the start of the 2017/18 municipal year. The terms of reference of the HWB require updating to reflect this and to enable the HWB to delegate functions to the joint sub-committee with Islington, as it sees fit. There are other consequential amendments required to the Articles of the Constitution as a result of this change.
- 4.4 Council and Employees Joint Consultative sub-committee:

This is currently a sub-committee of the Staffing and Remuneration Committee. However it does not fully comply with the legislative requirements relating to Council sub-committees and operates in most other London authorities outside of the formal committee structure. Abolition of the sub-committee and the establishment of an informal meeting will correct this position.

4.5 Officer Scheme of delegation:

The changes to the statutory and proper/specified officer functions are designed to ensure the function is routed to the correct officer, that the functions listed are up to date, and that it is clear which officer is responsible for each function.

4.6 Other minor amendments to the Constitution:

These relate to the need to update the Constitution generally to ensure it is effective, clear and reflects the current legal position.

5. Alternative options considered

5.1 The option of making no changes was not considered, since it is important that the governance and processes of the Council are transparent and understood by those making the decisions and those impacted by them.

5.2 Amendments to the functions delegated to statutory, proper and specified officers will ensure officers are properly authorised by the Council to carry out statutory functions. The alternative option was not considered appropriate.

5.3 As to the minor changes to the Constitution, no other alternative options were considered as the changes are required to either provide clarity or to reflect the changes to Council governance over time.

6. Background information

6.1 Creation of a joint sub-committee of the Heath and Wellbeing Board with Islington Council

Amendments to:

- Part 2 Articles at paragraph 4.02 (v) and 10.09 (Appendix 6)
- Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(v) and Section 2 paragraph 8.1 (Appendix 1)

6.2 The London Boroughs of Islington and Haringey have developed a joint health and social care initiative known as the Islington and Haringey Wellbeing Partnership. The Wellbeing Partnership is the coming together of NHS organisations and local authorities in Haringey and Islington. It is driven by a shared recognition that major changes are needed to ensure that health and care services are of the right quality and capable of meeting the future needs of our local communities.

6.3 At the 3rd October 2016 meetings of the Haringey and Islington Health and Wellbeing Boards, it was considered that more formal joint arrangements would strengthen the governance of the wellbeing partnership and provide a platform

for joint working and oversight and decision-making in the future. It was agreed that further work be undertaken with a view to potentially establishing a joint committee, with three or four joint meetings a year considered to be appropriate. That further work led to a proposal for the establishment of a joint sub-committee of the Health and Wellbeing Board (HWB) with Islington. Section 198 of the Health and Social Care Act 2012 allows for two or more Health and Wellbeing Boards to make arrangements for any of their functions to be exercised by a joint sub-committee of the Boards.

6.4 The HWB (in common with Islington HWB) proposes to delegate functions to the new joint sub-committee on a gradual basis as and when the time and context is right. Currently, Article 4.02 (v) of the Constitution requires full Council or Cabinet (depending on the function) to establish joint arrangements, a provision pre-dating the Health and Social Care Act 2012. Section 198 of that Act, together with s101 of the Local Government Act 1972 as amended, permits a Health and Wellbeing Board to establish its own joint sub-committees with other authorities.

6.5 The report therefore only asks full Council to note the establishment of the joint sub-committee of the HWB which was agreed by the Health and Wellbeing Board on 31st January 2017, and for Council to approve the consequential amendments to the Constitution, namely:

- (a) to amend Article 4.02 and insert new 10.09.
- (b) to amend the terms of reference of the Health and Wellbeing Board at Part 3 Section B Section 2, to make clear that it can delegate functions to the joint sub-committee as it sees fit and without reference back to full Council. The HWB will also be able to agree the membership of the joint sub-committee and appointments to it. The Terms of Reference of the joint sub-committee are also included in Section 5 of this part. Minor amendments are also proposed at paragraph 8.1(ii) and to the membership of the HWB and at paragraph 8.4.

6.6 **Removal of the Council and Employees Joint Consultative Committee**

Amendments to:

- Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 3 paragraph 1 (Appendix 1)
- Part 4, Section B 'Committee Procedure Rules' rule 58 (Appendix 7)

6.7 The Staffing and Remuneration Committee has a sub-committee ('Haringey Council and Employees and Joint Consultative sub-committee') which includes the trades unions who have voting rights. It is not permissible to include voting non elected members on committees (other than where the law allows or requires it, namely, Health and Wellbeing Board, Combined Pensions Committee and Board and Overview and Scrutiny), and so it is proposed that this sub-committee is abolished and reconstituted as an informal joint body. The name/terms of reference for the new body will be approved by Staffing and Remuneration Committee in March 2017 and will sit outside of the Constitution. The unions have been consulted on this proposal and are content with it. This

proposal will also require deletion of the reference to that sub-committee from Committee Procedure Rule 58.

- 6.8 The alternative would be to retain the sub-committee and remove all non elected members (i.e. union representatives) from it. However this is not acceptable to the Council or unions who wish to continue with a mechanism for engagement.
- 6.9 **Changes to Statutory, Proper and Specified Officer functions within the Officer Scheme of Delegation together with minor amendments, for clarification purposes**

Amendments to:

- Part 3, Section E Officer Scheme of Delegation at Section 3 'Delegations to the Chief Executive and Statutory Officers' (Appendix 2);
 - Part 3, Section E Officer Scheme of Delegation at Section 4 'Proper Officer and Specified Officer Functions' (Appendix 3)
- 6.10 Part 3, Section E of the Constitution sets out the functions delegated to officers. Section 3 of sets out the functions delegated to the Statutory Chief Officers, and section 4 sets out the Proper and Specified Officers approved by the authority. Whilst much of Section E is relatively new, section 4 setting out the Proper Officer and Specified Officer functions has not been the subject of a recent thorough review, and, given changes to officer structures, a complete refresh has been carried out.

Part 3, Section E Officer Scheme of Delegation at Section 3: (Appendix 2)

- 6.11 Part 3, Section E Section 3 sets out the functions delegated to the Chief Executive and Statutory Chief Officers. The key changes are designed to make clear which council officer has been designated as the council's statutory officer in respect of each statutory function, and a table has been added for clarification. The Chief Inspector of Weights and Measures (previously included as a Proper Officer but whom is in fact a statutory officer) is included in this table. The Senior Trading Standards Officer (STSO) is designated as Chief Inspector of Weights and Measures, since the role requires a suitably qualified person. If the STSO role falls vacant, an alternative suitably qualified Trading Standards Officer will carry out the role until a replacement suitably qualified STSO is recruited. The role of the Statutory Scrutiny Officer is also included.
- 6.12 The amendments to this part do not alter the designations to the roles of Statutory Officer previously agreed by the authority. Some other minor amendments have been made to the text within the section, to correct inaccuracies, and to move functions wrongly listed as Proper Officer functions into the correct section.
- 6.13 Consequential minor amendments are also proposed to Article 11 of the Constitution to eliminate duplication in relation to the appointment of Statutory Officers.

Part 3, Section E Officer Scheme of Delegation at Section 4: (Appendix 3)

- 6.14 As advised, Section 4 setting out the Proper Officer and Specified Officer functions has not recently been the subject of a thorough review. This part has, over time, confused some Statutory and Proper/Specified Officer functions. The amendments to Section 4 attempt to make a clearer distinction between Statutory and Proper/Specified Officer functions and so there has been some movement of provisions between Sections 3 and 4.
- 6.15 Section 4 has been completely refreshed, with the Proper/Specified Officer functions checked and updated. A new introduction has been added to this part which makes clear that Proper and Specified Officers can act in the event that there are changes to legislation in respect of their current functions.
- 6.16 The previous version of the Constitution included the relevant legal powers for each Proper or Specified Officer set out in paragraphs, along with other functions. Some of these other functions do not emanate directly from law and are simply functions the Council has given to particular officers. This made it difficult to identify the legal provisions that Proper Officers could use in law. The refreshed version tabulates the specific legal provisions under each officer authorised to use them, so that they are easier to find, and then lists other functions (functions not requiring a proper officer but given to the particular officer by the Council) in paragraphs following the tables setting out the legal powers.
- 6.17 The refresh of the Proper Officer functions has resulted in some new functions and officers being listed. Some of these functions have been allocated a Proper Officer since the last refresh of the Constitution using the provisions in paragraphs 6.03 (urgent amendments to the Scheme of Delegation by the Chief Executive in respect of non executive functions) or 6.04 (amendments to the scheme of delegation by the Leader or Cabinet in respect of Executive functions) of Section E, Section 1, and so the proposed amendments formalise that position in the Constitution.
- 6.18 **Other minor amendments to the Constitution for clarification purposes**

Amendments to:

- Part 2, 'Articles' (Appendix 6);
- Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(g) and Section 3 (Appendix 1);
- Part 3, Section D 'Responsibility for functions: Local Choice Functions' at point 16 (Appendix 4);
- Part 3, New Section DA 'Responsibility for functions: Joint Committees and arrangements', to record such arrangements entered into by the Council where these joint committees carry out functions on behalf of the authority (Appendix 5);
- Part 4, Section B 'Committee Procedure Rules' (Appendix 7)

Part 2 – The Articles (Appendix 6):

- 6.19 In Article 2.06 it is proposed that for clarity, the legal definition of what constitutes a 'political group' is included in the Constitution.
- 6.20 Article 4.02(g) and Part 3, Responsibility for Functions, Section B of the Constitution lists the Statement of Community Involvement as a function of the Council. In fact this is an Executive function in law and is proposed for deletion from the Article and the responsibility for Functions (at Part Three, Section B, Section 1, paragraph 1(g)).
- 6.21 Article 4.02(k) states that full Council appoint the Leader, but Article 7.01 describes it as an election. In fact the law requires the Leader to be elected and so 4.02(k) will be amended.
- 6.22 Article 10.02 refers to joint arrangements, where functions are delegated to, or managed in conjunction with, another body or authority. Given that these bodies are delegated to make decisions on behalf of the authority, it is proposed to ensure any joint committees and arrangements are listed both in the Articles and the terms of reference included in the new section of Part 3 of the Constitution (Section DA, see below) dealing with Responsibility for Functions. It is proposed at this point that the joint arrangements with Camden and Islington relating to the Council's ICT functions and the Health and Wellbeing Board joint sub-committee with Islington are included, and that others are included in the Constitution by the Monitoring Officer as and when they are approved by the authority. These are listed at paragraph 10.09.
- 6.23 Minor additions are proposed in relation to Article 11.01(a) to clarify that officers enabled to carry out Council functions include agency workers, consultants and secondees. Deletions to 11.01(c) are proposed where the provisions are replicated in Part 3 Section E, Section 3 (Statutory Officers). A minor amendment is also made to the Heading at 11.04.
- 6.24 An amendment to Article 14.03 provides some additional flexibility for the Monitoring Officer to make amendments to the Constitution without recommending them first to Standards Committee and then approval by full Council. This is limited to situations where there is ambiguity in and between provisions, where minor variations are needed (for example typographical errors, inaccurate cross references and so on) or to give effect to a decision of Council or Cabinet. Changes made by the Monitoring Officer under this provision will be reported to the next available Council meeting.

Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Sections 1 and 3 (Appendix 1)

- 6.25 Part Three, Section B, Section 1, paragraph 1(g) states that the Council is responsible for the Statement of Community Involvement. In law this is a

function of the Executive and so is removed from Section B and the Articles at 4.02.

- 6.26 Section 3 highlights amendments to the Planning sub-committee terms of reference. The Regulatory Committee on 17th January 2017 proposed minor amendments to the terms of reference of the Planning sub-committee (these were recommended to them by Planning sub-committee) and are included for confirmation by the full Council.

Part 3: Section D Local Choice functions (Appendix 4)

- 6.27 Appendix 4 is Part Three, Section D and sets out the responsibility for 'local choice' functions; those that the Council can choose to be the responsibility of either the Executive, or non executive. Function 16 in the table of local choice functions allocates the function of appointing members to outside bodies to the full Council. This is not permitted in relation to Executive functions (and Part Three, Section B Section 1 paragraph (p) correctly identifies that), and so the relevant paragraph in Section D is amended to make clear that the Cabinet makes appointments of members to outside bodies covering Executive functions and Council make them in relation to non executive functions.

Part 3, Section DA: Joint Committees and arrangements (Appendix 5)

- 6.28 Appendix 5 sets out a new Part Three, Section DA which lists all functions of the authority delegated to joint committees and/or arrangements. Currently it includes the ICT shared service with Camden and Islington and the Health and Wellbeing Board joint sub-committee with Islington.

Part 4, Section B 'Committee Procedure Rules' (Appendix 7):

- 6.29 Committee Procedure Rule 9 is incorrect and amended to reflect the fact that only the Council (in respect of non executive committees) and the Leader (in respect of Cabinet), can make or terminate appointments to committees/Cabinet.
- 6.30 Committee Procedure Rule 52 requires all members attending a meeting to sign their name on an attendance sheet. This provision is not necessary, since the Democratic Services staff will take a note of all attendees at meetings. It is suggested that the attendance list is retained in respect of full Council, where the number of members in attendance and the arrangement of the room makes it slightly more difficult to ensure an accurate record of attendance.
- 6.31 Committee Procedure Rules 58 refers to the CEJCC which is removed as a result of its removal from the Constitution.

6.32 Proposals for future work:

- 6.33 Following the departure of the AD for Corporate Property and Major projects, there will need to be further amendments to the Officer Scheme of Delegation. It is proposed that the Monitoring Officer is authorised to make the relevant amendments to the Constitution to reallocate these responsibilities. In the meantime, the existing rules identifying the relevant officer(s) to make decisions in the absence of the AD Corporate Property and Major Projects will pertain.
- 6.34 In reviewing the Constitution it is clear that there are duplications and inconsistencies in the various procedure rules at Part 4. They are also not easy to follow intuitively. It is suggested that a review of all the procedure rules is carried out over the next three months, and that proposals for change are proposed to Standards Committee in June 2017 and Full Council thereafter.
- 6.35 It is also proposed that the Planning Protocol should be included within the Constitution. It is recommended that the current protocol is reviewed and updated by Planning sub-committee and Regulatory Committee and then proposed to the Standards Committee in June 2017 and Full Council thereafter.
- 6.36 The Member Officer Protocol has not been updated for many years. A wholesale review of the protocol, to reflect changes to the Council structure, governance, and officer powers, and bring the document up-to-date with current practices, is proposed. These changes will reported to Standards Committee in due course and on to full Council thereafter,
- 6.37 Consideration should also be given to the preparation of a glossary and slightly more detailed index for the Constitution to assist people in using it.

7. Contribution to strategic outcomes

- 7.1 The Council Constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

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

8.1 Finance and Procurement

- 8.2 No financial implications arise from this report.

8.3 Legal

- 8.4 The Assistant Director of Corporate Governance has prepared this report with assistance from officers in departments. Legal comments are included in the body of the report where appropriate.

8.5 As to the other changes to the Constitution the Assistant Director of Corporate Governance confirms that the other changes are required to comply with the law and to ensure that the rules and process by which decisions are made are clearly set out.

8.6 By virtue of section 5 of the Local Government and Housing Act 1989 as amended by schedule 5, paragraph 24 of the Local Government Act 2000, the Monitoring Officer is responsible for the operation of the Council's Constitution. This includes monitoring and reviewing the operation of the Constitution to ensure that its aims and principles are given full effect, and matters of interpretation of the Constitution's Rules and Procedures as necessary.

8.7 Equality

8.8 There are no equality matters in this report, given it relates to how the Constitution sets out the Council's structure and operations.

9. Use of Appendices

9.1 The Appendices below set out the relevant sections of the Constitution, with proposed insertions shown as underlined and italicised text, and proposed deletions shown as struck through.

Appendix 1 – Amendments to Part 3, Section B Responsibility for Functions:
Full Council and Non-Executive Bodies (page 17)

Appendix 2 – Amendments to Part 3, Section E Officer Scheme of Delegation at
Section 3 'Delegations to the Chief Executive and Statutory Officers' (page 57)

Appendix 3 – Amendments to Part 3, Section E Officer Scheme of Delegation at
Section 4 'Proper Officer and Specified Officer functions' (page 67)

Appendix 4 – Amendments to Part 3, Section D Responsibility for Functions:
Local Choice functions (page 77)

Appendix 5 – Proposed new Part 3, Section DA Responsibility for Functions:
Joint Committees and arrangements (page 81)

Appendix 6 – Amendments to Part 2, Articles of the Constitution (page 83)

Appendix 7 – Amendments to Part 4, Section B Committee Procedure Rules
(page 115)

10. Local Government (Access to Information) Act 1985

10.1 The Council Constitution which can be found at;
<http://www.haringey.gov.uk/local-democracy/about-council/council-constitution>

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Part Three, Section B

Responsibility for functions: Full Council & Non-Executive Bodies

SECTION 1 - THE COUNCIL

THE COUNCIL

1. Only the Council will exercise the following functions:
 - (a) Adopting and changing the Constitution;
 - (b) Approving or adopting the policy framework as set out in Article 4, above;
 - (c) Approving the budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);
 - (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
 - (e) Making or revising a Council Tax Reduction Scheme;
 - (f) Approval of the Community Infrastructure Levy Charging Schedule;
 - ~~(g) Approval of the Statement of Community Involvement;~~
 - (h) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
 - (i) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
 - (j) 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;
 - (k) Appointing the Leader;
-

- (l) 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;
- (m) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (n) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (o) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (p) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (q) Adopting and amending the Members' Allowances Scheme;
- (r) Changing the name of the area, conferring the title of honorary alderman or freedom of the Borough and establishing any new Civic Link;
- (s) Confirming the appointment or dismissal of the Head of Paid Service, and the dismissal of the Chief Finance Officer and Monitoring Officer;
- (t) 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;
- (u) 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;
- (v) 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;
- (w) Adopting the Members' Code of Conduct;
- (x) Approving Pilot Schemes for Local Elections;
- (y) 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;

- (z) 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;
 - (za) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
 - (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) Annual Library Plan
 - (ii) Best Value Performance Plan
 - (iii) Crime and Disorder Reduction (community safety) Strategy
 - (iv) Development Plan documents
 - (v) Youth Justice Plan
 - (vi) Statement of Licensing Policy
 - (vii) Statement of Gambling Policy
 - (viii) Treasury Management Strategy
 - (ix) 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

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. The Corporate Committee**
- 2. Combined Pensions Committee and Board**
- 3. Staffing and Remuneration Committee**
- 4. Overview and Scrutiny Committee**
- 5. Standards Committee**
- 6. Alexandra Palace and Park Board**
- 7. The Regulatory Committee**
- 8. The Health and Wellbeing Board**

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

1. The Corporate Committee

The Corporate 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 to the Staffing and Remuneration Committee. The Committee's functions include:

- (A) 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;
 - (B) 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;
 - (C) 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 for Finance. Receiving quarterly monitoring reports and an out-turn report after the close of the year on treasury management policies and practices;
 - (D) approving statements under The Accounts and Audit (England) Regulations 2011 and any amendment or re-enactment of the Regulations and considering the external auditor's report on issues arising from the audit of the accounts or any other concerns relating to accounting policies;
 - (E) authorising the making of payments or the provision of other benefits in cases of maladministration;
 - (F) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.
- (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) the Committee has the following Audit functions:

- (i) providing assurance about the adequacy of the Council's Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;
- (ii) Maintaining an overview of the Council's Local Code of Corporate Governance;
- (iii) Monitoring the effectiveness of Council policies on "Whistleblowing" and Anti-Fraud and Corruption;
- iv) Considering and recommending for adoption the Council's Annual Governance Statement;
- (v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;
- (vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;
- (vii) Commissioning work from the internal and external auditors and receiving reports from the Head of Audit & Risk Management on any matter; and
- (viii) Questioning officers and Cabinet Members on matters relevant to audit and to financial and non-financial performance and making recommendations on these matters to Cabinet and full Council.
- (ix) The Head of Audit's Annual Report
- (e) 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.
- (f) there is a Protocol outside this Constitution setting out how the Corporate Committee is to operate. The Protocol shall be applied in a manner consistent with 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.

2. 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 from 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 will be appointed by Full Council, and the vice chair will be appointed by the Joint Committee and Board.

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.

3. Staffing & Remuneration Committee

The Staffing & Remuneration Committee has the following functions and responsibilities: -

- (a) 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:
 - (i) 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
 - (ii) 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.
- (b) To make recommendations to Council on the appointment and 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
- (c) To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001
- (d) To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
- (e) To exercise functions in respect of the appointment and dismissal (including the terms of release) of Chief and Deputy Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001

- (f) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Chief and Deputy Chief Officers
- (g) To approve procedures for appointment and dismissal of staff
- (h) To consider and approve any remuneration or severance payments to Chief and Deputy Chief 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
- (i) To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.
- (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) To approve those human resources policies and procedures that the Council recommends to school governing bodies for adoption in respect of school based employees.

Membership

The Committee will be made up of 5 members of the authority. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 the Committee must include at least one member of the Cabinet. When carrying out the function of appointment or dismissal of Chief and Deputy Chief Officers, the relevant Cabinet Member is invited and entitled to sit and vote as a substitute Member for one of the substantive Members of their Group on the Committee. The quorum of the Committee shall be a minimum of three members.

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 Elected 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 Regulatory Committee

The Regulatory 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, Town Planning 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 Regulatory 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 Regulatory 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-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
 - (c) To receive reports on the matters in (a) above_and on the functions delegated to the Licensing Sub-Committees 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) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
- (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (f) 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, planning, conservation or regulatory issues.

8. The Health and Wellbeing Board

8.1 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.

8.2 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.

8.3 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.

8.4 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 (or be nominated by) the Leader of the Council
 - (i) The Leader of the Council
 - (ii) The Cabinet Member for Children and Families
 - (iii) The Cabinet Member for Finance and Health & Wellbeing
- Chair, Clinical Commissioning Group (Vice Chair of HWB)
- Chair of Healthwatch
- Director of Adult and Housing Services
- Director of Children and Young People's Services
- Director of Public Health
- Deputy Chief Executive
- Chief Officer, Clinical Commissioning Group
- Lay Board Member, Clinical Commissioning Group
- GP Board Member, Clinical Commissioning Group
- HAVCO representative
- Representative for the NHSCB (when as required 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.

8.5 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 (or be nominated by) the Leader of the Council
 - (i) The Leader of the Council
 - (ii) The Cabinet Member for Children and Families
 - (iii) The Cabinet Member for Finance and Health & Well Being
 - 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.

8.6 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.

8.7 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.

8.8 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.

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 Staffing and Remuneration Committee

~~1.1 Haringey Council and Employees Joint Consultative Sub Committee~~

- ~~(a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to~~

~~make appropriate recommendations to the Staffing & Remuneration Committee~~

- ~~(b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein~~
- ~~(c) To make provision for members of the Cabinet to meet with Employee Side Representatives for the purpose of facilitating the resolution of differences between the officers and the Employee side that have been escalated through the Collective Disputes Procedure.~~

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 Chief and Deputy Chief Officers. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made.

2. Under 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 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 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.

The quorum of the Hearing Sub-Committee is three.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory 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-Committees of the Regulatory 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 each Sub-Committee shall be drawn from the Regulatory Committee. In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the

remaining Members of The Regulatory 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-Committees
- (a) Licensing Sub-Committees have 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 Regulatory 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 Regulatory 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-Committees

- a) The Sub-Committees have 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. 1. 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-Committees make 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-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
- (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

There is a Protocol ~~outside this Constitution~~ setting out how Members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

- (a) paragraph A - Town Planning Functions
- (A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;
- (B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;
- (C) planning applications for the erection, or extension of non-residential

buildings where the new build is ~~more than~~ 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

- (D) unless otherwise agreed with the ~~€~~Chair of the Planning Sub-Committee, planning applications either:
 - (i) for major development as ~~categorised~~ defined by the Department for Communities in Local Government (DCLG) Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or
 - (ii) where a ~~S106~~ legal agreement relating to that development is required; or
 - (iii) where the recommended decision would be contrary to ~~a policy in~~ the development plan;
- (E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;
- (F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to Members' consideration;
- (G) planning applications submitted by or on behalf of Members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;
- (H) any planning application to amend an application or vary conditions or a ~~section 106~~ legal agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;
- (I) any planning application where there have been objections from a single ~~Ward~~ Councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;
- (b) paragraph B1 - Miscellaneous Functions Power to amend;
- ~~(A) the creation, stopping up and diversion of highways, footpaths and~~

~~bridleways in connection with development control decisions, and~~

~~(B) the preservation of trees;~~

~~(c) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.~~

For the avoidance of doubt, the Director is authorised after a Planning sub-committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the sub-committee.

SECTION 4 - UNDER ALEXANDRA PALACE AND PARK

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

1. Alexandra Palace and Park Panel

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

2. Alexandra Palace and Park Consultative Committee

Alexandra Palace and Park Consultative Committee 7 Members and up to 30 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

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) 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;
- e) 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;
- f) 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;
- g) consider and where necessary contribute to the development of the North Central London (NCL) Sustainability and Transformation Plan; and

h) 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.

6. LOCAL PENSION BOARD

1) Introduction

1.1 The Local Pension Board of the London Borough of Haringey Pension Fund (“the Board”) is established as required by the Public Service Pensions Act 2013 (“the Act”) and the Local Government Pension Scheme Regulations 2013 (“the Regulations”).

1.2 The Scheme Manager for the purposes of the Public Sector Pensions Act 2013 is London Borough of Haringey (“LB Haringey”). Its functions are discharged in accordance with the Council’s Constitution by the Pensions Committee.

2) Responsibilities of the Pension Board

2.1 The role of the Board as laid down by section 106(1) of the Regulations is to assist LB Haringey:

- a) To secure 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
- b) To ensure the effective and efficient governance and administration of the Scheme and any connected scheme.

2.2 The Council retains ultimate responsibility for the administration and governance of the Pension Fund and has delegated its functions as scheme manager & administering authority of the Fund to the Pensions Committee. The role of the Board is to support the Pensions Committee to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.

2.3 The principle functions of the Board shall include:

- (i) Seeking assurance that due process is followed with regard to Pensions Committee decisions.

- (ii) Considering the integrity and soundness of Pensions Committee decision making processes.

2.4 The Board shall have the power to do anything which is calculated to facilitate or is conducive or incidental to, the discharge of its functions.

3) Membership

3.1 The Board shall consist of 5 members and be constituted as follows:

- i) 2 employer representatives, being 1 from LB Haringey and 1 from other scheduled and admitted employers;
- ii) 2 scheme member representatives, being 1 active and 1 pensioner & deferred members; and
- iii) 1 independent member.

3.2 The Chair of the Board will be the Independent Member. In the absence of the Independent Member, the meeting will appoint a chair.

3.3 The Chair will ensure that meetings are properly conducted, decision making is clear and professional advice is followed. The decision of the Chair on all points of procedure and order shall be final. The Chair will monitor the performance and attendance of Board members and if appropriate make recommendation to terminate Board appointments in accordance with section 4 below.

3.4 All employer and employee members of the Board will have equal voting rights. The Independent Member will not be entitled to vote.

3.5 The Board may, with the approval of the Pensions Committee, co-opt no more than two persons to advise and support them. Co-optees are not Board members and do not have voting rights.

4) Appointment of Board Members

4.1 The Council's employer representative will be appointed by Full Council and may be either a Councillor, who is not a member of the Pensions Committee, or an officer of the Council.

4.2 The Admitted and Scheduled bodies' representatives will be nominated by employers other than the Council. If there is more than one nomination a panel consisting of the Chair of the Pensions Committee, Chair of the Board and CFO to the Council will select a candidate.

4.3 The active scheme member representatives will be the appointed jointly by trade unions who represent working scheme members.

4.4 The pensioner and deferred member representative will be selected through an open invitation to apply. If there is more than one nomination a panel consisting of the Chair of the Pensions Committee, Chair of the Board and CFO to the Council will select a candidate.

4.5 The Independent Member will be appointed by a panel consisting of the Chair of the Pensions Committee and CFO to the Council. The Independent member will be required to be a person with good proven knowledge, experience and understanding of the LGPS and a clear understanding of the scrutiny function.

4.6 Prospective members of the Board will be required to demonstrate to the Chair of the Pensions Committee that they have the capacity to represent employees and employers (as appropriate) and that they do not have a conflict of interest. The decision of the Chair of the Pensions Committee will be final.

4.7 Each member of the Board 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.

4.8 Each Board member should endeavour to attend all Board meetings during the year. No substitutes shall be permitted. Should a Board member miss two consecutive meetings then the tenure of that membership will be reviewed by the other Board members and may be terminated, in which case a new appointment process will commence for the remainder of the term.

4.9 Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all of the other members following a recommendation by the Chair. The removal of the independent member or Council representative requires the consent of the Chair of the Pensions Committee.

4.10 Should a member of the Board resign, a replacement will be appointed using the appropriate process outlined above.

5) Quorum & Voting

5.1 The Board shall have a formal quorum of three comprising at least one employer and one employee representative. No substitutes shall be permitted. Advisers and co-opted persons do not count towards the quorum. All decisions will be by majority of votes unless stated otherwise in these terms, although it is expected that the Board will, as far as possible, reach a consensus.

6) Meetings

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

6.2 Notice of all meetings will be provided to Board Members at least 30 days in advance, unless agreed otherwise by Board Members.

6.3 The agenda for each meeting will be agreed by the Chair and all papers will be circulated to Members at least one week prior to the date of the meeting.

6.4 A formal record of Board proceedings will be maintained. Following the approval of the minutes by the Chair of the Board, they shall be circulated to all members.

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

7) Standards of Conduct and Conflicts of Interest

7.1 All members of the Board are expected to act at all times within these terms of reference and in accordance with the Pension Board Code of Conduct. In accordance with section 108 of the Regulations Board members must not have a financial or other interest that could prejudice them in carrying out their Board duties. This does not include a financial or other interest arising merely by virtue of membership of the LGPS.

7.2 Each Board member must provide the Council with such information as is reasonably required for the purpose of demonstrating that there is no conflict of interest.

8) Budget and Business Plan

8.1 The Board will prepare a Business Plan and Budget each year to be approved by the Pensions Committee.

9) Board Review Process

9.1 The 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 the Board's performance.

10) Advisers to the Board

10.1 The Board may be supported in its role and responsibilities through the appointment of advisers, in addition to the Independent member 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 including:

- Officers from the Council's Finance, HR, Legal and other teams as needed;
- The Fund's Actuary;
- The Fund's Investment Managers and Custodian;
- The Fund's Investment Consultant; and
- Other advisers, so approved by the Pensions Committee (via Board budget).

10.2 Remuneration to advisors appointed by the Board must be in accordance with the expenses budget agreed by the Pensions Committee.

10.3 The Board shall ensure that the performances of the advisers to the Board are reviewed on a regular basis.

11) Knowledge and Skills

11.1 Every member of the Pension Board must be conversant with –

- 1 The rules of the LGPS.
- 2 Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund.

11.2 It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board.

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

11.4 The Council will provide a training programme, which all Board members must attend.

12) Accountability

12.1 The Pension Board will report all relevant recommendations and decisions to the Pensions Committee.

13) Expense Reimbursement, remuneration and allowances

13.1 Remuneration for Employee and Employer Representatives will be limited to a refund of actual expenses incurred in attending Board meetings and training. Remuneration for the Independent member will be agreed on appointment and approved by the Pensions Committee.

13.2 The expenses of the Pension Board are a part of the costs of administering the Pension Fund.

14) Publication of Pension Board information

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

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

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.

Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS
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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.

<u>Legislation</u>	<u>Statutory Power the Council must designate to an officer</u>	<u>Officer Designated as the Statutory Officer</u>
<u>S4 Local Government and Housing Act 1989</u>	<u>Designate one of their officers as the Head of Paid Service</u>	<u>Chief Executive</u>
<u>S151 Local Government Act 1972</u>	<u>Appoint an officer responsible for the administration of the authority's financial affairs</u>	<u>Chief Finance Officer (Chief Operating Officer)</u>
<u>S5 Local Government and Housing Act 1989</u>	<u>Designate one of their officers as the Monitoring Officer</u>	<u>Assistant Director of Corporate Governance</u>
<u>S36 Freedom of Information Act 2000</u>	<u>Qualified person in relation to s36 of the Act.</u>	<u>Assistant Director of Corporate Governance</u>
<u>S6 Local Authority Social Services Act 1970</u>	<u>To appoint an officer known as the Director of Social Services</u>	<u>Director of Adult Social Services</u>
<u>S18 Children Act 2004</u>	<u>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</u>	<u>Director of Children's Services</u>
<u>S73 National Health Service Act 2006</u>	<u>To appoint a Director of Public Health</u>	<u>Director of Public Health</u>

<u>S72 Weights and Measures Act 1985</u>	<u>To appoint a chief Inspector of Weights and Measures</u>	<u>Senior Trading Standards Officer (or other suitably qualified Trading Standards Officer in the absence of a STSO in post)</u>
<u>S9FB Local Government Act 2000</u>	<u>To designate an officer as the Scrutiny Officer</u>	<u>Assistant Director for Transformation and Resources</u>

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. ~~To be Head of the Paid Service~~
9. 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
10. 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
11. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency
12. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs ~~6, 7 & 8~~ 9, 10 & 11 above may be exercised by any other Chief Officer who is available to act
13. 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
14. 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
15. To discharge the functions of electoral Returning Officer
16. Taking all decisions relating to changes to the establishment for all staff including the Strategic Leadership Team and Statutory Officers, such

changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements

17. 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
18. ~~To designate a scrutiny officer to support overview and scrutiny committee in accordance with the requirements of relevant legislation~~

Functions delegated to the S151 Chief Finance Officer (Chief Operating Officer)

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 ~~444A~~ 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 Chief and Deputy Chief Officers 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 (Assistant Director of Corporate Governance)

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 co-opted 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
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 Adult's Services

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 through 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 (Assistant Director for Transformation and Resources)

1. To promote the role of the authority's overview and scrutiny committee or committees.
2. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees.
3. 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 ~~and specified 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

	government electors
S225	Deposit of documents relating to any enactment, instrument or parliamentary standing order
S234(1)	Authentication of documents. This authorises the Chief Executive to sign any notices or other documents which the council is statutorily empowered to give, make or issue. This delegation is in addition to, and does not reduce, the power of individual senior officers to sign such notices or other documents, as provided for elsewhere in this Constitution.
Schedule 12	Provisions in relation to notices relating to Members and meetings and proceedings of the authority
Representation of the People Act 1983	
S8	<u>Electoral Registration Officer</u>
S28	<u>Acting Returning Officer for Parliamentary Elections</u>
S35	Returning Officer at an election of <u>for borough</u> councillors
s89	<u>Receipt of election expenses declarations and making them available for public inspection</u>
<u>Local Authorities (Conduct of Referendums) (England) Regulations 2012</u>	
<u>Regulation 4</u>	<u>Restriction on publication of promotional material</u>
<u>Local Government and Housing Act 1989</u>	
<u>S3A</u>	<u>Considering exemptions from political restriction under s2</u>
Regulation of Investigatory Powers Act 2000	
Regulation <u>22, 23, 23B, 28 and 29</u>	Designated person to exercise powers to authorise directed surveillance or the conduct and use of covert human intelligence source for the purpose of preventing or detecting crime <u>persons to use the provisions of the Act, and to service notices to postal or telecommunications operators</u>
<u>Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014</u>	
<u>Regulation 3</u>	<u>Authorise officers for the purposes of the Act</u>

In addition to the proper officer functions listed above the Chief Executive is empowered to:

- (a) ~~The Local Government and Housing Act 1989, Section 4 (Head of paid Service), and~~ 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;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

- (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.

1.2 — **Deputy Chief Executive**

~~The Deputy Chief executive is designated as the ‘scrutiny officer’ under section 21ZA of the Local Government Act 2000.~~

2. **Chief Finance Officer (Chief Operating Officer)**

~~The Chief Operating Finance Officer is appointed Proper Officer and specified 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
<u>S234(1)</u>	<u>Authentication of documents</u>
Local Government Act 1974	
<u>S30(5)</u>	<u>Give notice that copies of an Ombudsman Report are available</u>
<u>Non domestic rating (Collection and Enforcement) (Local Lists) Regulations 1989</u>	
<u>Regulation 23</u>	<u>To certify a local non domestic rating list or extract to be used in legal proceedings</u>
Regulation of Investigatory Powers Act 2000	
<u>Regulation 22, 23, 23B, 28 and 29*</u>	<u>Designated person is empowered to exercise powers to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime persons to use the provisions of the Act, and to service notices to postal or telecommunications operators</u>
<u>Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014</u>	
<u>Regulation 3</u>	<u>Authorise officers for the purposes of the Act</u>

~~(a) the proper administration of the Council's financial affairs under s151 of the Local Government Act 1972;~~

~~(c) Part VIII (sections 111 to 116) of the Local Government Finance Act 1988 (Financial administration and the duty to report to Cabinet/Council on any unlawful expenditure);~~

In addition to the proper officer functions listed above the Chief Finance Officer (Chief Operating Officer) is empowered in relation to:

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

- (a) ~~Responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit (England) Regulations 2011;~~
- (b) 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 and ~~specified officer~~ in relation to:

Local Government Act 1972	
<u>S100F and I</u>	<u>Decision on additional rights of access to information for councillors and whether information is exempt</u>
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
<u>Local Authorities (Conduct of Referendums) (England) Regulations 2012</u>	
<u>Regulation 16, 20</u>	<u>Decisions about exempt documents in relation to rights of access to documents by members of the council</u>
Local Authority (Contracts) Regulations 1997	
Regulation 7	Signing on behalf of the Council to certify a contract under the Contracts Act 1997
<u>Localism Act 2011</u>	
<u>S(33)(1)</u>	<u>Receipt of requests for dispensation for members with discloseable pecuniary interests</u>

(a) ~~section 229 certification of documents~~

(c) ~~Section 30(5) of the Local Government Act 1974 (public notice of Ombudsman's reports).~~

(f) ~~the functions of the Monitoring Officer under sections 5 and 5A of the local Government and Housing Act 1989 and Part 3 of the local Government Act 2000 or other legislation relating to Local Government and Regulations made under the above,~~

(g) ~~determining whether the public interest requires information to be treated as 'exempt information' in any report or related background paper and whether any meeting of the Council or a Council body is likely not to be open to the public because of the risk of disclosure of confidential or exempt~~

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

~~information or the advice of a political assistant under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (access to Information)~~

~~(h) determining whether the public interest in maintaining the exemption of information, or the exclusion of the duty to confirm or deny, outweighs the public interest in disclosure in relation to any request for information, or to any internal review after the refusal of a request, under section 2 and Part 2 of the Freedom of Information Act 2000;~~

~~(l) being the ‘qualified person’ to form a reasonable opinion as to whether disclosure of information would be likely to inhibit the free and frank provision of advice or exchange of views or would be likely otherwise to prejudice the effective conduct of public affairs under section 36 of the freedom of Information Act~~

~~(j) in addition the Assistant Director of Corporate Governance is empowered to exercise powers to authorise directed surveillance of the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000.~~

4. Democratic Services Manager

The Democratic Services Manager is appointed Proper Officer and specified officer in relation to:

~~(d) section 8 of the Representation of the People Act 1983 (the officer who will act as Deputy to the Electoral Registration Officer in the event of the latter’s incapacity or vacancy arising).~~

~~(e) section 2(2) of the Local Government and Housing Act 1989 (maintenance of the list of politically restricted posts)~~

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
<u>S248</u>	<u>Officer keeping the roll of Freeman</u>
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
<u>Local Government (Committees and Political Groups) Regulations</u>	

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

<u>1990</u>	
<u>Regulation 8</u>	<u>To receive notice of the composition of political groups</u>
<u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012</u>	
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
<u>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</u>	
<u>Regulation 4, 5, 7, 8, 11, 13, 14</u>	<u>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</u>
<u>Local Authorities (Standing Orders)(England) Regulations 2001</u>	
<u>(Sched. 1 part 2)</u>	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/statutory chief officers/non statutory chief officers and deputy chief officers in order to notify members of the Cabinet and receive any objections

~~(b) section 191 of the Local Government Act 1972 (providing information to assist the Ordnance Survey)~~

In addition to the proper officer functions listed above, the Democratic Services Manager is empowered:

- (f) 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;
- (g) To determine the membership of individual Appeals Panels (under (f) above) and the selection of Chairs of these Panels;
- (h) To make appointments of representative School Governors as notified by the Cabinet Member for Children or the Opposition Spokesperson, as appropriate;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

- (i) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (j) To make appointments to the membership of Special Licensing Sub-Committees from among the Members of the Regulatory Committee;
- (k) 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;
- (l) 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.
- (m) 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 ~~and specified 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 Regeneration, Planning and Development**

The Director of Regeneration, Planning and Development is appointed Proper Officer ~~and specified 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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

APPENDIX 3

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

~~(c) in addition the Director of Regeneration, Planning and Development is empowered to exercise powers to authorise directed surveillance of the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000.~~

~~1.9 **Director of Children's Services, Director of Adult Social Services, Director of Public Health and the Head of Audit and Risk Management**~~

~~in addition the Director of Children's Services, Director of Adult Social Services, Director of Public Health and the head of Audit and Risk Management are empowered to exercise powers to authorise directed surveillance of the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000.~~

~~7. **Assistant Director for Environmental Services and Community Safety Commercial and Operations**~~

~~The Assistant Director for Environmental Services and Community Safety Commercial and Operations is appointed Proper Officer and in relation to:~~

<u>Public Health (Control of Disease) Act 1984</u>	
	<u>Any proper officer function listed within the Act</u>
<u>Health Protection (Notification) Regulations 2010</u>	
<u>Regulation 2, 3 and 6</u>	<u>to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications</u>
<u>Food Safety Act 1990</u>	
<u>S49(3)(a)</u>	<u>Authentication of documents required under the Act</u>
<u>Environmental Protection Act 1990</u>	
<u>S149</u>	<u>To appoint an officer for the purpose of discharging functions for dealing with stray dogs found in the area of the authority</u>
<u>Regulation of Investigatory Powers Act 2000</u>	
<u>Sections 21 to 25 Regulation 22, 23, 23B, 28 and 29</u>	<u>To exercise powers to authorise the obtaining and disclosure of communications data. <u>Designated person to use the provisions of the Act, and to service notices to postal or telecommunications operators</u></u>

~~(a) section 72(1)(a) Weights and Measures Act 1985 as the Council's Chief Inspector of Weights and Measures~~

8. Head of Building Control

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

The Head of Building Control is appointed Proper Officer in relation to:

<u>Building Act 1984</u>	
<u>S93</u>	<u>Authentication of documents</u>

9. Assistant Director for Human Resources Head of People and Change

The Head of People and Change is appointed Proper Officer in relation to:

<u>The Local Government and Housing Act 1989</u>	
<u>S 2*</u>	<u>Maintain the list of politically restricted posts</u>

The Assistant Director for Human resources is authorised 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).

In addition to the proper officer functions listed above, the Head of People and Change 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:

<u>Regulation of Investigatory Powers Act 2000</u>	
<u>Regulation 22, 23, 23B, 28 and 29*</u>	<u>Designated person to authorise persons to use the provisions of the Act, and to service notices to postal or telecommunications operators</u>

11. Investigation Officer (Audit and Risk Management)

The Investigation Officer (Audit and Risk Management) is appointed Proper Officer in relation to:

<u>Prevention of Social Housing Fraud (power to require information) (England) Regulations 2014</u>	
<u>Regulation 4</u>	<u>Power to require information</u>

12. Regulatory Services Manager

The Regulatory Services Manager is appointed Proper Officer in relation to:

<u>Public Health (Control of Disease) Act 1984</u>	
	<u>Any proper officer function listed within the Act</u>
<u>Health Protection (Notification) Regulations 2010</u>	
<u>Regulation 2, 3 and 6</u>	<u>to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications</u>

13. The Medical Consultants in Communicable Disease Control (CCDCs)

The Medical Consultants in Communicable Disease Control (CCDCs) and other equivalently medically qualified deputising Officers are appointed Proper Officers in relation to:

<u>Public Health (Control of Disease) Act 1984</u>	
	<u>Any proper officer function listed within the Act</u>
<u>Health Protection (Notification) Regulations 2010</u>	
<u>Regulation 2, 3 and 6</u>	<u>to receive notifications of notifiable diseases, or infections or contaminations that could significantly harm human health, and make specific notifications</u>

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, Chief Finance Officer (*Chief Operating Officer*), 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 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	Corporate Committee except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the General Manager AP&P
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	Corporate 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 reviews re:	Non-Executive	The Full Council

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section D – LOCAL CHOICE FUNCTIONS

APPENDIX 4

Function	Whether Executive or Non-Executive	Where allocated or delegated
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	Assistant Director for Environment Services and Community Safety
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Assistant Director for Environment Services and Community Safety
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	Corporate Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Assistant Director for Environment Services and Community Safety
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Assistant Director for Environment Services and Community Safety
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Assistant Director of Corporate Governance
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Assistant Director of Corporate Governance
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Assistant Director for Environment Services and Community Safety 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	Executive	The Full Council in the case of Member appointments <i>relating to non-Executive functions and the Leader in respect of appointments relating to executive</i>

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section D – LOCAL CHOICE FUNCTIONS

APPENDIX 4

Function	Whether Executive or Non-Executive	Where allocated or delegated
(b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities or (c) to any committee or sub-committee of such a body		<u>functions.</u> The Chief 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 council 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(c) of the Health and Social Care Act 2012. The Terms of Reference can be found under Part Three, Section B Section 5.

SECTION 2 – Executive functions

2.A) Shared ICT and Digital Service Joint Committee

The Joint Committee shall be known as the ‘Shared ICT and Digital Service Joint Committee’.

The Joint Committee is established under section 101(5) of the Local Government Act 1972, as applied by section 9EB of the Local Government Act 2000 and Part 4 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 by the Executives of each of the Councils and the delegations to cabinet and cabinet members are subject to this delegation.

Terms of Reference:

The Camden/Islington/Haringey Joint Committee will:

1. Provide democratic oversight over the strategic delivery of the joint digital service (the Joint Service) provided to the Councils through powers delegated to it by their Executives/Cabinets.
2. Approve the strategic service and financial plan for the service and the performance measures to ensure services are delivered to the agreed

standard and within the resources provided by the Councils.

3. Receive updates on the Business Plan and the performance of the Joint Service.
4. Agree the procurement strategy for contracts relating to the Joint Service the estimated value of which exceeds £2m revenue or £5m capital and to award such contracts.
5. Suggest revisions to the terms of reference of the Camden/Islington/Haringey Joint Committee to be referred back to the Leaders and/or Executive/Cabinet of each of the Councils for approval.
6. Receive and consider a detailed report, within twelve months of the creation of the Joint Committee [by October 2017] that considers the options for the Shared Digital and ICT Service to be delivered via a public services company rather than a Joint Committee structure and make recommendations to the Cabinet/Executive of each of the Councils in respect of the report.
7. Delegate all matters not specified at 1-6 to the Chief Digital and Information Officer and may delegate any other matters within its terms of reference to an officer of any of the Councils. The Joint Committee shall not delegate a function to or create any sub-committees.
8. Notwithstanding delegation of any matters to an officer the Joint Committee may itself make decisions on any such matters.

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, national and European 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:
- Annual Library Plan
 - Best Value Performance Plan
 - 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 and the Cabinet Advisory Board.
- (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.

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 the Statement of Community Involvement;~~
- (h) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (i) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (j) 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;
- (k) ~~Appointing~~ Electing the Leader;
- (l) 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;
- (m) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (n) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (o) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (p) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (q) Adopting and amending the Members' Allowances Scheme;
- (r) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (s) Confirming the appointment or dismissal of the Head of Paid Service;
- (t) 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;
- (u) 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;

- (v) 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;
- (w) Adopting the Members’ Code of Conduct;
- (x) Approving Pilot Schemes for Local Elections;
- (y) 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;
- (z) 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;
- (za) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (zb) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (zc) 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
- (zd) 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 non-executive 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 Regulatory Committee to be responsible for planning control and licensing matters and a Committee to be called the Corporate Committee to be responsible 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 sub-committees, 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 non-executive 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.

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 Co-ordination Group (“Gold Command”) may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate 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
 - (ii) 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:

Shared ICT and digital service (with Camden and Islington Councils)

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 Strategic Leadership Team :

Post	Functions and Responsibilities
Chief Executive	Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services, Audit, Policy and Business Management
Deputy Chief Executive	Children and Families, Schools, Adults, Public Health, Commissioning, Communications, Emergency Planning and Civil Contingencies
Chief Operating Officer	Corporate Finance, Departmental Finance, Procurement, Customer Services, Human Resources, Environmental Services and Community Safety, Housing, ICT
Director of Regeneration, Planning and Development	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects

(c) Statutory officers

The Council has ~~to appointed the following posts~~ officers to fulfil the statutory roles identified in Part 3, Section E, Section 3

Post	Statutory Function
Chief Executive	Head of Paid Service
Assistant Director of Finance	Chief Finance (S.151) Officer
Assistant Director of Corporate Governance	Monitoring Officer
Director of Children's Services	Statutory Director of Children's Services
Director of Adult's Services	Statutory Director of Adult's Social Services
Director of Public Health	Statutory Director of Public Health

~~(d) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.**~~

~~The Council will designate the following posts:~~

~~Head of Paid Service
Monitoring Officer
Chief Finance Officer~~

~~Such posts will have functions described in Article 11.02 – 11.04 below.~~

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

11.02 Functions of the Head of Paid Service

- (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 (*Chief Operating Officer*)

- (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 an 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 will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer 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 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 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 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.

Article 12 - 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
- (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.

Article 13 - 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 Assistant Director of Corporate Governance 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 Assistant Director of Corporate Governance 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 Assistant Director of Corporate Governance 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 Assistant Director of Corporate Governance. 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 Assistant Director of Corporate Governance should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution. The affixing of the Common Seal will be attested by the Assistant Director of Corporate Governance, Chief Executive, Chief Finance Officer, Assistant 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.

Article 14 - 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. ~~or decisions of the Council or Cabinet to further enable him / her to maintain it up to date.~~ 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, one of its committees or the cabinet
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 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.

Article 15 - 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 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. ~~Whenever variations in voting membership of a Committee or Sub-Committee occur in accordance with the wishes of a political group to whom the seat has been allocated, then the proper officer shall make or terminate the appointment accordingly except where a member has been removed or suspended from the body concerned.~~
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 ~~Standing Order No.~~ 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 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 five clear days before the meeting (e.g. Friday for a meeting on the Monday 10 days later). 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 five 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, 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.

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. ~~Every member attending a meeting shall sign his/her name on the attendance sheet provided for that purpose.~~ *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, ~~Haringey Council and Employees Joint Consultative 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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Report for: Standards Committee 7th March

Item number: 7

Title: Members Allowances Scheme for 2017-18

Report

authorised by : Assistant Director of Corporate Governance

Lead Officer: Michael Kay, Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non key decision

1. Describe the issue under consideration

- 1.1 Each year before 31st March, full Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to adopt a Members Allowances Scheme for the following financial year.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That the Standards Committee recommend to Council:
- a) The revocation of the Members Allowances Scheme for 2016/17 as of 31st March 2017; and
 - b) Approval of the proposed new Members Allowances Scheme for 2017-18 as set out in Appendix 1 to this report to take effect from 1st April 2017.

4. Reasons for decision

- 4.1 The Council has a legal duty to approve a Members Allowances Scheme before the end of each year to cover the following year. The Council can amend a scheme any time during the year but can only revoke a scheme with effect from the beginning of the year. The scheme must make provision for basic allowances and, if they are to be paid, special responsibility, dependents' carers, travelling and subsistence and co-optees allowances.

5. Alternative options considered

- 5.1 No alternative options were considered as there is a duty to adopt a Members' allowance scheme annually.

6. Background information

- 6.1 This report asks Standards Committee to consider the scheme proposed for 2017-18 and recommend it for approval by full Council, in accordance with Article 14.03 of the Council's Constitution.
- 6.2 Before it can adopt a Members Allowances Scheme the Council has a duty to consider the recommendations of an Independent Remuneration Panel in relation to the payment of Members Allowances.
- 6.3 The Local Authorities (Members Allowances) (England) Regulations 2003 allow London Boroughs to use an independent remuneration panel set up for the purpose of making recommendations across London. London Councils set up a panel for this purpose in 2001 and its most recent report was published in June 2014 and is attached as Appendix 2. Although the IRP makes recommendations, it is for each individual council to decide the level of remuneration and for which roles. The 2014 recommendations have been considered in the preparation of the proposals at Appendix 1.
- 6.4 The changes to the Scheme for 2017-18 are shown in *italics and underlined*. There have not been significant changes to the structure of the Council in the last year and there are no proposals to change the level of allowances, with the exception of the employee and employer representatives on the Combined Pensions Committee and Board, which was established in the current municipal year. There are currently two representatives, and vacancies for a further two. For the purposes of consistency, it is recommended they be provided an allowance at the same level as the allowance available to education representatives on the Council's scrutiny bodies, given that both sets of co-optees are required under statute and have voting rights for their respective responsibilities. There are also small amendments to the scheme that relate to the year for which the Scheme will operate.
- 6.5 As this is the municipal year before the Council elections, it is suggested there be a wholesale review of the allowances. This would ensure recommendations made to Council in March 2018 is appropriate for any outcome of the May 2018 elections.

7. Contribution to strategic outcomes

- 7.1 Members of the Council are directly responsible for the setting and oversight of all strategic priorities.

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

8.1 Finance and Procurement

The Chief Finance Officer has reviewed the proposed new scheme, noting that there is a minor increase of £2,466 in allowances. The cost of the scheme is within the agreed budget provision for 2017-18.

8.2 Assistant Director of Corporate Governance

Legal implications are contained within the body of this report.

8.3 Equality

The decision to approve allowances to members does not have a direct impact on the equality duty of the council, other than that the scheme includes provision for payment for parent/carers allowances to facilitate the attendance of parents and carers at meetings and in relation to carrying out the general responsibilities of councillors.

9. Use of Appendices

Appendix 1: Proposed Members Allowances Scheme 2017-18

Appendix 2: The remuneration of Councillors in London 2014 – report of the Independent panel

10. Local Government (Access to Information) Act 1985

None

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 *2017/18 (i.e. 1 April 2017 to 31 March 2018)*.

2. BASIC ALLOWANCE

- 2.01 Each Councillor will be entitled to receive the sum of £10,703 by way of Basic Allowance.
- 2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle 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.
- 3.02 Telephones and I.T.
The Basic Allowance includes Councillors' telephone call charges, both mobile and landline, for which Councillors are billed individually. The Council meets the rental for apparatus, including broadband, and all datacharges.

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 £16,797.
 - (b) The Deputy Mayor is entitled to an additional allowance of £4,196.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 For the period *1 April 2017 to 31 March 2018*, 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 disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor.

Table A

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> • Leader 	£33,590	£44,293
Band 3B	<ul style="list-style-type: none"> • 8 or fewer x Cabinet Members • Opposition Leader 	£25,191	£35,894
Band 3A	<ul style="list-style-type: none"> • Chair of Overview and Scrutiny Committee 	£22,905	£33,608
Band 2B	<ul style="list-style-type: none"> • Chair of Corporate Committee • Chief Whip • Chair of Regulatory Committee • Chair of Alexandra Palace and Park Board • Opposition Deputy Leader • Opposition Chief Whip 	£16,797	£27,500
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	£15,268	£25,971
Band 1	<ul style="list-style-type: none"> • Chair of Combined Pensions Committee and Board • Chair of Staffing and Remuneration Committee • Chair of Standards Committee 	£8,398	£19,101

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-OPTEEES’ 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 £616.50. No allowances are payable to others who are not elected Councillors.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

- 8.01 Councillors and non-elected members can claim this allowance based on the following:

- (a) That reimbursement be made at a maximum rate of £8.60 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
- (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

- 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 co-optee 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 co-optee 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.

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The Remuneration of Councillors in London 2014

Report of the Independent Panel



Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006 and 2010. It has been re-constituted and now comprises Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We also invited comments from the Leaders' Committee of London Councils. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly.

The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the job profile for councillors which we included in our 2010 report. In that report, we quoted the Government-appointed Councillors' Commission. The Commission took the view (which we continue to share) that: 'Allowances should be set at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive.'

It is clearly desirable that service as a councillor is not confined to those with independent means. We do not repeat the arguments for appropriate remuneration for councillors which we have set out in our previous reports. We believe them to be self-evident. But we do repeat our belief in the importance of local democracy and the role of councillors within it. Each London Borough is responsible for services crucial to its residents. Each is responsible for a revenue budget of between £1.3bn and £3.3bn.

The responsibilities placed on local authorities continue to increase. The Localism Act 2011 devolved services to the boroughs, though, it was complained, without the resources to discharge them. From April 2013 London boroughs assumed the major new responsibility for health and wellbeing. Financial austerity brings substantial and further challenges to councillors: local authorities are required to make substantial cuts in their spending. Changes to the welfare system (particularly acute in London) give residual discretionary powers to local authorities. Councillors are faced with unenviable choices. Demand for local authority services continues to grow. In particular, there is exponential growth in the number of old people and a corresponding increase in demand for social care. The strain on and competition for resources increase the demands made on elected members.

Pensions

In the Panel's first report we recommended that councillors should be eligible for pensions. Councillors are often retired and currently have an average age of 60. It is increasingly desirable to attract a younger cohort of people to serve on councils. Access to a pension scheme is one way of achieving this. Councillors – especially those with lead responsibilities – must surrender earning potential elsewhere, earning potential which would normally be pensionable. It seems perfectly reasonable that allowances attracted by service as a councillor should be pensionable.

The Government agreed with this view and the Regulations introduced the potential for councillors' allowances to be pensionable upon the recommendation of the relevant Independent Panel. Accordingly the Panel recommended that all London borough councillors under the age of 75 be eligible to join the local government pension scheme. Twenty two of the 32 London boroughs have accepted that recommendation.

In March 2014 the Government laid before Parliament Regulations which would end the right of councillors to enter the local government pension scheme. These Regulations would extend not only to councillors but also to elected mayors (including the Mayor of London) and members of the Greater London Assembly, though Police and Crime Commissioners would retain their right of access to the pension scheme.

Councillor Sir Merrick Cockell, Chairman of the Local Government Association and Chair of London Councils from 2006 until 2010, responded: 'The government's decision isn't about saving money, it is fundamentally about undermining the role of a councillor and undermining the role of local democracy'. He added: 'Fair remuneration is important so that people from all walks of life can afford to stand for office. Otherwise we risk local government becoming the exclusive preserve of a privileged few who have the luxury of time and money to spare.' His remarks were endorsed by Cllr Gary Porter, Leader of the Local Government Association's Conservative Group, who pointed out that 'councillors are spending more time supporting their constituents and working with external organisations such as GPs, schools, police, local businesses and voluntary organisations. Secondly, recruitment and retention is becoming increasingly difficult... the commitment involved can be a deterrent when set against a possible loss of earnings and a potentially negative effect on their careers.'

We believe that access to a pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly important for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity to contribute to a pension scheme elsewhere. We would very much like the Government to reconsider this decision.

The current financial and political climate

Our 2010 report made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement. As the Government-appointed Councillors' Commission pointed out in their 2007 report, the recommendations of the London Panel had led to substantial convergence of members' allowances across London. Indeed, the Councillors' Commission recommended a similar system for the country as a whole. Following our recommendations, there is now considerable congruity in the basic allowance made by London boroughs. However, most London boroughs have not adopted our recommendations in their entirety.

Our recommended allowances are tied to the annual local government pay settlement. Because of the current financial climate, the local government pay settlement has been frozen in three of the last four years. In 2013/14 there was a 1% pay award. Acutely sensitive to the current financial austerity, only two boroughs increased members' allowances by that percentage. Indeed nine boroughs have reduced members' allowances since the date of our last report.

We are acutely aware that now is not the time to increase allowances made to councillors, though we continue to recommend that members' allowances be pegged to the annual local government pay settlement. Such pegging will ensure that councillors can receive annual increases which are in line with those received by staff. We fully accept that, in the current financial climate, it would be entirely inappropriate to increase members' allowances (beyond the annual updating). Nevertheless we hope that in the longer term the financial situation will permit further convergence of members' allowances around our recommendations. We continue to believe that the scheme we propose is sufficiently flexible to accommodate the different political management arrangements of different London boroughs. Our view is confirmed by the general response from the London boroughs.

Consultation with the boroughs

Level of allowances

In our consultation with the London boroughs we asked a number of questions. We enquired whether it was believed that the salary of an MP remains a sound comparator to fix the remuneration of a borough leader. [Our recommendations for other special responsibility allowances are related to that recommended for Leaders.] Members of Parliament currently receive a salary of £66,396, now rather more than our updated recommendation for the allowance for Leaders.

Though there was dissent from one Borough, another asserted that the Leader's allowance should reflect the total remuneration package paid to Members of Parliament. A different borough pointed out that whereas a Member of Parliament represented an electorate of 70,000 people, a leader was responsible for the delivery of a wide range of services to a population of 300,000 – an electorate of 220,000 across an area three times as large as a parliamentary constituency. Indeed, 'it is arguable that the responsibilities of some cabinet portfolio holders are greater than the local responsibilities of an MP' but 'on balance the salary of an MP is about as sound a comparator as is likely to be found'.

In considering the responses, we also took into account the remuneration payable to chairs and members of other public bodies. We continue to believe that the allowances we have recommended are suitable. In particular, we think it appropriate that Leaders should receive an allowance approximating to the salary of a Member of Parliament.

External paid appointments

There has been some controversy over councillors accepting paid appointments in other public bodies, given their cumulative remuneration. We asked the boroughs whether allowances should be adjusted to take into account external payments from other public bodies. One authority thought it reasonable to 'consider the balance of benefit to the local area before determining whether 'home' remuneration should be reduced accordingly'. Other boroughs disagreed.

We believe that if members take on extra work and responsibilities through undertaking external appointments, then they should be entitled to retain the remuneration attracted by those responsibilities. Of course the borough might reflect on the extent to which the external duties are compatible with the time required to discharge duties within the borough and adjust responsibilities accordingly.

Chair of the Health and Wellbeing Board

These new bodies govern commissioning decisions across health, public health and social care. They must develop with commissioning groups a shared understanding of the health and wellbeing needs of the community. They must undertake a Joint Strategic Needs Assessment and develop a joint strategy for how these needs can be best addressed. This will include recommendations for joint commissioning and integrating services across health and social care. The Boards must drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. They must also address other services that impact on health and wellbeing such as housing and education.

It was recommended to us that the Chair of the Health and Wellbeing Board should receive a special responsibility allowance in Band Three, that designed for Cabinet members. We entirely agree: this is a statutory post conferring personal statutory responsibility. The role is of major importance to local government and should be remunerated accordingly where they are councillors. In practice we imagine that Chairs of Health and Wellbeing Boards will be members of the Cabinet and have been remunerated within Band Three since their creation.

Lead Member for Children's and Adult Services

It was suggested to us that the Lead Member for Children's Services should receive a special responsibility allowance higher than other Cabinet Members: 'The enhanced duty of safeguarding for the role of lead member for Children's Services and the time required to fulfil it makes the post a special case for an enhanced banding between the current bands three and four.'

We well understand the heavy responsibility on the lead member for Children's services and the consequences of any failure in the system. We are entirely sympathetic to the view that the responsibility might warrant a higher special responsibility allowance than other Cabinet members. In our 2010 report we specifically contemplated the different weight of responsibilities of different portfolios and suggested that they might justify different allowances. Our recommended Band Three for Cabinet Members has a range of over £6,000 and we believe that this is sufficient to enable boroughs to differentiate between the different weights of portfolios should they so decide.

It has also been suggested to us that the lead member responsible for adult safeguarding has a degree of responsibility equal to that of the lead member for children's services. We are not convinced of the comparison.

Given the different allocation of responsibilities in different boroughs, we do not make specific recommendations on differentiating special responsibility allowances for Cabinet members within Band Three.

Dependants' Carers' Allowance

The Regulations authorise the payment to councillors of an allowance ('the Dependants' Carers' Allowance') in respect of the expenses of arranging for the care of children or dependants when the councillor attends meetings or is engaged in other official duties. We received representations that the Allowance should be not less than the living wage.

We strongly believe that the boroughs should make a dependants' carers' allowance available to their members. Access to a dependants' carers' allowances can make it possible for a wider range of people to serve on their councils. Specifically by payment of dependants' carers' allowance, boroughs can attract some who would not normally expect to become councillors. 26 of the 32 boroughs provide in their allowances scheme for payment of dependants' carers' allowances. In those boroughs which do make a payment, allowances vary from £5.27 to £9.26 per hour (in one case £15 per hour for specialised care).

We recognise the need for payments to pay regard to local circumstances and the nature of specialist care. We believe that ordinary care should be remunerated at not less than the London living wage of £8.60 per hour; and (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.

Sickness, maternity and paternity leave

This issue has again been raised with us. We adhere to our recommendations in the 2006 report, repeated in 2010, namely that councils should make arrangements in their members' allowances schemes to allow the continuance of special responsibility allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

Members of social care and health scrutiny panels and corporate parenting panel

One borough suggested that service on the Social Care and Health Scrutiny Panels and the Corporate Parenting Panel should be placed within Band One because of the risk profile of those roles.

We continue to recommend that the responsibility allowance payable under Band One should include membership of committees, sub-committees and adoption panels where membership requires attendance with exceptional frequency or for exceptionally long periods. If a Council believes that such memberships are substantially more onerous than service on other committees, then we agree that they would be appropriately remunerated on Band One.

Travel and subsistence allowances

We have been asked to give advice on travel and subsistence allowances. We continue to believe that the Basic Allowance should cover all reasonable out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses, though councils may consider that there are circumstances where it may be appropriate for a scheme to provide payment for the cost of transport, e.g. journeys home after late meetings, and for people with disabilities. We also continue to believe that, where travel and subsistence allowances are payable, they should be in accordance with the current scheme for travel and subsistence applicable to the Borough's staff; and that travel allowances should extend to travel by bicycle.

Update for inflation

We continue to recommend that the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement.

Sir Rodney Brooke CBE DL Steve Bundred Anne Watts CBE

London
1 June 2014

Appendix A

Basic allowance £10,703

Special responsibilities – beyond the basic allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

BAND ONE

The posts we envisage falling within band one include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group
- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £10,703

Band one allowance: £2,392 to £8,941

Total: £13,095 to £19,644

BAND TWO

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

Remuneration

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £10,703

Band two allowances: £15,486 to £28,581

Total: £26,189 to £39,284

BAND THREE

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £10,703

Band three allowance: £35,128 to £41,675

Total: £45,831 to £52,378

BAND FOUR

Leader of cabinet, including a strong leader.

This is a full-time job, involving a high level of responsibility and now includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

Remuneration:

We propose that the remuneration package for a council leader under band four of our scheme should be £64,824.

This is made up as follows:

Basic allowance: £10,703

Band four allowance: £54,769

Total: £65,472

BAND FIVE

Directly elected mayor

A directly elected mayor is a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

Remuneration:

We propose that a band five directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at **£81,839**.

Appendix B

On behalf of the community – a job profile for councillors

Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (forexample, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.
11. To undertake necessary training and development programmes as agreed by the authority.
12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix C

The independent panel members

Sir Rodney Brooke has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities. He was knighted in 2007 for his contribution to public service and is currently chairman of the Quality Assurance Agency for Higher Education.

Steve Bundred was chairman of Monitor, chief executive of the Audit Commission and chief executive of the London Borough of Camden.

Anne Watts CBE has an extensive career in equality and diversity that spans the private, voluntary and public sectors with organisations including the Open University, the Commission for Equality and Human Rights and Business in the Community. She chaired the NHS Appointments Commission.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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