

## **Report of the Governance Review Delivery Group Council 23 May 2011**

**Chair: Councillor Claire Kober**

### **1. Introduction**

- 1.1 This report outlines the proposed detailed text changes to the Council's Constitution, for implementing the recommendations of the Governance Review previously noted by Council in April 2011.

### **2. Background**

- 2.1 At the Council meeting in January 2011, in regard to the Governance Review the Council resolved to: 'establish an informal Delivery Group of Members, as described in paragraph 5.3.3 of the report and in accordance with Article 15.03(a) of the Constitution, to consider in detail all proposed text changes to the Constitution outlined in, or related to, the report at Appendix 1 with a view to making recommendations for adoption by full Council and implementation as from Annual Council in May 2011.'
- 2.2 The Delivery Group has considered the constitutional amendments and a set of protocols which shall comprise the main elements of implementing the proposed changes outlined in the Governance Review undertaken by Shared Intelligence.
- 2.3 Since its establishment, the informal Delivery Group has been convened on four occasions. It has met on 8 February 2011, 8 March 2011, 31 March 2011 and 3 May 2011.
- 2.4 In addition to their meetings the Delivery Group has consulted the Constitutional Review Working Group (CRWG) over the proposed constitutional changes given its experience in constitutional matters. As such the CRWG met on 21 February 2011 and was also invited to make further comments via email on 11 March 2011 and 7 April 2011 to the proposed constitutional changes.
- 2.5 The CRWG suggested that the Terms of Reference for Area Committees should include that the Committees are able to undertake Area Studies, and also be updated to reflect how Area Committee Chairs are appointed. In addition the CRWG recommended that the Overview & Scrutiny Procedure Rules be amended to reflect that NHS-funded bodies can be scrutinised as well as NHS bodies, and that reference to the Race Equality Joint Consultative Committee (REJCC) representative be removed from the Constitution. A clarification was suggested that any extra members of the OSC beyond the Area Committee Chairs would only be appointed if necessary to achieve political balance.

- 2.6 The Delivery Group reported their progress and outline recommendations to Council in April 2011, and Council resolved to 'approve the Delivery Group's proposals for implementing the Governance Review'.
- 2.7 This report outlines the Delivery Group's proposals for amending the Council's Constitution, which are provided in full in Appendix 1 of this report, for implementation as from May 2011.
- 2.8 The Delivery Group propose to continue meeting throughout 2011/12 to monitor the implementation of the Governance Review recommendations.

### **3. Constitutional Amendments**

Reference is made at several points within the Constitution to a 'Protocol' that is intended to improve the detailed organisation and running of the relevant body. Since this may need to be amended in the light of practical experience, the Protocol will not be incorporated into the Constitution so that it can be amended readily with the agreement of the Leaders of the political groups.

#### Part 2 – Articles of the Constitution

- 3.1 The revised Article 8 makes reference to the new Corporate and Regulatory Committees as well as to the continuing Alexandra Palace & Park Board. Other Articles deal with OSC and the Standards Committee.
- 3.2 The revised Article 10 introduces the new Area Committees and outlines the role of the informal public forum which will take place at the start of each Area Committee meeting.

#### Part 3 Section C – Terms of Reference Full Council and Non-Executive Bodies

##### *Corporate Committee*

- 3.3 It is proposed that the General Purposes Committee (GPC), Remuneration Committee, Audit Committee and Pensions Committee be combined into a single Corporate Committee, and the redrafted terms of reference of the Corporate Committee reflect this.
- 3.4 In terms of Pensions matters, the Corporate Committee will undertake both the "Employing Authority" role formerly with GPC as well as the "Administering Authority" role formerly with Pensions Committee. As there are specific duties placed on Committee Members when acting in their "Employing Authority" role, the Chair will have to draw Members attention to this at the appropriate point in the meeting.

### *Overview and Scrutiny Committee*

- 3.5 The Terms of Reference for the OSC have been amended to reflect that members of OSC shall be drawn from the Chairs of the Area Committees, with additional members where necessary to achieve political proportionality.

### *Regulatory Committee*

- 3.6 It is proposed that the Licensing Committee and the Planning Committee, together with some extra “non-executive” licensing functions taken from GPC and Miscellaneous Functions Sub-Committee (MFSC), be combined into a single Regulatory Committee.
- 3.7 It is recommended that the Regulatory Committee will operate in two capacities:
- (1) as the statutory Licensing Committee undertaking only those functions under the Licensing Act 2003 and the Gambling Act 2005.
  - (2) as a general non-statutory Regulatory Committee with responsibility for the other “non-executive” licensing functions.
- 3.8 Two Licensing Sub-Committees (LSCs) will be established as Sub-Committees of the Regulatory Committee. As with the parent Committee, the LSCs will operate in two capacities. The terms of reference for the LSCs include all the current functions of the statutory Licensing Sub-Committees under the Licensing Act 2003 and the Gambling Act 2005. There is a minor amendment to reflect the fact that the power to agree “minor variations” to premises licences under the 2003 Act was delegated to officers by full Council in 2010.
- 3.9 A Planning Sub-Committee (PSC) shall also be established under the Regulatory Committee, to which decisions on planning applications will be delegated.

### *Area Committees*

- 3.10 The terms of reference for the new seven Area Committees outline their responsibilities and decision-making powers. Area Committee meetings will include an open public forum. Area Assemblies will no longer exist.

### Part 4 Section A – Council Procedure Rules

- 3.11 It is proposed that the Constitution be amended to reflect the fact that there will be five full Council meetings per year, taking place from 7pm-9.30pm.
- 3.12 The format of these meetings is outlined in the amendments, namely the Annual Council Meeting, the Budget-setting Meeting, and three ordinary meetings that shall involve a ‘Haringey Debate’. Arrangements for how the Haringey Debate will function will be agreed via the full Council protocol.

- 3.13 A review is currently being carried out on making appropriate access to information and answers to Councillors' questions effective and prompt. When that is successful it is intended that the current perceived overuse of written Council Questions will be significantly reduced.
- 3.14 There will be two motions at each ordinary meeting, one from each group, alternating in agenda order. In light of this arrangement, it is proposed that the specific Opposition Business item would no longer be on the agenda.
- 3.15 There is a change to reflect that reporting in writing the response from deputations and petitions after the meeting will not be required.
- 3.16 It is proposed that there will also be no formal requirement to confirm the officer scheme of delegation at Annual Council each year. This can now apply only to the delegation of non-executive functions, since the new executive Leadership arrangements were introduced in 2010.

#### Part 4 Section B – Committee Procedure Rules

- 3.17 There is a minor amendment to reflect the Licensing Committee being incorporated into the new Regulatory Committee, with the establishment of Licensing Sub-Committees.

#### Part 4 Section G – OSC Procedure Rules

- 3.18 There is an amendment to reflect that the Leader will attend OSC at the beginning of the municipal year to jointly discuss the Council priorities for the coming year, and will therefore not be required to submit a formal report to OSC on these matters.
- 3.19 There are changes to reflect the role of the new Budget Scrutiny Review Panel, and the procedure for calling extraordinary meetings of the OSC.

#### Part 4 Section K – Officer Employment Procedure Rules

- 3.20 The proposed amendment is to ensure a legally sound procedure for appointing a new Chief Officer of the Alexandra Palace and Park Trust. This will involve delegating the formal power to appoint the new APP Chief Officer to the Chief Executive, in which case the Regulations requiring a Cabinet Member do not apply. In practice, the recruitment process for the APP Chief Officer will be overseen by an Appointment Panel which will be a Member level Sub-Committee of the APP Board. This Appointment Panel will make its recommendation to the Chief Executive.

#### Part 4 Section I – Financial Regulations

- 3.21 CIPFA guidance requires that “scrutiny” of the Treasury Management Strategy Statement (TMSS) is carried out by a body separate to the

body that “formulates” the TMSS, namely, the Corporate Committee. With the deletion of a separate Audit Committee, it is logical that scrutiny of the TMSS transfers to the Overview and Scrutiny Committee.

#### Part 6 – Members’ Allowances Scheme

3.22 The recommended changes to SRAs for Haringey reflect that:

- The number of cabinet Members has reduced from 9 to 7;
- The SRAs can be deleted for Chairs of those Committees that are being removed from the Constitution;
- Chairs of the Area Committees shall also sit on the Overview and Scrutiny Committee, therefore duplication of SRAs can be deleted.

### **4. Recommendations**

4.1 We recommend that members resolve:

- I. To approve the detailed text changes to the Constitution, for implementation of the Governance Review from May 2011.
- II. To approve that the established informal Delivery Group of Members will monitor the implementation of the Governance Review throughout 2011/12.

### **5. Appendices**

#### Appendix 1 – Text amendments to the Constitution

- Part 2 Articles of the Constitution
- Part 3 Section C Terms of Reference: Full Council and Non-Executive Bodies
- Part 4 Section A Council Procedure Rules
- Part 4 Section B Committee Procedure Rules
- Part 4 Section G Overview and Scrutiny Procedure Rules
- Part 4 Section I Financial Regulations
- Part 4 Section K Officer Employment Procedure Rules
- Part 6 Members’ Allowances Scheme

## PART 2 – ARTICLES OF THE CONSTITUTION

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

### Article 8 - ~~Regulatory and other~~ 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 a Committee to be called the ~~General Purposes Committee~~ and it shall have responsibility for the discharge of those 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. 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 ~~These matters~~ The Council's non-executive functions are currently set out in Statutory Instruments 2000 No. 2853, and 2001 No. 2212 and subsequent amending Regulations.
- 8.04 The Committees described above will be established at the Annual Meeting of the Council.
- 8.05 The ~~General Purposes~~ 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 ~~its~~ their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

## Article 10 - Area ~~Assemblies~~ Committees

### 10.01 Area ~~Assemblies~~ Committees

The Council ~~may~~ shall appoint ~~Area Assemblies~~ Area Committees as it sees fit, ~~if it is satisfied that to do so will~~ in order to ensure improved service delivery and more efficient, transparent and accountable decision making.

### 10.02 Form, composition and function

- (a) **Composition** - ~~As the area assemblies are advisory only, There is no requirement for political balance~~ on Area Committees. The membership comprises all the Members from the relevant area ~~, together with co-optees.~~
- (b) **Terms of Reference** - The terms of reference of the Area Committees are set out in Part 3 of this Constitution. Area Committee meetings shall commence with an open forum, intended as an opportunity for informal public consultation on a broad cross-cutting range of local issues. The remainder of the Area Committee meeting will have a more formal decision-making and advisory structure.  
~~To reflect its consultative role, the body has an advisory capacity. It may submit reports on matters of concern locally to the Cabinet, the Overview and Scrutiny Committee, or the Council on, for example an annual or half-yearly basis.~~
- (c) **Delegations.** The Council and the Cabinet will include details of any delegations to Area Committees ~~assemblies~~ in the ~~Appendix to~~ Part 3 of this Constitution.

### 10.03 Access to Information

Area ~~Assemblies~~ Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution and with the Committee Procedure Rules in Part 4 except where this would be inconsistent with the Protocol on Area Committees.

### 10.04 Cabinet Members on Area ~~Assemblies~~ Committees

A member of the Cabinet may serve on the ~~Area Assembly~~ Area Committee if otherwise eligible to do so as a councillor. A Cabinet Member may not serve as a Chair of an Area Committee because of the Chair's membership of Overview and Scrutiny Committee.

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

# Part Three, Section C

## Terms of Reference:

### Full Council & Non-Executive Bodies

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#### SECTION 1 - THE COUNCIL

##### THE 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 Article 4, 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) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
- (f) 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;
- (g) Appointing the Leader;



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- (h) 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;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending the Members' Allowances Scheme;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) 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;
- (q) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three

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years;

- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) 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
- (y) All other matters that, by law, must be reserved to Council.

## 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 ~~General Purposes~~ Corporate Committee
2. Overview and Scrutiny Committee
3. Standards Committee
4. Alexandra Palace and Park Board
5. ~~Remuneration Committee~~
6. ~~5. Licensing~~ The Regulatory Committee
7. ~~Audit Committee~~
8. ~~Planning Committee~~
9. ~~Pensions Committee~~

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

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#### 1. ~~General Purposes~~ *The Corporate Committee*

The ~~General Purposes~~ *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 B – Licensing and Registration ; determining all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but excluding decisions in individual cases which are delegated to the Miscellaneous Functions Sub-Committee. The General Purposes Committee's functions include making recommendations on the Statement of Licensing Policy to full Council but do not include those functions under the Licensing Act 2003 which are within the jurisdiction of the Licensing Committee and Licensing Sub-Committees;~~
  - (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 H - Pensions; Determining the Council's policies as "Employing Authority" and determining the terms of release of Chief and Deputy Chief Officers aged 50 or over and made redundant or retired early with a claim on the pension scheme. *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 all relevant policies and statements. This includes:*

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- (A) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
- (B) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles;
- (C) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and
- (D) Agreeing the admission and terms of admission of other bodies into the Council's Pension Scheme.

Note: Whenever the Corporate Committee considers a report on a Pensions matter, the Chair will make a short announcement at the beginning or at other appropriate stage(s) in the meeting indicating whether the Committee is operating in its capacity as "Employing Authority" or as "Administering Authority". When the Committee is operating in its capacity as "Administering Authority" Members must have regard to their duty as quasi-trustees to act in the best interests of the Pension Fund above all other considerations. When the Committee meets in this capacity its membership shall include as non-voting members one representative of each of these groups: (i) current pensioners, (ii) deferred members of the scheme, and (iii) other admitted bodies.

- (iv) Paragraph I - Miscellaneous; all functions except those retained by full Council in Article 4. 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 ~~and the Committee's financial functions do not include those delegated to the Audit Committee;~~

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- (C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Audit 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 Regulations 2003 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) making arrangements for appointing and dismissing senior officers (Deputy Chief Officers and above) by establishing Appointment/Dismissal Panels in accordance with the Officer Employment Procedure Rules in Part 4 and determining the terms and conditions of service of those staff below Senior Management grades, including procedures for dismissal. ~~(determining terms and conditions of service of staff at and above Senior Management level is dealt with by Remuneration Committee);~~ The Committee's functions include monitoring the operation and effectiveness of the scheme for the performance appraisal and remuneration of the Council's senior managers and chief officers. The Committee agrees the terms and conditions of employment, the pay structure and the remuneration for these senior posts;
- (F) authorising the making of payments or the provision of other benefits in cases of maladministration;
- (G) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.
- (H) taking decisions relating to changes to the establishment which are not covered by the Officer Scheme of Delegation.
- (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;

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- (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

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- (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. Overview and Scrutiny Committee

The membership of the Overview and Scrutiny Committee shall, as far as is practicable, comprise Members who are Chairs of Area Committees and, if necessary, other Members in order to comply with the political balance rules. As described in the Overview and Scrutiny Procedure Rules in Part 4 Section G, Education representatives have a right to vote where the Committee or a Panel is considering matters that relate to education functions.

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, decisions made but not yet implemented by the Cabinet;

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- (f) receive the reports and recommendations of its 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) 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;
- (i) 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;
- (j) 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
- (k) 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.
- (l) 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.

### 3. 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;



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- (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) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues;
- (m) Granting exemptions for politically restricted posts and giving

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directions to include a post on the list of restricted posts;

- (n) Advising the Council on the appointment of independent members and taking steps to select them.

#### 4. 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.

#### ~~5. Remuneration Committee~~

- ~~(a) To monitor the application of a scheme for the performance appraisal and remuneration of the Council's senior managers/chief officers.~~
- ~~(b) To audit the outcomes of the scheme and scrutinise both appraisal and pay outputs.~~
- ~~(c) To decide on the remuneration of posts covered by the Senior Management Performance Appraisal Scheme.~~
- ~~(d) To agree senior management, chief officer and chief executive terms and conditions of employment and pay grades.~~
- ~~(e) To evaluate the scheme's effectiveness, review the operation of the scheme and recommend changes as required to improve~~

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~~the system.~~

- ~~(f) To monitor pay trends and receive advice about the Council's senior management pay and retention strategy.~~

~~The Remuneration Committee has a membership of six which shall include:~~

- ~~• The Leader of the Council~~
- ~~• The Leader of the Opposition~~
- ~~• The Chair of General Purposes Committee (Chair)~~
- ~~• The Chair of Overview and Scrutiny~~

~~(The General Purposes Committee is responsible for the establishment, when specifically required, of Appointment/Dismissal Panels for the appointment or dismissal of senior officers subject to the Officer Employment Procedure Rules in Part 4).~~

#### **6. 5. Licensing     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*

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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 ~~The 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 these 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 be consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;~~
  - (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) To exercise the functions of the Licensing Sub-Committees in relation to any premises, site or event where 500 or more persons are to be present;~~
  - ~~(g) To exercise the functions of the Licensing Sub-Committees in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee on the grounds of its special significance or difficulty;~~

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### Section C – Terms of Reference: Full Council & Non Executive Bodies

~~(h)~~ (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 Licensing Committee who are re-elected as Councillors shall meet as the Licensing 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) Excluded from the Licensing Committee's terms of reference are:~~

~~(i) The functions statutorily referred to the General Purposes Committee, the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy;~~

~~(ii) The functions delegated to the Licensing Sub-Committees, as set out below, except where referred back to the Committee under sub-paragraph 6(1)(g) above.~~

(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;*

(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;*

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

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(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.

#### **7. ~~Audit Committee~~**

~~The purpose of the Audit Committee is:~~

- ~~(i) to provide independent assurance of the adequacy of the risk management framework and the associated control environment,~~
- ~~(ii) independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and~~
- ~~(iii) to oversee the financial reporting process.~~

~~The Audit Committee has the following non-executive functions arising under section 151 of the Local Government Act 1972 and The Accounts and Audit Regulations (S.I. 2003/533) and any amendment or re-enactment of these provisions:—~~

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

#### ~~Corporate Governance and Regulatory Framework~~

- ~~(a) To maintain an overview of the Council's Constitution in respect of the financial regulations and the contract procedure rules;~~
- ~~(b) To maintain an overview of the Council's arrangements for Corporate Governance and agreeing necessary actions to enable the Council to implement best practice as set out in statutory and other guidance;~~
- ~~(c) To receive and recommend for adoption the Council's Statement on Internal Control;~~
- ~~(d) To monitor Council policies on "Whistleblowing" and Anti-Fraud and Corruption;~~
- ~~(e) To scrutinise the draft Treasury Management Strategy Statement prior to its adoption by the full Council;~~
- ~~(f) To review any issue referred to the Committee by another Council body, the Chief Executive or a Director; and~~
- ~~(g) To consider the Council's compliance with its own and other published standards and controls.~~

#### ~~Risk Management~~

- ~~(h) To approve the Council's Risk Management Policy and receive regular reports on compliance with the policy across the Council; and~~
- ~~(i) To review the effectiveness of systems for the assessment and management of material areas of risk within the Council and to monitor their maintenance and development in accordance with the Risk Management Policy.~~

#### ~~Audit Activity~~

- ~~(j) To consider the Head of Audit and Risk Management's annual report and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can provide about the Council's corporate governance arrangements;~~

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

- ~~(k) — To consider and approve the Council's Annual Internal Audit Plan and the Annual Internal Audit Plan and ensure that it is consistent with the scope of the audit engagement or service delivery arrangements;—~~
- ~~(l) — To consider reports dealing with the management and performance of providers of internal audit services to the Council;~~
- ~~(m) — To consider quarterly reports in respect of internal audit activity including ethical oversight issues and any major findings arising from internal audit reviews and to ensure that appropriate corrective action has been taken;~~
- ~~(n) — To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale;~~
- ~~(o) — To approve any significant changes to the Strategic or Annual Audit Plans as requested by officers;—~~
- ~~(p) — To receive reports from the Head of Audit and Risk Management on appropriate matters;~~
- ~~(q) — To receive and note the Annual Audit Plan from the external auditor;~~
- ~~(r) — To receive the Annual Audit Letter from the External Auditor and make any appropriate recommendations to full Council or The Cabinet in respect of these matters;~~
- ~~(s) — To receive quarterly and annual reports in respect of external audit activity including ethical oversight issues;~~
- ~~(t) — To question officers and Cabinet Members on the above matters;—~~
- ~~(u) — To make any appropriate recommendations to full Council or the Cabinet in respect of these matters;—~~
- ~~(v) — To commission work from Internal and External Audit; and~~
- ~~(w) — To liaise with the Audit Commission over the appointment of~~



## PART THREE – RESPONSIBILITY FOR FUNCTIONS

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~~\_\_\_\_\_ the Council's external auditor.~~

#### Accounts

~~(x) \_\_\_\_\_ To review the annual statement of accounts and, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council or the Cabinet; and~~

~~(y) \_\_\_\_\_ To consider the External Auditor's report on issues arising from \_\_\_\_\_ the audit of the accounts.~~

#### ~~8. \_\_\_\_\_ Planning Committee~~

~~-~~

~~\_\_\_\_\_ The Committee may:-~~

~~\_\_\_\_\_~~

~~(a) \_\_\_\_\_ exercise all the functions which are set out in (b) 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);~~

~~\_\_\_\_\_~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ exercise the following functions:-~~

~~(i) \_\_\_\_\_ paragraph A Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into planning agreements and enforcement of planning and listed building controls~~

~~(ii) \_\_\_\_\_ paragraph I Miscellaneous Functions~~

~~(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) \_\_\_\_\_ enter into highway works agreements under section 278 of the Highways Act 1980;~~

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- ~~(d) — approve for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, the Unitary Development Plan (and subsequently the Local Development Framework);—~~
- ~~(e) — make recommendations to the Cabinet on the terms of the Unitary Development Plan (and subsequently the Local Development Framework) to be recommended by the Cabinet to the Council for amendment or adoption;—~~
- ~~(f) — make recommendations to the Cabinet on the following where consistent with the Unitary Development Plan (and subsequently the Local Development Framework);—~~
  - ~~(i) — planning and land use policy including supplementary planning guidance;—~~
  - ~~(ii) — local guidelines and planning and development briefs;—~~
  - ~~(iii) — the preparation of guidance on the following functions where they relate to the built environment:—~~
    - ~~— quality of design~~
    - ~~— heritage and conservation~~
    - ~~— coherence of street furniture~~
    - ~~— street trading~~
  - ~~(iv) — grant support, scheme design, feasibility studies, tender acceptance and implementation, in relation to development projects (falling within the responsibilities of the Urban Environment Directorate) involving the following:—~~
    - ~~— building or refurbishment works~~
    - ~~— conservation and restoration~~
    - ~~— landscaping and environmental enhancement~~
    - ~~— street works and other works in conservation areas~~
    - ~~— community safety~~
    - ~~— economic development and community enterprise~~
    - ~~— area promotion~~
    - ~~— arts development~~

#### ~~9. — Pensions Committee~~

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- ~~(a) To exercise 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. The Committee's functions are those of the "Administering Authority" under the Pensions legislation.~~
- ~~(b) To be responsible for the management and monitoring of the Council's Pension Fund through:-
  - ~~(i) Selection and appointment of Investment Managers, master custodian, provider of performance monitoring against benchmarks services, providers for the Council's Additional Voluntary Contributions (AVC) scheme and specialist external advisors as necessary.~~
  - ~~(ii) Reviewing Investment Managers' performance.~~
  - ~~(iii) Formulation of investment, socially responsible investments (SRI) and governance policies.~~
  - ~~(iv) Maintaining a Statement of Investment Principles.~~
  - ~~(v) Publicising statements and policy documents as required by legislation, government directives and best practice.~~~~
- ~~(c) To monitor and as appropriate to decide upon Pensions Administration issues.~~
- ~~(d) To receive the Pension Fund Budget annually and monitor spend against this.~~
- ~~(e) To agree to the admission of bodies into the Council's Pension scheme.~~
- ~~(f) To receive actuarial valuations.~~

### 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

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

#### 1. Under the ~~General Purposes~~ Corporate Committee

##### ~~1.1 Miscellaneous Functions Sub-Committee~~

- ~~(a) The Committee has all the functions which are stated not to be the responsibility of the Council's Executive in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Committee's functions do not include those within the remit of the General Purposes Committee or those under the Licensing Act 2003 which are within the remit of the Licensing Committee and Licensing Sub-Committees.~~
- ~~(b) The Sub-Committee's functions include making decisions in all individual licensing or registration cases where a hearing is required.~~
- ~~(c) The Committee has power to make final decisions on behalf of the Council in relation to its functions in (b).~~
- ~~(d) Excluded from the Sub-Committee's terms of reference under (a) are decisions on all policy issues, procedures and standard terms and conditions which are within the jurisdiction of the General Purposes Committee.~~

##### ~~1.2~~ 1.1 Disciplinary Appeals Panel

To confirm, reduce or increase the penalty imposed by previous internal disciplinary hearings.

##### ~~1.3~~ 1.2 Grievance Panel

To determine grievances lodged by employees of the Council in relation to their terms and conditions of service, in accordance with the approved procedures.

##### ~~1.4~~ 1.3 Job Evaluation Appeals Panel

To determine job evaluation appeals lodged by employees of the

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

Council in accordance with the approved procedures.

#### ~~1.5~~ 1.4 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 ~~General Purposes~~ Corporate 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 Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.

## 2. Under Overview and Scrutiny Committee

### 2.1 Scrutiny Review Panels

- (a) To carry out scrutiny processes relevant to particular services/topics 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, within the agreed time-scale and with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

## 3. Under Standards Committee

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

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The following rules will apply to all three types of Sub-Committee listed below. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor. So far as practicable, and having regard to relevant Regulations and Guidance, every Sub-Committee will include two Councillors, each from a different party group.

#### 3.1 Assessment Sub-Committees

Between three and five members of the Committee.

To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees will follow procedures agreed by the Committee.

#### 3.2 Review Sub-Committees

Between three and five members of the Committee. Not to include any member of the Assessment Sub-Committee for the same allegation.

To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.

#### 3.3 Hearing Sub-Committees

Five members of the Committee.

To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England. The Sub-Committees will follow procedures agreed by the Committee.

### 4. Under ~~Licensing~~ 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

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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 is nominated by the Annual Council but formally appointed by the Regulatory Committee each year. 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 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) To exercise all the functions listed in these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;~~

~~(b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;~~

~~(c) (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 Licensing Regulatory Committee;~~

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

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

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

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

~~(f)~~ (d) To determine valid applications for review of premises licences;

~~(g)~~ (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

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

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

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

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

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

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

~~(n)~~ (l) To determine valid applications for review of club premises certificates;

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

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

~~(q)~~ (o) To determine applications for renewals of personal licences



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following police objections;

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

#### Functions under the Gambling Act 2005 alone

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

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

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

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

- ~~(w)~~ (u) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;

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

- ~~(y)~~ (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;

- ~~(z)~~ (x) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where 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

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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, 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

(a) The Sub-Committee has all the functions which are set out in (b) and (c) 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);

(b) paragraph A - Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into planning agreements and enforcement of planning and listed building controls;

(c) paragraph I - Miscellaneous Functions;

(A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and

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*(B) the preservation of trees;*

*(d) 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.*

## SECTION 4 - 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 9 Members, 3 non-voting 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

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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:

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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 - AREA ~~ASSEMBLIES~~ COMMITTEES

- ~~(a) To work with Council directorates, partner organisations and local communities in an advisory and a consultative capacity to enhance the quality, co-ordination and accountability of services provided within neighbourhoods.~~

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~~(b) To monitor and make proposals for improvements to the physical environment and street scene of neighbourhoods and to consider the impact at a neighbourhood level of strategic policies to develop services.~~

~~(b) To be fully consulted on the management and delivery of regeneration and partnership schemes that are operating within neighbourhoods, ensuring that local people are able to communicate effectively with the Council and regeneration partnerships.~~

~~(c) To be fully consulted on the long term development of neighbourhood plans to feed into the community planning process.~~

~~(d) To operate as a sounding board for local consultation on Council strategies and plans put forward by the Council or its partners.~~

~~(e) To refer recommendations to the Cabinet and to the Overview and Scrutiny Committee and to partner organisations in accordance with the above, and to monitor implementation of those service improvements arising from previous Area Committee Assembly meetings.~~

*There is a Protocol outside this Constitution setting out how Area Committees are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.*

*The Borough has 7 Area Committees comprising all Ward Councillors from the Wards represented.*

*The Chair of each Area Committee shall be a Councillor from among the Ward Councillors serving each Area, excluding the Mayor or any Cabinet Member, and these appointments shall be ratified each year at the Annual Council meeting.*

*The Access to Information Procedure Rules in Part 4 of this Constitution apply to Area Committees. The Committee Procedure Rules in Part 4 apply to Area Committees except where this would be inconsistent with the Protocol mentioned above.*

*Area Committees are intended to have formal decision-making and*

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*advisory roles. Area Committees shall have the following functions:*

- (a) Developing and making an Area Committee Plan at the commencement of each municipal year setting out the priorities for the Area over the coming year;*
- (b) Developing and encouraging partnerships with local residents' associations, voluntary and community bodies and other stakeholder groups in the Area to consider matters of mutual interest;*
- (c) Proposing variations to standard service delivery and to specifications for procurement within the remit of the Directorate of Place and Sustainability in order to reflect local needs and aspirations subject to these variations being consistent with agreed budgets and legally possible;*
- (d) To monitor and make proposals for improvements to the physical environment and street scene of neighbourhoods and to consider the impact at a neighbourhood level of strategic policies to develop services;*
- (e) Being consulted, and making recommendations to the Cabinet, about potential items for inclusion in the Local Implementation Plan, indicating priorities as between schemes which meet the Borough-wide criteria and making recommendations on the detailed design of such schemes;*
- (f) Being consulted, and making recommendations to the Borough Commander, about local police priorities for promoting Community Safety;*
- (g) Making recommendations to the full Council on the introduction of by-laws to have effect in the Wards covered by the Area Committee. Wherever possible proposed by-laws should be consistent with the model by-laws on that matter issued by central government;*
- (h) Being consulted informally about applications under the Licensing Act 2003 and the Gambling Act 2005. Only Ward Councillors (and local residents and businesses) will be "interested parties" with a right to make relevant representations under these Acts but the Area Committee can make its views known informally to Ward*

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#### Councillors:

- (i) Being consulted and making representations about (i) applications under other non-executive licensing and regulatory legislation, (ii) planning applications, and (iii) proposed changes to parking controls and traffic calming measures;
- (j) Exercising the powers of the Local Planning Authority to adopt, revise and revoke Local Development Orders under section 61A of the Town and Country Planning Act 1990 and overseeing all procedural steps including local consultation;
- (k) Making arrangements to hold a pre-planning application presentation at a normal Area Committee meeting, on schemes that have formally entered the Council's Pre-Planning Application Advice Service;
- (l) Monitoring and making recommendations to develop the system of Area Based Working for service delivery;
- (m) Undertaking Area Studies about issues of concern to local residents;
- (n) Considering recommendations and concerns raised during the public forum element of the meeting;
- (o) Considering and taking action in any way relating to, or connected with, the above matters and recommending amendments to the Protocol on Area Committees.

Area Committee meetings shall commence with an open public forum, intended to act as a consultative discussion for local people and their Ward Councillors on all issues affecting, or relevant to, the Council and service delivery.

#### Area Committees and Urgency

Where there is a need for urgent decisions, or representations in response to consultation, to be made between scheduled meetings of an Area Committee the Chair shall be responsible for taking those actions. Action taken by the Area Committee Chair shall be reported for noting to the next meeting of the Area Committee.



## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

#### SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

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

#### SECTION 7 - DEFAULT PROVISIONS

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

#### SECTION 8- GROUP MEETINGS

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

- (a) suitable accommodation for meetings;
- (b) assistance with the production and distribution of agenda and minutes;
- (c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate ~~Executive~~ 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

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

### Section C – Terms of Reference: Full Council & Non Executive Bodies

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 8 - CREATION OF NEW BODIES

### Creation of New Non-Executive Bodies

Proposals for the creation of new bodies exercising non-Executive functions to exist for more than three months shall be submitted to the ~~General Purposes~~ Corporate Committee with details of the proposed membership, terms of reference and comments by the Head of Local Democracy & Member Services on the staffing implications.

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

# Part Four, Section A

## Council Procedure Rules

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### COUNCIL PROCEDURE RULES

#### Note

In these rules:

“**day**” means any calendar day including week-ends and public holidays.

“**working day**” means any day when the offices of the Council’s Members’ Services are open for business excluding week-ends and public holidays.

“**clear day**” means any working day and it excludes both the day of any initial action, giving notice or dispatch of papers (as appropriate) and the day of any subsequent action or meeting (as appropriate).

Where any action is required to be taken on, or before the end of, a working day, then it must be completed by 5.00 p.m. on that day unless the relevant rule states otherwise.

*There is a Protocol outside this Constitution setting out how full Council meetings are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.*

#### 1. ANNUAL MEETING OF THE COUNCIL

##### 1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.

The annual meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Elect the Mayor for the ensuing year
- (iii) Receive apologies for absence.
- (iv) Receive any late or urgent business
- (v) Receive any declarations of interest from members

PART FOUR - RULES OF PROCEDURE  
Section A - Council Procedure Rules

- (vi) Approve the minutes of the last meeting;
- (vii) Receive written notification of the appointment of Deputy Mayor
- (viii) Pass a vote of thanks to the retiring Mayor and Mayoress / Escort and Deputy Mayor and Deputy Mayoress / Escort
- (ix) Receive such communications as the Mayor may desire to lay before the Council.
- (x) Elect the Leader of the Council (only applies to the first meeting after the Council election).
- (xi) Appoint a Scrutiny Committee, a Standards Committee, ~~an Audit Committee, a Licensing Committee~~ and such Committees and subordinate bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, of this Constitution). To confirm the size and terms of reference of these bodies and to appoint Chairs, Vice Chairs, Members and substitute or reserve Members and subordinate bodies in accordance with political balance rules (as set out in Part 3 of this Constitution);
- (xii) Make appointments to outside bodies except where appointment to those bodies has been delegated by the Council;
- (xiii) Receive any announcements from the Leader, and/or Head of Paid Service;
- ~~(xiv) Confirm the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);~~
- (xv) Receive a programme of ordinary meetings of the Council for the year; and
- (xvi) Consider any business set out in the notice convening the meeting.

**2. BUDGET SETTING MEETING**

The budget-setting meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence.
- (iii) Receive any late or urgent business
- (iv) Receive any declarations of interest from members
- (v) Approve the minutes of the last meeting;
- (vi) Hear deputations and receive petitions related to the budget, accepted under rules 11 & 12;
- (vii) Hear any proposed amendments to the budget;
- (viii) Approve the budget.

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3. 2. ORDINARY MEETINGS

3.1 ~~2.1~~ Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence (if any)
- (iii) Deal with any business required by statute to be considered before any other business
- (iv) Receive any declarations of interest from members;
- (v) Approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) Hold a Haringey Debate, on the agreed theme for that meeting. The form of the debate may include holding the debate as an Open Session under paragraph 30. Arrangements for how the debate will function are outlined in the full Council Protocol;
- (vii) ~~(vi)~~ Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the Head of Legal Services and Monitoring Officer;
- (viii) ~~(vii)~~ To make appointments to Council committees and outside bodies;
- (ix) ~~(viii)~~ Hear deputations and receive petitions accepted under rules 11 & 12;
- (x) ~~(ix)~~ Receive questions from and provide answers to the public on matters notified under Rule 8;
- (xi) ~~(x)~~ Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;
- (xii) ~~(xi)~~ Deal with any business from the previous Council meeting;
- ~~(xii) Consider opposition business submitted under Rule 12;~~
- (xiii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;
- (xiv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xv) Consider motions; and
- (xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

3.2 ~~2.2~~ The order of items (i), (ii), (iii), (iv) and (v) of paragraph 3.1 shall not be varied. The order of other business may be varied:

- (i) At the discretion of the Mayor, prior to the meeting following consultation with the Leader or at the meeting; or

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- (ii) By a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

**4. ~~3.~~ EXTRAORDINARY MEETINGS**

**4.1 ~~3.1~~ Calling extraordinary meetings**

Those listed below may request the Head of Local Democracy & Member Services to call Council meetings in addition to ordinary meetings:

- (i) The Council by resolution
- (ii) The Mayor
- (iii) The Monitoring Officer; and
- (iv) Any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition.

**4.2 ~~3.2~~ Business**

The only business to be transacted at an extraordinary meeting shall be that stated in the summons.

**4.3 ~~3.3~~ Questions**

Questions shall not be permitted at extraordinary meetings and Rule 10 shall not apply.

**4.4 ~~3.4~~ Deputations**

Rule 11 shall apply to extraordinary meetings, but deputations will only be received where its purpose is related to an item of business on the summons.

**5. ~~4.~~ NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Local Democracy & Member Services will determine and give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of Local Democracy & Member Services will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

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**6. ~~5~~ CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee, Board and Scrutiny Commission meetings, references to the Mayor also include the Chair of Committees, Boards and Commissions.

**7. ~~6~~ QUORUM**

The quorum of a meeting shall be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, the division bell shall be rung for thirty seconds and the Mayor shall then ascertain whether a quorum is present. If a quorum is not present the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**8. ~~7~~ DURATION OF MEETING**

8.1 (i) Council meetings shall end at 9.30 ~~10~~ p.m. on the day of the meetings,

provided that the Mayor has discretion to extend the time to allow for adjournments, deputations and to complete the item then under discussion;

(ii) If a report, a motion or an amendment to a motion is still being discussed, the Member speaking at the time may continue speaking for the remainder of the time allowed for speeches under these rules;

(iii) The relevant Councillor who moved the report or substantive motion shall have a right of reply before the motion or amendment is put to the vote. No other right of reply is allowed;

(iv) Before the Mayor concludes the meeting, a motion shall be put detailing the outstanding reports of Committees not disposed of and asking that the Council adopt them, and recommendations contained within them, without debate; all other business remaining shall fall;

(v) Any motions on the agenda that fall under (iv) may be resubmitted for the next, or a subsequent, Council meeting in accordance with Rule 13.

**9. ~~8~~ QUESTIONS BY THE PUBLIC**

**9.1 ~~8.1~~ General**

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Members of the public may ask questions of the Leader, members of the Cabinet, Committee Chairs or Councillor Representatives on external bodies at ordinary meetings of the Council. A total of 20 minutes will normally be allowed for public questions at each ordinary meeting of the Council. A question being answered at the time limit shall be completed. Where an open debate is planned, any public questions will be at the Mayor's discretion following advice from the Monitoring Officer.

#### 9.2 ~~8-2~~ Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Only one question per meeting may be put by a single questioner and no more than two questions may be put on behalf of an organisation.

#### 9.3 ~~8-3~~ Notice of questions

A question may only be asked if notice has been received in writing or by electronic mail by the Head of Local Democracy & Member Services no later than 10am so as to leave eight clear days in advance of the Council meeting, stating the Member of the Council to whom the question is to be addressed. The Head of Local Democracy & Member Services will circulate a list of all valid questions. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

#### 9.4 ~~8-4~~ Scope of questions

The Monitoring Officer may reject a question if it:

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

#### 9.5 ~~8-5~~ Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. The questioner may ask one supplementary question



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for the purpose of elucidation provided that it falls within the scope under 9.4.

**9.6 ~~8-6~~ Written answers**

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

**9.7 ~~8-7~~ Reference of question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

**10 ~~9~~ QUESTIONS BY MEMBERS**

**10.1 ~~9-1~~ On reports of the Cabinet or Committees**

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

**10.2 ~~9-2~~ Questions on notice at full Council**

Subject to Rule ~~9-3~~ 10.3, a Member of the Council may ask:

- The Mayor;
- The Leader
- Any Member of the Cabinet; or
- The Chair of any Committee, Board or Commission
- The Council's representative(s) on any outside body;

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

**10.3 ~~9-3~~ Scope of questions**

The Monitoring Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the well-being of the Borough;
- Is defamatory, frivolous or offensive;

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

10.4 ~~9.4~~ Notice of questions

(a) A Councillor may ask one substantive question per meeting, in accordance with rule ~~10.5~~ ~~9.5~~ (d), provided that they have been received in writing by the Head of Local Democracy & Member Services no later than 10 am so as to leave eight clear days prior to the Council meeting, stating which Member of Council the question is to be addressed to. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection. All ~~Each~~ questions should be confined to one substantive topic.

# (b) There will be 8 questions from Councillors which will receive direct oral answers. Questions on notice for oral answer will be set out on the Summons to the Council meeting.

(c) A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

(d) Questions for written answer and the answers provided will be published on the Council's website as soon as practicable after the relevant meeting.

10.5 ~~9.5~~ Order of Questions

(a) There will be 8 questions which will receive direct oral answers. All other questions will receive written answers. Questions from each group will be placed so as to alternate on the agenda with 4 from each political party. 3 minutes will be allocated to answer the main question and 2 minutes allocated to answer supplementary questions

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

(c) All questions and answers must be made as questions/answers and must not be a speech or statement.

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

(e) Each Member of the Council may ask one question for written answer in addition to those for oral answer. ~~All~~ Each questions and response should be confined to one substantive topic.

10.6 ~~9.6~~ Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner. Written answers will be supplied to members no later than the meeting

10.7 ~~9.7~~ Supplementary questions

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question may be asked by a Councillor of the other political party or group, unless they do not wish to use it in which case it reverts to the party asking the original question. Each supplementary question must arise directly out of the original question or the reply. No supplementary questions may be asked on written answers.

## 11. DEPUTATIONS

11.1 ~~10.1~~ A deputation may only be received by the Council if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the Head of Local Democracy & Member Services not later than 10am to leave five clear days prior to the Council meeting.

11.2 ~~10.2~~ Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.

11.3 ~~10.3~~ Subject to the foregoing the Head of Local Democracy & Member Services shall bring the requisition before the Mayor, who having consulted the Leader, or in his/her absence the Deputy Leader, shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Council. The Leader must have regard to other business on the Council agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the Council agenda of the same subject matter. Where there is not an item on the Council agenda of the same subject, the Mayor may refer the Deputation to Cabinet, a Cabinet member, a Committee of the Council or the Overview and Scrutiny Committee.

11.4 ~~10.4~~ The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Council meeting, advising of the reasons for the deputation not being taken at Full Council.

11.5 ~~10.5~~ Scope of deputations

The Monitoring Officer may reject a Deputation if it

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

11.6 ~~10.6~~ Taking the Deputation at the meeting

11.7 ~~10.7~~ A total of 30 minutes shall be allocated to Deputations on the Council agenda.

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~~11.8~~ 10.8 If the Mayor shall have decided that the notice of the deputation shall be given on the agenda paper, any Councillor shall be at liberty when the item is called by the chair to move a motion without notice that the deputation be not received or that it be referred to the Cabinet, a Cabinet member or a committee as the case may be and such motion on being seconded shall at once be put to the vote.

~~11.9~~ 10.9 The Deputation Spokesperson will be given five minutes to introduce the Deputation, following which they may answer any questions from Members. The Mayor will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the Council agenda when doing so.

~~11.10~~ 10.10 The relevant Cabinet member shall be given the opportunity to respond to Council on the issues raised, and advise Council what actions will be taken as a result of the deputation. Should no response be given at the meeting to which the deputation is put, the Cabinet Member should provide a response at the next ordinary meeting of Council.

~~10.11~~ A copy of the response given at the meeting or to subsequent meetings will be sent to the leader of the Deputation.

## 12. PETITIONS

~~12.1~~ 11.1 The Head of Local Democracy & Member Services should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting. The petition will be handed to the Mayor, and recorded as received by the Head of Local Democracy & Member Services without any further debate. The relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council. A copy of this response will be sent to the Petitioner.

## ~~12. OPPOSITION BUSINESS~~

~~12.1~~ The main opposition party may raise one item of business of its choice per meeting, provided that it has been received in writing by the Head of Local Democracy & Member Services no later than 10 a.m. so as to leave six clear days prior to the Council meeting, stating the nature of the business to be raised.

~~12.2~~ The Monitoring Officer can reject opposition business which:

- ~~• Is not about a matter for which the local authority has a responsibility or which affects the well being of the Borough;~~

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- ~~• Is defamatory, frivolous or offensive;~~
- ~~• Requires the disclosure of confidential or exempt information.~~

~~12.3 Fifteen minutes will be allowed to deal with opposition business. Should opposition business be rejected, the Leader of the Opposition will receive a written response advising of this, including the reasons for the rejection.~~

~~12.4 The Leader or the appropriate Cabinet Member shall be allowed 5 minutes to reply to the opposition business.~~

### 13. MOTIONS ON NOTICE

#### 13.1 Notice

Except for motions which can be moved without notice under Rule 14, written notice of ~~every~~ motions, together with the names of the proposer and seconder, must be delivered to Head of Local Democracy and Member Services not later than 10.00 a.m. so as to leave five clear working days before the date of the meeting. These will be available for inspection the day after the closing date for receipt.

#### 13.2 Motion set out in agenda

*Each political group will be able to give notice on one motion at each ordinary meeting.* Motions for which notice has been given will be listed on the agenda, *in a sequence alternated between groups from meeting to meeting.* ~~in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.~~

#### 13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the well-being of Haringey.

#### 13.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on that Member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

#### 13.5 Motions Out of Order

The Mayor may in consultation with the Chief Executive or Monitoring Officer, rule out of order motions which, in his/her opinion, would risk:-

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- (a) defamation of any individual;
- (b) not conforming to the provisions of rule 9.3 or which breach other Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

**14. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 3.2 (ii) )
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches by 2 minutes;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5;

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- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) to move an emergency motion where the Mayor has given consent.

**14A. EMERGENCY MOTIONS**

Any Member may ask the Mayor to consider the admission of an emergency motion as urgent business, provided that due notice could not reasonably have been given in accordance with Rule 13.1. All other Rules relating to motions on notice must be complied with, including the giving of written notice, together with the names of the proposer and seconder, to the Head of Local Democracy and Member Services. This notice should be given, if at all possible, by 10.00 a.m. on the day of the Council meeting and, in any event, no later than 3.00 p.m. on that day.

**15. RULES OF DEBATE**

**15.1 Length of Debate**

Discussion on any one motion, including amendments shall not exceed 30 minutes

**15.2 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

**15.3 Substitution of movers and seconders**

Another member may speak on behalf of the mover or seconder who gave written notice of a motion

**15.4 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

**15.5 Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

**15.6 Content and length of speeches**



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- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the Mayor.
- (b) The following persons may be allowed to speak for up to 5 minutes:
  - (i) The Leader and a Member of the Cabinet or Chair of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
  - (ii) The mover of a motion.
  - (iii) A Member exercising his/her right of reply to a motion
- (c)
  - (i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the State of the Borough Debate the Leader shall be allowed 15 minutes to deliver his/her priorities speech.
  - (ii) The Leaders of the opposition groups shall be allowed 7 minutes to reply to (c) (i) above
  - (iii) The Leader or other person as they may nominate shall be allowed a further 3 minutes in total to respond to the speeches in (ii) above

15.7 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) if the Member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;
- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply in accordance with rule 15.11;
- (f) on a point of order; and
- (g) by way of personal explanation.

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15.8 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion completely.

- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Head of Local Democracy & Member Services by no later than 10.00 a.m. on the day of the meeting. The Head of Local Democracy & Member Services will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.9 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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- (c) Only alterations which could be made as an amendment may be made.

15.10 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.11 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

15.12 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 23.4 or to exclude them from the meeting under Rule 23.5.

### 15.13 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### 15.14 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### 15.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

~~16. STATE OF HARINGEY DEBATE~~

~~16.1 Calling of debate~~

~~The Leader will call a State of the Borough Debate annually on a date and in a form to be agreed with the Mayor. The form of debate may include holding the debate as an Open Session under paragraph 30. It may also include holding workshops and other events prior to or during the State of the Borough Debate/Open Session.~~

~~16.2 Results of debate~~

~~The results of the debate will be considered by the Leader in proposing the budget and policy framework to the Council for the coming year.~~

~~16. 17. PREVIOUS DECISIONS AND MOTIONS~~

~~16.1 17.1 Motion to rescind a previous decision~~

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 members.

~~16.2 17.2 Motion similar to one previously rejected~~

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

~~16.3 17.3 Decision of Committee to rescind a previous decision~~

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

~~17. 18. VOTING~~

~~17.1 18.1 Majority~~

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put.

~~17.2 18.2 Mayor's casting vote~~

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If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

17.3 ~~18.3~~ Show of hands

Unless a recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 ~~18.4~~ Recorded vote

If 8 members present at the meeting demand it, by standing in their places, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. This rule does not apply to procedural motions and is subject to the right of the Mayor to reject any demand for a recorded vote that is considered frivolous or vexatious.

17.5 ~~18.5~~ Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 ~~18.6~~ Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. ~~19.~~ MINUTES

18.1 ~~19.1~~ Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

18.2 ~~19.2~~ No requirement to sign minutes of previous meeting at extraordinary meeting

## PART FOUR - RULES OF PROCEDURE

### Section A - Council Procedure Rules

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### 18.3 ~~19.3~~—Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

### 19. ~~20.~~ SUBMISSION OF RECOMMENDATIONS AND REPORTS

19.1 ~~20.1~~— The Chief Executive shall submit a report listing any recommendations from Overview and Scrutiny Committee requiring policy change or Cabinet action. The Mayor shall itemise, in turn, each area of dispute between the Cabinet and the Scrutiny Committee and shall call for a debate on each item. At the conclusion of the debate on each item, the Mayor shall call for a vote to be taken on the item concerned.

19.2 ~~20.2~~— Where the Cabinet or a Committee is making a recommendation to full Council requiring a decision or resolution of the Council a report shall be submitted on the matter. Where the Cabinet or a Committee consider that any matter coming before them merits being drawn to the notice of the full Council, then a report shall be submitted to the next practicable meeting of the Council.

19.3 ~~20.3~~— In all other cases decisions of the Cabinet, Committees and other bodies may be implemented once the decision is made subject to the procedures on suspending definitive action the Call-In Procedure Rules in and any statutory action by the Monitoring Officer.

19.4 ~~20.4~~— The Chair of the Overview and Scrutiny Committee and the Chair of the Standards Committee will submit a written reports on the proceedings of the Committees as often as the Committees consider necessary but at least once a year at the first meeting after the annual meeting of the Council.

### 20. ~~21.~~ RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting .

PART FOUR - RULES OF PROCEDURE  
Section A - Council Procedure Rules

21. ~~22.~~ EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

22. ~~23.~~ MEMBERS' CONDUCT

22.1 ~~23.1~~ General conduct

Members are required to comply with the Code of Conduct at all times. Where necessary and appropriate the Mayor will remind members of their responsibilities under the Code during the course of the meeting.

22.2 ~~23.2~~ Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor, except where the member or members may be physically unable to do so. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

22.3 ~~23.3~~ Mayor standing

When the Mayor indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

22.4 ~~23.4~~ Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor or any other member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.5 ~~23.5~~ Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.



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~~22.6~~ ~~23.6~~ General disturbance by individual member or groups of members

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long and to such place as he/she thinks necessary.

**23. ~~24.~~ DISTURBANCE BY PUBLIC**

**23.1 ~~24.1~~ Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

**23.2 ~~24.2~~ Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

**24. ~~25.~~ DECLARATIONS OF INTEREST OF MEMBERS**

If a member of the Council has a personal interest as referred to in Part 2 of the Council's Code of Conduct for Members 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. If the interest is considered prejudicial the member should 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.

**25. ~~26~~ SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**25.1 ~~26.1~~ Suspension**

All of these Council Rules of Procedure except Rules 20, 21 and 24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

**25.2 ~~26.2~~ Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**26. ~~27.~~ ALTERATION OF DATE/TIME OF MEETING**

The Mayor or Deputy Mayor may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

**27. ~~28.~~ INTEREST OF OFFICERS IN CONTRACTS**

The Monitoring Officer shall record particulars of any notice given by an officer of the council

**28. ~~29.~~ ADVICE TO COUNCIL BY OFFICERS**

The Mayor may permit Officers to give advice to the Council as and when appropriate.

**29. ~~30.~~ OPEN SESSIONS WITH PARTNERS**

29.1 ~~30.1~~ The Leader, after consultation with the Mayor, may request the Head of Local Democracy & Member Services to call an open session at which partner organisations via nominated spokespersons will be invited to attend and debate with elected members, matters of common interest and public policy. Such meetings may be held outside Council premises. The Head of Local Democracy & Member Services, will by letter, invite partner organisations to attend the even. The Council rules of debate will be applicable to open sessions and these will be set out in the letter of invitation.

**29.2 ~~30.2~~ ~~State of Haringey Debate~~ *Haringey Debates***

~~The meeting at which the debate takes place~~ *Haringey debates which take place at ordinary meetings* may take the form of an Open Session. The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

**30. ~~31.~~ VOTES OF NO CONFIDENCE**

30.1 ~~31.1~~ A vote of no confidence relating to any office holder may only be moved if notice of it clearly set out as such appears on the agenda of the relevant meeting of the Council

30.2 ~~31.2~~ In accordance with Article 7.06 in Part 2 of this Constitution, the Leader shall cease to hold office if a vote of no confidence is carried at a meeting of the full council by a majority of the members

PART FOUR - RULES OF PROCEDURE  
Section A - Council Procedure Rules

of the whole council then present. In that event Articles 7.06 and 7.07 make provision for the discharge of the Leader's functions.

~~30.3~~ ~~31.3~~ A Chair of a Committee, Sub-Committee or other body shall cease to hold office if a vote of no confidence is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The Vice Chair will assume the role of Chair until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.

~~30.4~~ ~~31.4~~ For the avoidance of doubt, Rule 31.3 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 31.3 shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply. Rule 31.3 shall not apply to the Chair of the Standards Committee but Article 9.02(c) shall apply.

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**31. ~~32.~~ ALEXANDRA PARK AND PALACE**

Before full Council considers any matter, acting in its capacity as the statutory trustee of Alexandra Park and Palace trust, the Chief Executive shall read out the following reminder to Members: "When discharging the trustee function the Council must have regard to its duties as the trustee to the exclusion of all other matters. These duties include the obligation to act in the best interests of the charity above all other considerations. Similarly, each Member is under a duty, to the extent that it lies within the Member's power, to secure that the Council fulfils its duties as the trustee and, conversely, that the Council does not commit any breach of trust."

**32. ~~33.~~ MAYOR'S PREROGATIVE ON THE INTERPRETATION OF PROCEDURE RULES**

The ruling of the Mayor, with the advice of the Chief Executive or the Monitoring Officer, on the interpretation or application of any of these Standing Orders, or on any procedures of the Council Meeting, shall not be challenged at the meeting.

**Part Four, Section B**  
**Committee Procedure Rules**  
**COMMITTEE PROCEDURE RULES (COUNCIL STANDING ORDERS)**  
**APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, ETC.**

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 1989 Act, 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 and ~~its Sub-Committees are~~ 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

## PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules

- (d) a committee resolves to carry out such a review, the Chief Cabinet 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 1989 Act.
- 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. 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.
- 11. 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.

### **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 Head of Local Democracy & Member Services.
- 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. 51 below.
- 17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.

## PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules

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 paragraphs 1-4 above.

### **CHAIRS AND DEPUTY CHAIRS OF COMMITTEES, SUB-COMMITTEES, ETC**

20. At each annual meeting, the Council shall appoint the members of the Cabinet and a 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 Head of Local Democracy & Member Services 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 Head of Local Democracy & Member Services 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 two 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**

## **PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules**

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 the Terms of Reference and Scheme of Delegation of Powers as approved by the Council (and in accordance with its own constitution) 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 Head of Local Democracy & Member Services 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 Head of Local Democracy & Member Services, 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 Head of Local Democracy & Member Services 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.
- 29.3 The proper officer may reject a question if it:
  - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
  - Is defamatory, frivolous or offensive;
  - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - Requires the disclosure of confidential or exempt information.
- 29.4 The Head of Local Democracy & Member Services 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 Head of Local Democracy & Member Services shall announce the question number and the name and address of the questioner.

## PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules

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.

29.10 Council Procedure Rules 10 (Deputations) and 11 (Petitions), appropriately modified, shall apply to meetings of Council Committees with the exception that the matter to be addressed must fall within the Committee's terms of reference

### **PRESENTATIONS**

30. 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.

31. 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**

32. Minutes of every meeting shall be presented to the next ordinary meeting.

33. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.

34. 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**

35. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.

36. 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 Standing Orders. 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**

#### **37. 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.

#### **38. 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



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that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### 39. **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**

### 40. **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.

### 41. **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.

## **VOTING**

42. Voting shall be by a show of hands.

43. 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.

44. 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.

45. Proposals carried are recorded as resolutions or recommendations.

Proposals lost are not recorded, except as provided for in (2) above.

## **ATTENDANCE**

46. 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.

47. 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.

48. Every member attending a meeting shall sign his/her name on the attendance sheet provided for that purpose.

49. 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.

## PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules

50. Notice under 49 must be given in writing, including e-mail, to the Head of Local Democracy & Member Services 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.
51. On receipt of notice under 49 above, the Head of Local Democracy & Member Services 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 54 below.
52. 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 Head of Local Democracy & Member Services no later than 3 hours before the time for commencement of the meeting stated on the agenda.
53. 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 Standing Order may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.
54. 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 Committee, Disciplinary Appeals Panels, Grievance Panels, Job Evaluation Panels 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.
55. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. This rule (in 49) does not apply so as to allow substitution at meetings of The Cabinet or its Committees or its subordinate bodies.

### **CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS**

56. 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.

# Part Four, Section G

## Overview and Scrutiny Procedure Rules

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### OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The arrangements for Overview and Scrutiny
  - 1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
  - 1.2 The terms of reference of the Overview and Scrutiny Committee will be:
    - (i) The performance of all overview and scrutiny functions on behalf of the Council.
    - (ii) The commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council.
    - (iii) To decide and amend the terms of reference of all scrutiny reviews.
    - ~~(iv) To receive reports from the Leader at the earliest convenience after each annual council meeting on 'the state of the borough', the Cabinet's priorities for the coming year, and its performance in the previous year.~~
    - (iv) ~~(v)~~ To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.
    - (v) ~~(vi)~~ To monitor the effectiveness of the Council's Forward Plan.
    - (vi) ~~(vii)~~ To receive all appropriate performance management and budget monitoring information.
    - (vii) ~~(viii)~~ To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and scrutiny panels' time is effectively and efficiently utilised;

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

(viii) ~~(ix)~~ To consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.

(ix) ~~(x)~~ To monitor the effectiveness of the Call-in procedure.

(x) ~~(xi)~~ To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and to make reports and recommendations to Cabinet and Council on these.

(xi) ~~(xii)~~ To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter, or any crime and disorder matter, to the Committee under the Councillor Call for Action Procedure.

(xii) ~~(xiii)~~ To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and

(xiii) ~~(xiv)~~ To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny review panels.

#### 1.3 The Overview and Scrutiny Committee may commission a number of Scrutiny Review Panels:

- (i) Scrutiny Reviews Panels are task orientated, time-limited advisory bodies appointed to examine a specific issue in depth and reporting to the Overview and Scrutiny Committee.
- (ii) Panels will analyse submissions, request and analyse any additional information, and question the Cabinet Member(s), relevant Council officers and officers and/or board members of local NHS bodies or NHS funded bodies.
- (iii) Subject to the approval of the Overview and Scrutiny Committee, Scrutiny Review Panels will be able to appoint external advisors and/or to commission specific pieces of research if this is deemed necessary.
- (iv) Scrutiny Review Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports.

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

- (v) The culmination of a Scrutiny Review Panel's work is the submitting of a report to the Overview and Scrutiny Committee, including key findings, conclusions and recommendations. Exceptionally, where progress has become protracted or stimulating debate would be helpful, an interim report may be submitted, with the consent of the Chair of the Overview and Scrutiny Committee.
- (vi) Prior to publication, draft reports will be sent to the relevant Chief Officers or officers of the National Health Service for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;
- (vii) Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The Cabinet will note the report and request a responding report from the Chief Executive or Chief Officer and Cabinet Member responsible. The response is to be available within 6 weeks of the request and will include a detailed tabulated implementation action plan.
- (viii) Following endorsement by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.
- (ix) On receiving the responding report, the Cabinet will consider both reports and formally agree their decisions, and the implementation action plan at the next available Cabinet meeting.
- (x) In the event that the Cabinet does not accept one or more of the recommendations in the final report from the Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee has the right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination.
- (xi) Implementation action plans will also be presented to the Overview and Scrutiny Committee who will be invited to monitor its implementation.
- (xii) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

1.4 When Scrutiny Review Panels report on non-executive or regulatory functions the above rules are adapted as follows:

- (i) Paragraphs 1.3 (i) to (vi) apply.
- (ii) Paragraph 1.3 (vii) applies as if references to the "Cabinet/Cabinet meeting" were replaced by references to "meeting of the non-executive body responsible" and its "Chair" as appropriate.
- (iii) Paragraph 1.3 (viii) applies as appropriate.
- (iv) Paragraph 1.3 (ix) will be replaced by this provision -  
"On receiving the responding report, the non-executive body responsible, at its next available meeting, will consider both reports, its proposed response and the implementation action plan and will make recommendations on these to full Council. At the next available meeting full Council will formally agree the response and the implementation action plan."
- (v) Paragraph 1.3 (x) does not apply.
- (vi) Paragraphs 1.3 (xi) and (xii) apply.

1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny Review Panel. The procedure by which this Panel should operate is detailed in the Protocol covering the Overview and Scrutiny Committee.

1.6 ~~4.5~~ All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).

1.7 ~~4.6~~ The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.

## 2. Membership of the Overview and Scrutiny Committee, Scrutiny Review Panels *and Budget Scrutiny Review Panel*

2.1 All Councillors (except members of the Cabinet) may be members of the Overview and Scrutiny Committee, ~~and~~ Scrutiny Review Panels *and the Budget Scrutiny Review Panel*. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

2.2 *The membership of the Overview and Scrutiny Committee shall, as far as is practicable, comprise Members who are Chairs of Area Committees and, if necessary, other Members in order to comply with the political balance rules.* Councillors' membership of the

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

Scrutiny Review Panels *and Budget Scrutiny Review Panel* will *also* be, *as far as practicable*, in proportion to the representation of different political groups on the Council.

#### 3. Co-optees

- 3.1 Each scrutiny panel and review shall be entitled to appoint up to three people as non-voting co-optees, in consultation with the Overview and Scrutiny Committee.
- 3.2 Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part 6 of this Constitution.

#### 4. Education representatives

- 4.1 The Overview and Scrutiny Committee and each Scrutiny Review Panel, where the review's terms of reference relate wholly or in part to any education functions that are the responsibility of the Cabinet, shall include in its membership the following representatives:
  - (i) At least one Church of England diocesan representative (voting).
  - (ii) At least one Roman Catholic diocesan representative (voting).
  - (iii) 3 parent governor representatives (voting).
  - ~~(iv) A representative from the Race Equality Joint Consultative Committee (REJCC) (non-voting).~~

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or a Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Overview and Scrutiny Committee will attempt to organise its meetings so that relevant education matters are grouped together.

#### 5. Meetings of the Overview and Scrutiny Committee, Scrutiny Review Panels *and Budget Scrutiny Review Panel*

- 5.1 In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

as and when appropriate. An Overview and Scrutiny Committee meeting may be called *in agreement with the Chief Executive* by the Chair of the Overview and Scrutiny Committee, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

- 5.2 Meetings of Scrutiny Review Panels may be called by the Chair of the Scrutiny Review Panel, by any two members of the Panel or by the proper officer if he/she considers it necessary or appropriate.

5.3 Meetings of the Budget Scrutiny Review Panel shall take place as outlined in the protocol covering the Overview and Scrutiny Committee.

- 5.4 The ordinary meeting place for the Overview and Scrutiny Committee, the Scrutiny Review Panels *and the Budget Scrutiny Review Panel* shall be Haringey Civic Centre, High Road, Wood Green, London, N22 8LE but they may arrange to meet elsewhere whenever they see fit.

## 6. Quorum

The quorum for the Overview Scrutiny Committee, for each Scrutiny Review Panel *and for the Budget Review Scrutiny Panel* shall be at least one quarter of its membership and not less than 2 voting members.

## 7. Chair of the Overview and Scrutiny Committee, Scrutiny Review Panels *and Budget Scrutiny Review Panel*

- 7.1 The Chair of the Overview and Scrutiny Committee will be appointed by the Council.

- 7.2 The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.

- 7.3 Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

7.4 The Chair of the Budget Scrutiny Review Panel will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Budget Scrutiny Review Panel shall not be able to change



## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

*the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.*

#### 8. Work programme

Overview and Scrutiny Committee will determine the future scrutiny work programme and will commission task and finish Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each Review.

#### 9. Agenda items for the Overview and Scrutiny Committee

9.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet within an agreed timescale.

#### 10. Policy review and development

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4 of this constitution.

10.1 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee and its Scrutiny Review Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

#### 11. Reports from the Overview and Scrutiny Committee

Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The procedure to be followed is set out in paragraphs 1.3 or 1.4 above.

## **PART FOUR - RULES OF PROCEDURE**

### **Section G - Overview & Scrutiny Procedure Rules**

#### **12. Making sure that overview and scrutiny reports are considered by the Cabinet**

12.1 The agenda for Cabinet meetings (including any meetings of single members) shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet gives reasons why they cannot be included and states when they will be considered.

12.2 Where the Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet member, a Committee of the Cabinet or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that individual for consideration, and a copy to the proper officer. If the member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then the body/he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision.

#### **13. Rights and powers of Overview and Scrutiny Committee members**

##### **13.1 Rights to documents**

(i) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee and Scrutiny Review Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and Scrutiny Review Panels as appropriate depending on the particular matter under consideration.

##### **13.2 Powers to conduct enquiries**

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

consider necessary to inform their deliberations, within available resources. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (and Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so).

#### 13.3 Power to require Members and officers to give account

- (i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service to attend before it to explain in relation to matters within their remit:
  - (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy (or NHS policy, where appropriate); and
  - (c) their performance.

It is the duty of those persons to attend if so required. At the discretion of their chief officer, council officers below third tier may attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.

- (ii) Where any member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the member or proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the member or officer arrange an alternative

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

date for attendance, to take place within a maximum of 10 days from the date of the original request.

#### **14. Attendance by others**

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend. Attendance is optional.

#### **15. Call-in**

The call in procedure is dealt with separately in this Part of the Constitution, immediately following the Overview and Scrutiny Procedure Rules.

#### **16. Councillor Call for Action (CCfA)**

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Head of Local Democracy & Member Services who will check with the Monitoring Officer that the request falls within the Protocol. The Councillor making the referral will be able to attend the relevant meeting of the Committee to explain the matter. Among other actions, the Committee may: (i) make recommendations to the Cabinet, Directors or partner agencies, (ii) ask officers for a further report, (iii) ask for further evidence from the Councillor making the referral, or (iv) decide to take no further action on the referral.

The Protocol is not included within this Constitution but will be subject to regular review by the Committee.

#### **17. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.**

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

- (a) The Overview and Scrutiny Committee shall consider the following business as appropriate:
  - (i) apologies for absence;
  - (ii) urgent business;
  - (iii) declarations of interest;
  - (iv) minutes of the last meeting;
  - (v) deputations and petitions;
  - (vi) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - (vii) responses of the Cabinet to reports of the Committee; and
  - (viii) the business otherwise set out on the agenda for the meeting.
- (b) A Scrutiny Review Panel shall consider the following business as appropriate:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) the business otherwise set out on the agenda for the meeting.
- (c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
  - (i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;
  - (ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and

## PART FOUR - RULES OF PROCEDURE

### Section G - Overview & Scrutiny Procedure Rules

(iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.

- (d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet (via the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

#### **18. The Party Whip**

Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the Committee/Panel's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

#### **19. Matters within the remit of more than one Scrutiny Review Panel**

Should there be any overlap between the business of any scrutiny reviews, the Overview and Scrutiny Committee is empowered to resolve the issue.

## PART 4 – RULES OF PROCEDURE

### Section I – Financial Regulations

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## PART 4 – SECTION I

### FINANCIAL REGULATIONS

#### Treasury Management

7.13 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities (2009). The Council will create and maintain, as cornerstones for effective treasury management: -

- (a) a Treasury Management Strategy Statement (TMSS) which states the Council's policies, objectives and approach to risk management with respect to its treasury management activities;
- (a) suitable treasury management practices setting out how the Council will achieve those policies and objectives and prescribing how it will manage and control its treasury management activities;
- (b) the TMSS and treasury management practices will follow the recommendations in Sections 6 and 7 of the CIPFA Code of Practice. They may be subject to amendment only where necessary to reflect the particular circumstances of Haringey Council but will not deviate materially from the Code's key principles.

7.14 The ~~General Purposes~~ Corporate Committee will formulate the TMSS and amendments to it. The Cabinet Member for Finance will be consulted on the draft TMSS ~~will be considered by the Cabinet~~ because of the budget implications. ~~and then recommended to the full Council.~~ The ~~Audit~~ Overview and Scrutiny Committee will scrutinise the draft TMSS annually before its adoption by **full Council**. The **full Council** is responsible for approving and adopting the TMSS setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The **Section 151 Officer** has delegated responsibility for implementing and monitoring the TMSS. The Council sets its TMSS in line with the indicators required under the CIPFA Prudential Code for Capital Finance introduced from 1 April 2004 and subsequently revised

## PART 4 – RULES OF PROCEDURE

### Section I – Financial Regulations

in 2009.

- 7.15 All decisions on borrowing, investment, leasing or financing shall be delegated to the **Section 151 Officer**, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 7.16 The **Section 151 Officer** is responsible for reporting to the ~~General Purposes~~ **Corporate Committee** each quarter, or as near as practicable, on the implementation and regular monitoring of the treasury management policies and practices and on the exercise of his/her delegated treasury management powers.
- 7.17 The **Section 151 Officer** is responsible for ~~reporting to the Cabinet consulting the Cabinet Member for Finance~~ on the annual and mid-year monitoring reports and an out-turn report after the close of the year concerning treasury management policies and practices before these reports are considered by the **Corporate Committee** ~~and~~ **full Council**.



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# Part Four, Section K

## Officer Employment Procedure Rules

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### 1. Recruitment and Appointment

#### (a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, the mayor or officer of the Council; or of the partner of such persons.
- (ii) Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.
- (iii) No candidate so related to a councillor, the mayor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- (iv) Every Member and senior officer of the authority who knows of a relationship to a candidate for appointment must report the details to the chief officer of the relevant service.

#### (b) Seeking support for appointment.

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or the mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No councillor or the mayor will seek support for any person for any appointment with the Council. This rule does not prevent a Member from offering or providing a written reference about a candidate but the Member shall not take part in the appointment process involving that candidate.

## PART FOUR - RULES OF PROCEDURE

### Section K- Officer Employment Procedure Rules

#### 2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers.

Where the Council proposes to appoint a Head of Paid Service, chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
- (d) all applicants for the post shall be interviewed, or a short list of the more suitable applicants shall be drawn up and those applicants shall be interviewed.

#### 3. Appointment of Head of Paid Service

- (a) The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. The membership of that committee or sub-committee will be determined by the Leader and the Chair of the ~~General Purposes~~ Corporate Committee (or by their nominees). That committee or sub-committee must include at least one member of the Cabinet.
- (b) The Council may only make or approve the appointment of the Head of Paid Service where:
  - (i) no objection has been made by any member of the Cabinet, or
  - (ii) if any objection is made, the committee or sub-committee recommending the appointment has declared itself satisfied that the objection is not material or well-founded
- (c) The procedures in (a) and (b) above will apply to the dismissal of the Head of Paid Service.

**4. Appointment of Chief Officers and Deputy Chief Officers**

- (a) A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. The membership of that committee or sub-committee will be determined by the Leader and the Chair of the ~~General Purposes~~ Corporate Committee (or by their nominees). That committee or sub-committee must include at least one member of the Cabinet.
- (b) The procedures in (a) above will not apply to the appointment, dismissal or discipline of the Chief Officer of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, dismiss or discipline that Chief Officer in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a chief officer or a deputy chief officer shall only be made where:
  - (i) no objection has been made by any Cabinet Member, or
  - (ii) if any objection is made, the appointing committee, sub-committee or chief executive is satisfied that the objection is not material or well founded.
- (d) The procedures in (a) and (c) above will apply to the dismissal of chief officers and deputy chief officers except that (b) and (c) will apply to the dismissal of the Chief Officer of the Alexandra Palace and Park charity.

**5. Member Training**

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the Head of Human Resources in consultation with the Head of Local Democracy & Member Services.

**6. Other appointments**

- (a) Officers below deputy chief officer. Appointment of officers below deputy chief officer (other than assistants to political groups and an assistant to the mayor) will be made by the Head of paid service or his/her nominee.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- (c) Assistant to the mayor. An assistant to the mayor may only be appointed by the mayor.

**7. Disciplinary action**

- (a) Suspension. The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) Independent person. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

**8. Dismissal**

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

**9. Definitions**

In these Rules:

- (a) "chief officer" means a statutory chief officer or a non-statutory chief officer who, as respects all or most of the duties of his/her post, reports directly to the Head of Paid Service.
- (b) "deputy chief officer" means an officer who, as respects all or most of the duties of his/her post, reports directly to a chief officer.
- (c) an officer whose duties are solely secretarial, clerical or administrative in nature shall not be regarded as chief officer or deputy chief officer.

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

# Part 6

## Members' Allowances Scheme

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### 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 2011/12 (i.e. 1 April 2011 to 31 March 2012).

### 2. BASIC ALLOWANCE

- 2.01 Each Councillor will be entitled to receive the sum of £10,500 by way of Basic Allowance.
- 2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members and education representatives on scrutiny bodies.

### 3. INCLUDED EXPENSES

- 3.01 Travel Expenses.  
The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit 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 £15,750.
  - (b) The Deputy Mayor is entitled to an additional allowance of £3,936.

## 5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 Haringey Council will allocate Special Responsibility Allowances in four bands, to Councillors who take on certain additional roles.

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> <li>Leader</li> </ul>	£31,497	£41,997
Band 3	<ul style="list-style-type: none"> <li>9 or fewer x Cabinet Members</li> <li>Opposition Leader</li> <li>Chair of Overview and Scrutiny Committee</li> </ul>	£23,622	£34,122
Band 2  Band 2 (continued)	<ul style="list-style-type: none"> <li>Chair of <del>General Purposes</del> <u>Corporate</u> Committee</li> <li>Chief Whip</li> <li>Chair of <del>Planning</del> <u>Regulatory</u> Committee</li> <li><del>Chair of Licensing Committee</del></li> <li>Chair of Alexandra Palace and Park Board</li> <li><del>Chair of Audit Committee</del></li> <li><del>Chair of Pensions Committee</del></li> <li>Opposition Deputy Leader</li> <li>Opposition Chief Whip</li> <li>6 x <del>Councillors</del> <u>Area Committee Chairs serving on Overview and Scrutiny Committee</u></li> </ul>	£15,750	£26,250
Band 1	<del>7 x Chairs of Area Assemblies</del> <u>Councillors on Overview and Scrutiny Committee other than Area Committee Chairs</u>	£7,875	£18,375

## 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-OPTEE'S ALLOWANCES**

- 7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of £616.50 excepting the Chair of the Standards Committee who is entitled to an allowance of £1,263. This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors.

## **8. BABYSITTING AND DEPENDANTS ALLOWANCE**

- 8.01 Councillors and non-elected members can claim this allowance based on the following :
- (a) That reimbursement be made at a maximum rate of £7.85\_per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
  - (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

## **9. TRAVELLING AND SUBSISTENCE ALLOWANCE**

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following :

- (a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.
- (b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
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.

## PART 6 - MEMBERS' ALLOWANCES SCHEME

(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
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For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
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For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
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For an absence of more than 4 hours ending after 19.00	£8.38
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### 10. CLAIMS AND PAYMENTS

10.01 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.

10.02 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 below.

10.03 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 below..

10.04 If any Allowance under paragraphs 10.02 or 10.03 is not claimed within the prescribed time limit, the Head of Local Democracy & Members' Services shall have a discretion to make the payment nonetheless.

10.05 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Local Democracy & Members' Services.

### 11. WITHHOLDING AND REPAYMENT OF ALLOWANCES

11.01 The Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:



## PART 6 - MEMBERS' ALLOWANCES SCHEME

- (a) Basic Allowance;
- (b) Special Responsibility Allowance;
- (c) Travelling and Subsistence Allowances; and
- (d) Co-optees' Allowance.

11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

### **12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME**

12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances.