

Part Two

Articles

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

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

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

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

Article 2 - Members of the Council

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 57 members, otherwise called councillors. Three members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or by the Electoral Commission.
- (b) **Eligibility.** People can hold office as councillors if they are on the electoral register or if they have lived, worked or occupied property in the Borough for 12 months.

2.02 Election and terms of councillors

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

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) Effectively represent the interests of their ward and of individual constituents;
 - (iv) Respond to constituents' enquiries and representations, fairly and impartially;
 - (v) Participate in the governance of the Council;
 - (vi) Maintain the highest standards of conduct and ethics; and
 - (vii) Be available to represent the Council on other bodies.
- (b) **Rights and duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

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- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. However, a Committee may disclose information previously treated as “exempt” where such information is within the Committee’s terms of reference and such disclosure is reasonable, in the public interest, in good faith and does not breach any other reasonable requirements of the Council. The advice of the Monitoring Officer should be sought prior to any disclosure of such information.
- (iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution which define councillors’ rights to information in more detail.

2.04 Conduct

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

2.05 Allowances

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

2.06 Political Groups

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

Article 3 – Citizens of The Council

3.01 Citizens rights

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a change in the Council's governance arrangements.
- (b) **Information.** Citizens have the right to:
 - (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) Attend meetings of the Cabinet when key decisions are being made except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) Find out from the forward plan what key decisions will be taken by the Cabinet, Cabinet Committees or individual Cabinet members and which meetings will be held in private;
 - (iv) See reports and background papers, and any records of decisions made by the Council and its committees and the Cabinet, its committees, individual Cabinet members and Officers; and
 - (v) Inspect the Council's accounts and make their views known to the external auditor.
 - (vi) Be informed in writing whether the Council holds any information as requested under the Freedom of Information Act 2000. If the information is held by the Council, citizens have the right to have that information communicated to them except where such information is the subject of an exemption under the Freedom of Information Act 2000.
- (c) **Participation.**

The Council is committed to helping people contribute to how decisions are made about local services, and will therefore support a wide range of consultations to hear residents' views. The Council also wants to develop more ways of working with

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local people and communities, particularly hard to reach groups such as young people and minority ethnic communities. In addition, individual citizens of Haringey have the following rights under this Constitution:

- (i) The right to participate in any public sessions arranged for members of the Cabinet to answer questions from Haringey residents.
 - (ii) The right to be asked to contribute to the work of the Overview and Scrutiny Committee and its scrutiny panels and reviews.
 - (iii) The right to attend as part of a deputation to the Cabinet and to Council in accordance with the relevant rules.
- (d) **Representations and Complaints.** Citizens wishing to complain may:
- (i) Make representations to their ward councillors or to members of the Cabinet;
 - (ii) Make a formal complaint about any Council service to the Council itself under its complaints scheme;
 - (iii) Complain to the Ombudsman after using the Council's own complaints scheme;
 - (iv) Make a formal complaint about a breach of the Member's Code of Conduct.
- (e) **Petitions**

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

3.02 Citizens responsibilities

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

- (i) Assisting the Council with the compilation of the electoral register (by meeting their obligations to provide information about themselves) and respecting any requirements for proper use of this information;

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- (ii) Exercising their right to vote in local, regional, and national ~~and European~~ elections;
- (iii) Respecting and valuing the diversity of communities and their views within a densely populated urban area such as Haringey;
- (iv) Behaving in socially and morally responsible ways, towards those in authority and towards each other;
- (v) Meeting their obligations in relation to the Council, such as paying their council tax, ensuring their child attends school, etc.
- (vi) Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 - The Full Council

4.01 Meanings

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

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

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

- Housing Strategy

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

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

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- (e) Making or revising a Council Tax Reduction Scheme;
- (f) Approval of the Community Infrastructure Levy Charging Schedule;
- (g) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (i) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (j) Electing the Leader;
- (k) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (l) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (p) Adopting and amending the Members' Allowances Scheme;
- (q) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (r) Confirming the appointment or dismissal of the Head of Paid Service;
- (s) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (t) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either
 - i) "executive" functions when the decision is for the Cabinet;
 - or
 - ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;
- (v) Adopting the Members' Code of Conduct;

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- (w) Approving Pilot Schemes for Local Elections;
- (x) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the “Act”), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- (y) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
 - (i) approving and revising any Statement of Licensing Policy;
 - (ii) resolving not to issue any casino premises licences in the next three years;
- (z) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (za) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (zb) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (zc) All other matters that, by law, must be reserved to Council.

4.03 Council meetings

There are four types of Council meetings:

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

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

4.04 Responsibility for functions

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

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Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not members of the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairs to account;
4. To promote public involvement in the Council's activities;
5. To be the conscience of the Council; and
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.02 First Citizen.

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

Article 6 - Overview and Scrutiny

6.01 Terms of reference

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

6.02. General role

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

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

6.03 Specific functions

(a) Scrutiny Review Panels.

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

(b) Policy development and review.

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

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

(c) Scrutiny.

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

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

(d) Finance

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

(e) Annual report.

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

6.04 Proceedings of Overview and Scrutiny Committee

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

6.05 Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by full Council.

Article 7 - The Leader and the Cabinet

7.01 The Leader

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

7.02 The Leader will hold office until:

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

7.03 The Cabinet

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

7.04 Form and Composition

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

7.05 Other Cabinet members

- (i) The Leader will determine the number of Cabinet members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.

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- (iii) One Cabinet member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet members shall hold office until one of the events (a) to (e) below:
 - (a) They resign from office; or
 - (b) They are disqualified from being councillors by order of a court;
 - (c) They are no longer councillors; or
 - (d) They are removed from office, either individually or collectively, by the Leader; or
 - (e) The Annual Meeting following the Council Elections after their appointment.

7.06 Votes of No Confidence

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

7.07 Default Provisions

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

7.08 Proceedings of the Cabinet

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

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of those functions by:
 - (a) The Cabinet;
 - (b) A Cabinet member;
 - (c) A Committee of the Cabinet; or
 - (d) An officer

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

Article 8 - Non-Executive Committees

- 8.01** A number of functions such as planning control, licensing, health and safety regulation, electoral matters, local act powers, employee terms and conditions and pensions matters are not Executive functions for which the Cabinet is responsible. These matters are excluded from the Executive functions by law, regulations or the provisions of this Constitution.
- 8.02** The Council shall appoint the Committees set out in Part 3 Section B of this Constitution to discharge the functions described. These include a Committee to be called the Regulatory Committee to be responsible for planning control and licensing matters and a Committee to be called the Corporate Committee to be responsible for other non-executive functions as specified under legislation that are not reserved to full Council or delegated to any other Committee, Sub-Committee, Panel or other body described in Part 3 of this Constitution or an appendix to it. The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.
- 8.03** The Council's non-executive functions are currently set out in Statutory Instrument 2000 No. 2853, and subsequent amending Regulations.
- 8.04** The Committees described above will be established at the Annual Meeting of the Council.
- 8.05** The Committees described above will establish appropriate sub-committees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- 8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

Article 9 - The Standards Committee

9.01 Standards Committee

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

9.02 Composition

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

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

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

9.04 Assessment Sub-Committee

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

9.05 Composition

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

9.06 Role and Function

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

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

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

9.07 Hearing Sub-Committee

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

9.08 Composition

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

9.09 Role and Function

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

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

Article 10 Joint Arrangements

10.01 Arrangements to promote well being

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

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

10.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions that are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board within these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called "boards" in this Constitution.
- (b) The Council may establish joint arrangements with one or more local authorities and their Executives to exercise functions that are partly Executive and partly Non-Executive ("mixed functions"). Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies. Where the Council appoints only one member to such a joint committee, that member may be, but need not be, a Cabinet member. Where the Council appoints more than one member to such a joint committee, at least one of them shall be a Cabinet member.
- (c) The Leader, or the Cabinet with the Leader's agreement, may establish joint arrangements with the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader, or the Cabinet with the Leader's agreement, may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.
- (d) Except as set out below or otherwise provided in legislation, the Leader or the Cabinet may only appoint Cabinet members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.
- (e) The Leader, or the Cabinet with the Leader's agreement, may appoint members to a joint committee or board from outside the Cabinet in the

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circumstances where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

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

10.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee or board are members of the Cabinet in each of the participating authorities then the access to information rules relating to the Executive in the Local Government Act 2000 will apply.
- (c) If the joint committee or board contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.04 Delegation to and from other local authorities

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

10.05 Delegation to and from other organisations

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council in the case of non-

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executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

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

10.06 Contracting out

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

10.07 London Councils Arrangements for Co-ordinating Response to Emergencies

- (a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a major incident or a lesser emergency. This "L.A. Gold" will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team.
- (b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Co-ordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate any local authority response, as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.
- (c) The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:
- (i) after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or
 - (i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of

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

- (d) Subject to paragraph (e) below, L.A. Gold will only have power to incur expenditure once:
- (i) the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or
 - (ii) The Council or Councils in whose area the incident occurs confirm that it/they will reimburse expenditure incurred for the purposes in (i) above.
- (e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area the incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above, or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provide it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.
- (f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above.

10.08 Outside Bodies

- (a) Introduction
- (i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.
 - (ii) These organisations can be categorised as follows:
 - (A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,
 - (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee,

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- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

- (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of Association and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet members will be made by the Leader, or the Cabinet with the Leader's agreement, and merely recorded in the complete list approved at the AGM.
- (ii) The capacity in which members are nominated, the duration of the appointment and any other relevant terms and conditions will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".
- (iii) A full list of existing and newly nominated or appointed councillors will be presented to the next meeting of full Council after the AGM setting out the name of the organisation, terms of appointment and status or capacity of the councillor within the organisation.
- (iv) Future nominations to voluntary or community bodies will generally be in a non-voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated members will not participate in management or decision-making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the Council.
- (v) Nominations to other organisations will generally be in a full, voting capacity i.e. the member should participate fully in management and decision making within the organisation, as appropriate, and should vote at its management committee. Exceptions would be made where the organisation so requested or its own constitution or ground rules so required. Nominations to trusts, for example, would have to be in a full, voting (not an "observer") capacity since the purpose of the nomination would be for the member to have a decision making role.

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(c) Members' Conduct

- (i) The Members' Code of Conduct, as set out in the Council's Constitution, applies to members' activities as representatives in any capacity on any outside body.
- (ii) In addition, nominated members will be required to observe the Constitution or rules of the organisation itself, except in so far as there might, unusually, be a conflict with the Council's Members' Code of Conduct. Members should seek advice from the Monitoring Officer if they think that any such conflict could arise.
- (iii) Members may also be under legal duties imposed in respect of their roles in specific types of organisation e.g. as Directors of Limited Companies or as Charity Trustees. Further Guidance will be available to members outside the text of this Constitution.

10.09 Current Joint arrangements

The Council currently has formal joint arrangements as follows;

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

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Article 11 – Officers

11.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. For the avoidance of doubt, the words ‘staff’ ‘employees’ or ‘officers’ includes agency workers, consultants and secondees to the authority over whom the authority has managerial control.
- (b) **Senior Management.** The Council will engage the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council’s Corporate Board*:

Post	Functions and Responsibilities
Chief Executive	Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services, Audit, Policy and Business Management and Communications
Director of Adults and Health	Adults, Public Health, Commissioning
Director of Finance	Corporate Finance, Departmental Finance,
Director of Housing Regeneration, and Planning	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing
Director for Environment and Neighbourhoods	Procurement, Environmental services, community safety, Emergency Planning and Civil Contingencies
Director for Children’s Services	Children, Families, Schools

(c) **Statutory officers**

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

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

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

*A chart of the Council’s Corporate Board is appended to this Constitution.

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- (a) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Appendix C to this Constitution.
- (b) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (c) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.03 Functions of the Monitoring Officer ~~(Assistant Director of Corporate Governance)~~

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council
- (d) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Standards Committee.
- (f) **Conducting investigations.** The Monitoring Officer, or investigators appointed by him/her, will conduct investigations into matters referred by the Standards Committee or one of its sub-committees and make reports on recommendations in respect of them to the Standards Committee.
- (g) **Proper officer for access to information.** The Democratic Services Manager shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

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The Monitoring Officer will advise and assist to ensure the proper performance of these functions.

- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. The Monitoring Officer will report on new and amended legislation to Council so that members can consider the effects on services and the possible need to amend the scheme of delegations.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

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

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer (Director of Finance) will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer (Director of Finance) will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer (Director of Finance) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer (Director of Finance) will provide financial information to the media, members of the public and the community.

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

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

11.06 Conduct

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

11.07 Employment

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

Article 12 - Decision Making

12.01 Responsibility for decision making

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

12.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights in particular, giving consideration to such issues at an early stage in the process;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

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

12.03 Types of decision

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

A key decision is an Executive decision which is likely:

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

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

12.04 Decision making by the full Council

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

12.05. Decision making by the Executive

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

12.06 Decision making by the Overview and Scrutiny Committee

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

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

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

12.08 Decision making by Officers

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

12.09 Decision making by Council bodies acting as tribunals

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

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Article 13 - Finance, Contracts and Legal Matters

13.01 Financial management

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

13.02 Contracts

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

13.03 Legal proceedings

On the advice of the ~~Assistant Director of Corporate Governance~~[Monitoring Officer](#) as appropriate, Officers are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Assistant Director of Corporate Governance~~[Monitoring Officer](#) considers that such action is necessary to protect the Council's interests.

13.04 Authentication of documents

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

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

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the ~~Monitoring Officer~~[Assistant Director of Corporate Governance](#). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Monitoring Officer~~[Assistant Director of Corporate Governance](#) should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution. The affixing of the Common Seal will be attested by the ~~Monitoring Officer~~[Assistant Director of Corporate Governance](#), Chief Executive, Chief Finance Officer, Assistant Head of Legal Services or any other person authorised by him/her either in relation to a specific document or to particular categories of documents.

Article 14 - Review and Revision of the Constitution

14.01 Duty to monitor and review the Constitution

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

14.02 Protocol for monitoring and review of Constitution by Monitoring Officer

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

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

14.03 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by the Standards Committee and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change. In addition, where in the reasonable opinion of the Monitoring Officer a proposed change is:
 - a) a minor variation; or
 - b) required in order to remove any inconsistency or ambiguity; or
 - c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,the Monitoring Officer may make that change. The change will come into force immediately, but will be reported to full Council at the next available meeting. Other changes to the Constitution will take effect from the date of the decision unless a later date for implementation is specified.
- (b) **Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals. If the proposals were to change the Executive Arrangements to an alternative form of governance arrangements, then a local referendum would be required.

Article 15 - Suspension, Interpretation and Publication of the Constitution

15.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rule will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.02 Interpretation

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

15.03 Publication

- (a) The Constitution is available on the Council's website. The Chief Executive will give on request a printed copy of this Constitution to a member of the authority.
- (b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Part Three, Section E

Officer Scheme of Delegation

Section 1	INTRODUCTION AND GROUND RULES
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1. What is the Officer Scheme of Delegation?

- 1.01 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
- 1.02 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees (and as listed in Part Three Sections B – D above) are delegated to officers.
- 1.03 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.
- 1.04 This scheme operates from the date approved by the full Council.

2. General Principles of the Officer Scheme of Delegation

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

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

For the purposes of officer delegated powers, the term “Corporate Board” means¹:

- The Chief Executive
- The Director for Environment and Neighbourhoods
- The Director for Housing, Regeneration and Planning
- The Director for Children’s Services
- The Director for Adults and Health
- The Director for Customers, Transformation and Resources
- The Director of Finance

For the purposes of officer delegated powers, the term “Statutory Officers²” means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance*)
- The Monitoring Officer ~~(This role is held by the Assistant Director of Corporate Governance)~~
- The Director of Adult’s Services
- The Director of Children’s Services
- The Director of Public Health

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

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

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

⁴

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

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- The approved Budget
 - Any instructions given by the Chief Executive
 - Any advice given by the Council's Chief Finance Officer (S151 officer) or the Monitoring Officer
 - All legal requirements and any statutory codes of conduct or statutory guidance
 - All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees
 - Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees
- 2.03 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Assistant Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.
- 2.04 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 2.05 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.
- 2.06 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.
- 2.07 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.
- 2.08 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are

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authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.

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

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

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

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

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

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

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

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

4. General Limitations:

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- 4.01 This scheme does not delegate to officers:
- (a) Any matter reserved that is reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees and as listed in Part Three Sections B – D above. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges;
 - (b) Any matter which by law may not be delegated to an officer
- 4.02 Officers shall not be authorised by virtue of these provisions to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with the Financial Regulations at Part 4 Section I.

5. Urgent decisions and Officer Powers:

- 5.01 Where action needs to be taken on any urgent matter between meetings of the Cabinet, or any Committee or Sub-Committee of the Cabinet or the Council and such action would not be authorised within these provisions, the following rules shall apply:
- (a) in the case of executive functions, the Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. The Protocol for Decision-Making in Part 5 shall be followed
 - (b) in the case of non-executive functions, a report will be prepared so that the Director having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

6. Responsibility for maintaining and updating the Scheme of Delegation

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

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Section E – Scheme of Delegation – Section 1 Introduction

- 6.02 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes to the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting their service area and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.
- 6.03 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Standards Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.
- 6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

7. Protocol for Officers Taking Decisions under Delegated Powers

- 7.01 There is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:
- (a) the post title of the officer taking the decision,
 - (b) the substantive facts, including what is being decided,
 - (c) the reasons for the decision,
 - (d) the expenditure authorised (if any),
 - (e) the date the decision was taken.
 - (f) details of any alternatives considered and rejected by the officer taking the decision,
 - (g) details of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision, and
 - (h) in respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

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

- (a) any financial implications (beyond stating the expenditure)
- (b) any legal implications
- (c) any environmental implications
- (d) any equalities implications
- (e) any relevant Council policies
- (f) any relevant national or regional guidance
- (g) any consultations undertaken and the views of consultees
- (h) any other implications for service delivery in the relevant service area
- (i) any implications for other Council services outside the service area
- (j) and any comments from other affected service areas
- (k) any staffing implications
- (l) any background documents relied upon
- (m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000
- (n) any alternative options to the recommended decision
- (o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

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

7.04 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each

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Director will keep their own central record of all delegated decisions taken within their constituent services.

Section 2 GENERAL DELEGATIONS TO DIRECTORS**General Functions delegated to Directors in their service areas:****General**

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

Incidental powers

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

Service Performance

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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

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

Legal

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Monitoring Officer~~Assistant Director of Corporate Governance~~ as appropriate
- Subject to the agreement of the Monitoring Officer~~Assistant Director of Corporate Governance~~, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Monitoring Officer ~~Assistant Director of Corporate Governance~~ in accordance with Article 14.13.04
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
- To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Monitoring Officer~~Assistant Director of Corporate Governance~~)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters:

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

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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance Officer, save in relation to Directors which is reserved to the Staffing and Remuneration Committee

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

Administrative Matters

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

Finance

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

Contracts

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

Property Matters

- Any decision concerning the management or use of land held for the operational requirements of the officers of a service area may be taken by the relevant Director, subject to the following provisions
- Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to the Monitoring Officer, Assistant Director of Corporate Governance
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to acquire or dispose of any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements. The power to acquire or dispose of any land or property with a capital value equalling or exceeding

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Section E – Scheme of Delegation – Section 2 General Delegations to Directors

£250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Regeneration, Planning and Development

- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum. The power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director of Regeneration, Planning and Development
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.
- The power to survey land which the Council proposes to acquire compulsorily
- The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land

Emergencies (e.g. flooding, power failure etc)

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and L.A Gold is of the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:
 - a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
- This power is to be exercised by Directors in accordance with Article 11.07 of the Constitution.

Safeguarding

- Duty to ensure that a person who is disqualified from working with children is not offered work in a regulated activity and that any such person who is so employed is removed from such work

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- In accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006, to exercise the duty and the power to make referrals to the Disclosure and Barring Service to refer any person who has:
 - (a) Harmed or poses a risk of harm to a child or vulnerable adult;
 - (b) Satisfied the harm test; or
 - (c) Received a caution or conviction for a relevant offence

Equalities and Public Health

- To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations
- To have regard, when carrying out any of the Council's functions, to the joint strategic needs assessment and Health and Wellbeing Strategy prepared by the Council and its health partners and which is relevant to the exercise of the functions
- Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage

Energy and Climate Change

- To have regard, when carrying out any of the Council's functions, to the most recent energy measures report from central government

Health and Safety

- To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

- To comply with the duties and powers imposed by Part 4 Section D of the Constitution

Responding to consultations and proposals

- To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member

Submission of grant funding bids

- To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Standing Orders

Complaints

- To take action regarding complaints received
- To settle any Ombudsman / Complaint Cases:
 - (i) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman
 - (ii) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer/~~Assistant Director of Corporate Governance~~
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS
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Introduction

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each Statutory Officer then follows.

Legislation	Statutory Power the Council must designate to an officer	Officer Designated as the Statutory Officer
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Director of Finance
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Assistant Director of Corporate Governance <u>Monitoring Officer</u>
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act.	Assistant Director of Corporate Governance <u>Monitoring Officer</u>
S6 Local Authority Social Services Act 1970	To appoint an officer known as the Director of Social Services	Director of Adults and Health
S18 Children Act 2004	To appoint an officer to carry out the functions listed under s18(2) of the Act (education functions; functions conferred on the authority under ss 10-12 and 17 of the 2004 Act, social services functions relating to children, functions under s75 of the Children Act 1989 and the National Health Service Act 2006 and those conferred on the authority under Part 1 of the Childcare Act 2006	Director of Children's Services
S73 National Health Service Act 2006	To appoint a Director of Public Health	Director of Public Health

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

Functions delegated to the Head of Paid Service (Chief Executive)

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally
2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:
 - (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
 - (b) the number and grades of staff required by the authority for the discharge of their functions;
 - (c) the organisation of the authority's staff;
 - (d) the appointment and proper management of the authority's staff.
3. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery.
4. The corporate management of the Council and, specifically:
 - (a) Advice to the Council on the Policy Framework.
 - (b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis.
 - (c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Cabinet shall determine.
5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief

Executive and Statutory Officers

Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

6. To provide the ‘certificate of opinion’ for an employee on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 (opinion as to whether the duties of the post involve regularly giving advice to members or speaking to journalists/broadcasters).
7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
8. The power to determine that an “emergency” has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.
9. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.
10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.
11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 8, 9 & 10 above may be exercised by any other Chief Officer who is available to act.
12. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the London Councils Arrangements for Co-ordinating the Response Emergencies.
13. In the event that all members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.
14. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.
15. Taking all decisions relating to changes to the establishment for all staff including the Corporate Board and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

16. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures.

Functions delegated to the S151 Chief Finance Officer (Director of Finance)

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities
2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972
3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice
4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council
5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992
6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003
7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
8. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988
9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988
10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011
12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee
13. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to Directors which is reserved to the Staffing and Remuneration Committee
14. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited
15. To provide financial information to the media, members of the public and the community

Functions delegated to the Monitoring Officer ~~(Assistant Director of Corporate Governance)~~

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally
2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct
3. To contribute to the corporate management of the Council, in particular through the provision of professional legal advice
4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity
5. To establish and maintain a register of interests of members and co-opted members of the authority in accordance with the provisions of the Localism Act 2011
6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
7. To receive and act on reports made by the Standards Committee
8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989
11. To advise whether decisions of the Cabinet are in accordance with the budget and policy framework
12. To be responsible for the maintenance and operation of the Council's Constitution
13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements
14. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.

Functions delegated to the Director of Children's Services

1. To act as the Council's statutory Director of Children's Services
2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:
 - (a) All education and children's social care functions conferred on or exercisable by the Council
 - (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children
 - (d) The establishment of a Local Safeguarding Children Board
 - (e) The preparation and publication of a Children and Young People's Plan
 - (f) Improving preventative services and delivering earlier intervention
 - (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief

Executive and Statutory Officers

Children Act 2004 to include making arrangements for the management of services provided

3. To provide strategic management and direction for Children's Services across the Council
4. To secure that there are sufficient youth justice services available in the Borough
5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State
6. Education services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children's Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children's and adult social care functions on behalf of the Council. The Accountability Protocol for the Director of Children's Services sets out the arrangements in place to enable the Director of Children's Services to meet all statutory responsibilities and ensure the effective integration of all services for children and young people in the borough
7. Commissioning in common with the Director of Adult Social Services to meet relevant care needs in the borough.

Functions delegated to the Director of Adults and Health Services

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970
2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:
 - (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
 - (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults
 - (d) Professional leadership including workforce planning

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

- (e) Leading the implementation of standards
 - (f) Managing cultural change
 - (g) Promoting local access and ownership and drive partnership working
 - (h) Delivering an integrated, whole system approach to supporting communities
 - (i) Promoting social inclusion and well being
 - (j) Improving preventative services and delivering earlier intervention
 - (k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided
 - (l) Commissioning in common with the Director of Children’s Services to meet relevant care needs in the borough
3. To provide strategic management and direction for Adult’s Services across the Council

Functions delegated to the Director of Public Health

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:
- (a) the responsibility for mandated public health functions of the local authority
 - (b) planning for and responding to emergencies that present a risk to public health
 - (c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders
 - (d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003
 - (e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys
 - (f) to prepare and publish an annual report on the health of people in the area

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness
3. To promote health and wellbeing to reduce health inequalities
4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy
5. To provide the public with advice on health matters
6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues
7. To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
8. To work with local criminal justice partners and police and crime commissioners to promote safer communities
9. To work with wider civil society to engage local partners in fostering improved health and wellbeing
10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board
11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector
12. To have regard to the NHS Constitution in exercising public health functions

Functions delegated to the Chief Inspector of Weights and Measures (Senior Trading Standards Officer)

1. To be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act and the packaged goods regulations.

Functions delegated to the Statutory Scrutiny Officer (Director for Customers, Transformation and Resources)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

1. To promote the role of the authority's overview and scrutiny committee or committees,
2. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,
3. To provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,in relation to the functions of the authority's overview and scrutiny committee or committees.

Part Four, Section K

Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

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

(b) Seeking support for appointment.

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

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

2. Recruitment of Head of Paid Service, ~~and~~ Directors* and Statutory Officers*

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

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

3. Appointment and dismissal of Head of Paid Service, dismissal of Chief Finance Officer and Monitoring Officer

- (a) The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Staffing and Remuneration Committee.
- (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 Staffing and Remuneration Committee 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, the Chief Finance Officer and the Monitoring Officer.

***the terms Director and Statutory Officer have the meaning given at Part 3 Section E Section1; 2.01 of this Constitution**

4. Appointment of Directors

- (a) The Staffing and Remuneration Committee will appoint Directors.
- (b) The procedures in (a) above will not apply to the appointment, dismissal or discipline of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, dismiss or discipline that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a Director shall only be made where:
 - (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the Staffing and Remuneration Committee or the 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 Directors except that (b) and (c) will apply to the dismissal of the Chief Executive 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 Assistant Director for Human Resources in consultation with the ~~Assistant Director of Corporate Governance~~ Monitoring Officer.

6. Other appointments

- (a) Appointment of all other officers (other than assistants to political groups) will be made by the Head of Paid Service or his/her nominee.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

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 Panel. No other disciplinary action may be taken in respect of any of those officers until the Authority has invited relevant independent persons to

PART FOUR – RULES OF PROCEDURE

Section K– Officer Employment Procedure Rules

form an Independent Panel to advise on such matters as set out in the Local Authorities (Standing Orders)(England) Regulations 2001.

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

8. Dismissal

- (a) Independent Panel. In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, before the taking of a vote at the relevant meeting on whether to approve or not a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

- (i) any advice, views or recommendations of the Independent Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the relevant officer.

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

9. Definitions

In these Rules:

- "Director " has the meaning given at Part 3 Section E Section 1; 2.01 of this Constitution and shall include the following officers:
 - Members of the Corporate Board
 - All Directors and Assistant Directors
 - The Chief Executive of Alexandra Palace & Park(as appropriate)

"Corporate Board" means:

- The Director for Environment and Neighbourhoods
- The Director for Housing, Regeneration and Planning
- The Director for Children's Services
- The Director for Adults and Health
- The Director for Customers, Transformation and Resources
- The Director for Finance

Part Three, Section C

Responsibility for functions: The Executive: the Leader, the Cabinet & Cabinet Bodies

SECTION 1 – THE EXECUTIVE’S ROLE AND FUNCTIONS

1. Introduction

- 1.1 All functions of the Council which are not the responsibility of the Full Council or one of its Committees or an officer, in law or where the law gives a choice, under this Constitution (see Part 3 Section D), are the responsibility of the Executive.
- 1.2 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet. The Leader selects the Executive members (Cabinet Members) and these make up the Cabinet. The Executive might also establish Committees and Sub-Committees.
- 1.3 The Cabinet will ordinarily carry out all of the local authority's executive functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet. The Leader may do this at any time. The Leader may also delegate those functions to a joint committee, another local authority, or officers.
- 1.4 Where the Cabinet is exercising these functions, it may delegate those functions to a Committee of the Cabinet or officers, but not to an individual member of the Cabinet.
- 1.5 Where an individual Cabinet Member is exercising these functions, it may delegate those functions to officers.
- 1.6 Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Leader or Cabinet from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution. All Executive functions not expressly reserved to the Leader, the Cabinet, a Committee of the Cabinet or an individual Cabinet Member are delegated to officers, subject to the restrictions on officer powers set out in Part 3 Section E of the Constitution.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

- 1.7 The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.
- 1.8 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

2. Matters reserved for the Executive

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

General:

- (a) All key decisions. These will be published in the Forward Plan in so far as they can be anticipated;
- (b) Changes to fees, charges or concession policies in respect of executive functions;
- (c) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (d) To be responsible for those local choice functions allocated to the Cabinet;
- (e) To oversee the delivery of Council services;
- (f) To agree the reduction or cessation of any of Council service;
- (g) With the agreement of the Leader, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities.

Policy:

- (a) To formulate the Council's overall policy objectives and draft the budget and policy framework for approval by the Council;
- (b) To determine the Council's strategy and programme for implementing the budget and policy framework set by the Council;

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- (c) To consider and promote initiatives to improve the quality, efficiency and effectiveness of Council services;
- (d) To determine the Council's strategies and programmes in relation to:
 - (i) the social, economic and environmental needs of the Borough;
 - (ii) human rights and equalities in community leadership, service delivery and as an employer;
 - (iii) service transformation and best value
- (e) To oversee, including strategy formulation, co-ordination and implementation of the councils functions under the relevant legislation in relation to:
 - (i) Regeneration and social inclusion;
 - (ii) Community engagement, including communication, consultation, capacity building and active citizenship.

Local and Community Leadership:

- (a) To provide community leadership in the Borough;
- (b) To lead on community planning with input from others as appropriate;
- (c) To develop, and consult on as appropriate, the Council's policy framework and other strategic documents;
- (d) To take in-year decisions on resources and priorities and to deliver and implement the budget and policy framework as agreed by the Council;
- (e) To be the focus for forming partnerships with public, private, voluntary and community organisations and to be responsible for effective joint work with partner agencies.

Financial management and resources

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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

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

Children's Services

- (a) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers, with the exception of power to suspend the right to a delegated budget where a school is eligible for intervention which is delegated to the Director following consultation with the relevant Cabinet Member;
- (b) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);
- (c) The determination of discretionary awards;
- (d) The establishment or discontinuance of schools;
- (e) Permanent closure, relocation or change of use of residential establishments and day establishments providing services for children.

Adult Social Services

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

Housing Services

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

Regeneration and Property Services

- (a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan;
- (b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;
- (c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;
- (d) Major Capital Transportation Proposals:

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- (i) Choosing a preferred route or option following public consultation;
 - (ii) Authorising the promotion of Compulsory Purchase and Side Road Orders;
- (e) The making of an order for the compulsory acquisition of land;
 - (f) The acquisition of land in advance of requirements;
 - (g) Approval of the Local Development Scheme before submission to the Secretary of State;
 - (h) Approval of all Local Development Documents (LDDs)

Highways Services

- (a) ~~Approval of traffic calming works where more than 10 objections have been received;~~
- (b) Approval of (i) all orders to designate all or part of a public footpath as a cycle track prior to statutory consultation and (ii) any order which has been subject to objection, prior to its submission to the Secretary of State for confirmation;
- (c) ~~Approval of any permanent traffic regulation order subject to valid objection.~~

Contracts and Procurement

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

3. The Leader and Individual Cabinet Members

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

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

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

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

- 3.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 3.2 (a) to (e) above.
- 3.4 The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.
- 3.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.
- 3.6 The Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 of this Constitution and the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but may consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is appropriate. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

4. Assistant Cabinet Members

- 4.1 The Council may appoint Assistant Cabinet Members to provide an effective link between the Cabinet and other Councillors and to assist Cabinet Members generally and with specific roles within their portfolio.
- 4.2 The Assistant Cabinet Members:-
 - (a) May not take Cabinet decisions
 - (b) May have specific areas of focus within the relevant portfolio area
 - (c) Will be able to substitute in certain circumstances for the Cabinet Members but not if a decision is to be made as part of the Cabinet arrangements
 - (d) Can attend and participate in the absence of the relevant Cabinet Member at meetings of the Cabinet with the permission of the Leader but cannot vote

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- (e) Cannot participate in a Scrutiny Panel or Review that is examining an area of policy within the relevant Cabinet Member portfolio responsibilities
- (f) May put questions to Cabinet Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Cabinet Member
- (g) Assistant Cabinet Members may not take part in Cabinet decision-making in any way.

5. Deputy Leader of the Council

- 5.1 The Leader shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios.
- 5.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:
 - (a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
 - (b) act as spokesperson on all matters that are the responsibility of the Cabinet
 - (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.
- 5.3 In the event that the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may exercise all the functions of the Leader under this Constitution.

SECTION 2 - COMMITTEES OF THE EXECUTIVE

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

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

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

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