

Report for: Standards Committee

Date: 31 October 2023

Title: Changes to the Constitution Part Three – Responsibilities for Functions, Section E – Scheme of Delegation - Section 2 General Delegation to Directors.

Report authorised by: Jonathan Kirby, Assistant Director, Capital Projects and Property/ Fiona Alderman Head of Legal and Governance and Monitoring Officer

Ward(s) affected: N/A

**Report for Key/
Non-Key Decision:** Non-Key Decision

1. Describe the issue under Consideration.

To recommend amendments to the Council's Constitution at the Full Council on the 20th of November 2023. These amendments respond to actions arising from the Independent External Property Services Review and concern: Part Three – Responsibilities for Functions, Section E – Scheme of Delegation - Section 2 General Delegation to Directors. These amendments have been considered and commented on by the Member Constitution Working Group at two meetings and are recommended to the Standards Committee for approval and onward adoption by full Council

2. Cabinet Member Introduction

Not applicable.

3. Recommendations for the Member working group.

- 3.1. To agree the proposed amendments to Part Three – Responsibilities for Functions, Section E – Scheme of Delegation - Section 2 General Delegation to Directors, Property Matters, as set out in track changes in Appendix 3 and also proposed final version at Appendix 4.
- 3.2 To recommend these amendments to the Council's Constitution for approval at full Council on the 20th of November in accordance with part three section B, paragraph 5(l) of the Committee's terms of reference.

4. Reasons for decision

This is in accordance with the powers of the Standards Committee which are set out at part three section B, paragraph 5(l), *Considering amendments to the Constitution and recommending proposals to full Council for approval.*

5. Alternative options considered.

None - The amendments to the Council's Constitution are required as set out at Appendix 1, External Property Review Action Plan, reference item 1.

6. Background

6.1. The Independent External Property Review considered the Council's governance arrangements at the time of historic transactions and the current council governance processes, as well as political policy, structures, personnel and process. Overall, the review had found that improvements had been made within the Council and Haringey's arrangements were now much stronger than the period that was reviewed. The Review identified that there was always room for improvement and made twelve recommendations for improvement. These were considered by Cabinet in April 2023 and included in an action plan which is attached at Appendix 1 of this report. This also includes a full response to each of the Review's recommendations, together with clearly defined actions and dates by when these will be completed. As set out at Appendix 1, External Property Review Action Plan, reference items 2, 6,7 and 10 have already been considered by the Constitution Working Group and the Standards Committee and actions/ constitutional amendments made at Full Council on the 17th of July 2023. This report deals with reference 1 and the constitutional action, due at October Standards Committee and November Council, which is as follows:

- **That the delegated authority about the management of land be amended to reflect the corporate nature of the asset.**

6.2.1 The Constitution Working Group considered changes to Section 2 General Delegations to Directors, for Property Matters, on the 6th of October and 27th of October and made comments which have been responded to below and are set out in Appendix 3 and 4. These changes will further underpin and inform compilation of a property decision making protocol which will go forward to Constitution Working Group and Standards Committee in the coming months for approval and addition to the Council's Constitution.

6.2.2 In summary the amendments to the Council's Constitution have been informed by member comments as follows:

- Clarity on the officer levels and types of property decision making - This is provided at paragraph 1 (under Property Matters) which sets out decisions concerning the management, administration, need for or use of land held for the operational requirements of the officers of a service area or any other decisions relating to a property can only be taken by the Director of Placemaking and Housing and the decision must be in accordance with the Strategic Asset Management & Property Improvement Plan or any

other equivalent replacement plan. This still allows service directors to make a service led decisions on property but ensures that the subsequent management and administration and operational requirements are considered and agreed upon by the Director for Placemaking and Housing.

- Update to the wording to reflect the type and level of officer decision making. Property Matters - Paragraphs 1, 2, and 3 have sub paragraphs that clearly set out decisions for the Assistant Director for Capital Projects and for The Director of Placemaking and Housing.
- Property Governance structure - this has been removed as it is an internal governance structure and not felt appropriate to include in a Council's Constitution which sets out the public governance of the Council. There is a reference to the Strategic Asset Management & Property Improvement Plan or any other equivalent replacement plan under Property Matters, paragraph 1. Senior Officers will be briefed on the Property Governance Structure so that they are clear on the process and guidance also issued.
- Management and use of land and disposal and property clarifications are provided at paragraph 3 and sub paragraphs a to d.
- It was agreed to add in wording that indicated when officers were exercising powers under the 2016 Housing and Planning Act or similar legislation and this is included at paragraph 2(c).
- There is additional wording to make clear responsibilities of officers for recording and reporting delegated decisions. This is set out below paragraph 4. There is also further wording added at the second star to highlight that the Leader and Cabinet have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000 and any key decisions relating to property matters. These key decisions can still be delegated by the Leader to Cabinet Members in accordance with Part Three, section C, of the Council's Constitution.

- Where a delegated decision is of particular significance as defined in Part 3 Section E paragraph 3.04, this can still be put forward to the Leader or Cabinet (as the case may be) for a decision in accordance with the decision-making protocol.

7. Contribution to Corporate Delivery Plan

7.1. The Council's Constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its corporate delivery plan objectives.

8. Appendices

Appendix 1 – External Property Review Action Plan

Appendix 2 – Strategic Asset Management and Property Improvement Plan 2023-28.

Appendix 3 Track changes to Part Three – Responsibilities for Functions, Section E – Scheme of Delegation - Section 2 General Delegation to Directors, (updated following CWG on the 6th of October 2023)

Appendix 4 Part Three – Responsibilities for Functions, Section E – Scheme of Delegation - Section 2 General Delegation to Directors, Clean Version (updated following CWG on the 6th of October 2023)