

# EXTRACT FROM HARINGEY MEMBERS' HANDBOOK - "HOW THE COUNCIL OPERATES"

## HOW THE COUNCIL OPERATES

**Haringey Council operates as a Council with a leader and Cabinet.**

**The Cabinet style of governance, complimented by a scrutiny role for Councillors aims to increase the transparency, accountability and accessibility of the Council's decision-making processes, making it easier to find out when decisions are made, who is responsible for making decisions, and how and why a decision was reached.**

The governance arrangements aim to:

- separate more clearly Councillors' Cabinet, non-Cabinet and scrutiny roles;
- enable the people of Haringey to have a better understanding of how Councillors represent and engage with the community;
- encourage the people of Haringey to actively contribute views as to how the Council provides services to them;
- enhance the public's understanding of the work of the Council and ensure better provision of services to the people of the Borough.

Decision-making in Haringey Council is open and accountable. Decisions will always be made on the best advice, both legal and financial and say clearly what they are intended to achieve. All options that were considered and rejected will be published along with reasons.

- to maintain an awareness of developing best practice in scrutiny nationally, and practices in other authorities, and to work with officers to ensure that Haringey is at the leading edge in scrutiny practice
- to take steps to ensure that briefings and member development opportunities are available to the members of the overview and scrutiny committees and reviews to develop and maintain those skills which are particularly relevant to scrutiny

### **General Role of Chairs of Meetings**

(Including chairs of scrutiny review panels, area assemblies and public meetings)

As the chair of a meeting your role is to:

- ensure that meetings are conducted in a fair and orderly fashion
- ensure that everyone has the opportunity to contribute to discussions
- promote consensus where it is possible. Where required, to concisely summarise the debate and bring the meeting to a resolution
- ensure that meetings begin, end and are conducted to and on time, and that the business of the meeting is completed
- liaise with the officers supporting the committee / forum to plan the agenda (and work programme where relevant) and ensure action items are followed up after a meeting, including signing letters on behalf of the committee where appropriate
- ensure that the appropriate advice and information are available and decisions are taken in accordance

with the principles of decision making

- to present reports to Council, and respond to questions at Full Council, where appropriate
- to take steps to ensure that briefings and member development opportunities are available to the members of the committee / forum to develop and maintain committee / forum members' skill basis
- to promote public engagement with the work of the committee, area assembly or forum as required

### **The Role of Members taking Planning and Licensing Decisions**

As a member taking planning and licensing decisions you have very specific responsibilities given that you are acting in a quasi-judicial role. You also have to undergo training in order to do this job effectively and even to be permitted to determine planning/licensing applications.

Being a member of the planning and licensing committee(s) requires you to:

- come to meetings with an open mind
- listen impartially to the applicant, officers and objectors
- act independently and conscientiously in forming a view on an application taking into account the appropriate relevant advice
- take decisions on the basis of evidence and advice
- support the chair of the committee in ensuring meetings are conducted in accordance with natural justice
- identify any possible conflicts of interest, or bias



## **Part Five, Section B**

# **Protocol on Member/Officer Relations**

---

### **1. Introduction**

- 1.01. The purpose of this protocol is to guide Members and officers of the Council in their relations with one another.
- 1.02. Given the variety and complexity of such relations, this Protocol does not seek to be too prescriptive or comprehensive. It simply seeks to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.03. This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.
- 1.04. This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Members and officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.05. An effective working relationship between Members and officers is crucial to the successful operation of the Council's business. This relationship within Haringey Council is characterised by mutual trust, respect and understanding between politicians and paid staff - this is one of the keys to achieving effective local government.
- 1.06. Members and paid staff each have their own separate Codes of Conduct. This code underpins those documents and focuses particularly on the interaction between Members and employees; deals primarily with Members' and officers' own separate responsibilities; and refers to the working relationship between Members and senior managers (Chief Officers and others) who formally advise the Council. The quality of the interface between Members and Officers is vital in ensuring that the highest ethical

## **7. Basic principles of Member Officer relations**

### **The Principle of impartiality**

7.01. Officers are employed by the Council, not by committees or individual Members, and are subject to the Council's employment procedures. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual Members of the Council whatever office they might hold. All officers will ensure that: -

- (a) they respect the individual rights of all Members,
- (b) they serve all Members and not just those on the controlling group,
- (c) they will operate even-handedly with Members engaged in all aspects of the Council's function:-
  - (i) Cabinet, or
  - (ii) overview and scrutiny, or
  - (iii) area assemblies, or
  - (iv) other committees
- (d) they will offer appropriate support to co-opted or independent Members,

7.02. Reports to committees should be written by the Chief Officer or another officer authorised by him or her. The report is the officer's and may not be amended unilaterally by the Chair, Cabinet Member or any other committee Member. However, in writing reports officers must aim to promote Council policies and priorities and must be sensitive to the proper concerns of individual Members. A committee Chair, Cabinet Member or individual Member cannot instruct an officer not to present a report to a committee if the officer has sound professional or management reasons for doing so. If the Chief Officer's report is not regarded as appropriate by the Chair or Cabinet Member, the remedy is for the committee / Cabinet Member to reject its recommendations or refer it back. Exceptionally the Chair / Cabinet Member may write his or her own report in addition to the report submitted by the Chief Officer. In this instance the Chair / Cabinet Member should under no circumstances pressure the Chief Officer to withdraw the original report.

7.03. By law, Members cannot be employed by the Council.

## **8. Officer relationships with party groups**

8.01. Representations to political groups - Members and officers must understand that Council decisions can only be made by Full Council,

## **Part Five, Section D**

### **Protocol for Decision-Making**

---

#### **Provisions with respect to proceedings of the Cabinet and Cabinet Committees and Non-Executive Committees and Sub-Committees**

This protocol constitutes provisions for the allocation of functions under Section 15(2) and provisions in respect of the proceedings of the Cabinet and Cabinet Committees under Schedule 1, Paragraph 4 of the Local Government Act 2000; is incorporated into the terms and conditions of employment of officers; and breach of this Protocol shall be a breach of the local Code of Conduct for Councillors.

The Cabinet, a Cabinet Committee, an individual Cabinet Member, and a Non-Executive Committee or Sub-Committee shall not take any decision until the following requirements have been complied with:

- 1.1. All decisions shall be allocated to the Cabinet or Cabinet Member or delegated to a Committee or Sub-Committee.
- 1.2. No decision shall be taken except upon a written report in accordance with this Protocol.
- 1.3. A Director, or other Senior Manager of the Authority shall, prepare a written report which shall be the subject of consultation with
  - (a) the Chief Finance Officer and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
  - (b) other professional Chief Officers as appropriate
  - (c) service Directors whose service may be affected by the proposal.
- 1.4. Unless the Head of Member's and Democratic Services agrees any exceptions, the written report shall set out: -
  - (a) the body proposing to take the decision
  - (b) the issue to be decided



**PART FIVE - CODES AND PROTOCOLS**  
**Section D- Decision Making Protocol**

- (c) an executive summary of the issue, where the length of the report so requires for clarity
- (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,
- (e) the facts upon which any decision must be based
- (f) the Head of Legal Services' comments on any legal implications or legislative requirements, including any HRA issues
- (g) any policy of the Authority relating to the issue
- (h) any relevant national or regional guidance
- (i) the options available to the decision-making body
- (j) the staffing implications of the issue
- (k) the Chief Finance Officer's comments on the financial implications
- (l) any consultations undertaken, the views of any consultees and a summary of any other representations received
- (m) any implications for any other areas of the Authority's activities
- (n) the comments of any other professional officer or Service Director where appropriate
- (o) if an Cabinet matter, the Cabinet Portfolio which the issue falls within
- (p) the electoral areas which are particularly affected by the issue under consideration
- (q) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
- (r) the place, date and time at which the body proposes to make its decision
- (s) a list of any background papers

- 1.5. At least 5 clear days before the proposed date and time for taking the final decision, the Committee Secretariat shall send a copy of the report, or arrange for a copy of the report to be sent to all Members of the decision-making body.

**PART FIVE - CODES AND PROTOCOLS**  
**Section D- Decision Making Protocol**

1.6. The requirements for consultation and public participation set out above are to be regarded as a minimum, and officers are responsible for determining when further consultation and public participation would be appropriate.

**1.7. Urgent Decisions**

Where the Director or other Senior Manager is of the opinion that a relevant decision should be made urgently in order to prevent or reduce the risk of damage to persons or property or to the interests of the Authority, and that the urgency of the matter is such that it is not practicable to complete the Cabinet decision-making process set out above or to comply with the Access to Information Procedure Rules in Part 4, the decision may be deemed "urgent":

- (a) In order for a decision to be deemed urgent, the "General Exception" or "Special Urgency" procedures set out in the Access to Information Procedure Rules must be followed.
- (b) the Director shall use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full Cabinet decision-making process been followed; and
- (c) the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;
- (d) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.



## CHARITY COMMISSION

### EXTRACT FROM "THE ESSENTIAL TRUSTEE"

#### **E8. How do trustees make decisions?**

##### ***The short answer***

All decisions by the trustees concerning a charity are taken by all the trustees, acting collectively and as a team. However, the decisions need not be unanimous; a majority decision is sufficient unless the charity's governing document states otherwise.

##### ***In more detail***

**Collective responsibility:** Subject to any power of delegation there is a general rule that trustees must take personal responsibility for their decisions, and that all decisions concerning the charity must be taken by the trustees acting together.

**Setting up groups or committees:** Trustees can always invite some of their number to look into particular matters and make recommendations. The decision whether or not to act on the recommendations is for the trustees to take together. In some cases the governing document of a charity may permit the trustees to set up committees with delegated powers to carry out particular functions.

**Delegating to employees:** The trustees of some charities may need to delegate decisions on day-to-day management matters to employees. In these cases the scope of the authority should be clearly laid down in writing and instructions given for decisions on important matters to be reported to the trustees. Trustees should establish proper reporting procedures and clear lines of accountability. Information and guidance for trustees who employ staff is provided by a number of organisations, including the National Council for Voluntary Organisations (NCVO) and the National Association for Voluntary and Community Action (NAVCA).