

## **REPORT OF THE STANDARDS COMMITTEE No. 1, 2016/17 COUNCIL 18 JULY 2016**

Chair: Councillor Amin

### **INTRODUCTION**

- 1.1 This report to Full Council recommends changes to the Constitution to accommodate the combined Pensions Committee and Board, to clarify the terms of reference of the Staffing Remuneration Committee, and to make minor amendments to the Constitution.

### **SUMMARY**

- 2.1 The Standards Committee considered the attached report on 13 June 2016, and agreed its recommendations, with the exception of recommendation at paragraph 3.3(e) of the attached report.
- 2.2 In relation to the proposed abolition of the Pensions Committee and Pensions Board and their replacement with a combined Pensions Committee and Board, we requested and later received a note from officers explaining the motivation for the merging of the Pensions Committee and the Pensions Board.
- 2.3 In relation to the proposed amendment to the Terms of Reference of the Staffing and Remuneration Committee, we requested and later received a list of human resources policies and procedures that the Council recommends to school governing bodies, as referred to in Appendix 2 of the Standards Committee report.
- 2.4 In relation to the proposed amendment to the Planning Sub-Committee's handling of applications submitted by, or on behalf of, the Council, we received assurances from the Acting Assistant Director for Planning that she would seek to highlight such applications in the list regularly circulated to Members and that the Chair of the Planning Sub Committee would need to agree the delegation of applications from or on behalf of the Council individually. One Member did not agree this recommendation.
- 2.5 We did not agree to the recommendation that the Assistant Director for Schools and Learning be responsible for the nomination of school governors, rather than the Democratic Services Manager. The Constitution would need to be amended to reflect that the Council is now, under the relevant legislation, responsible for nominating, rather than appointing, school governors. This amendment, as required by law, may be done by the Monitoring Officer under Article 14.03.
- 2.6 In relation to the changes to the Constitution that were made by the Monitoring Officer under Article 14.03 of the Constitution to ensure the Constitution reflected the statutory position, the Committee requested and later received a note on the Council's appointment of the Leader and how the Leader's appointment of Cabinet members was communicated to Members.

### **WE RECOMMEND**

- 1) In relation to the Pensions Committee and Pensions Board, that Full Council:
  - a) approve the abolition of the Pensions Committee and the Pensions Board;

- b) pursuant to Regulation 106(2) of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015, approve the establishment of a combined Pensions Committee and Board;
  - c) approve the terms of reference of the new combined Pensions Committee and Board, to be reflected in the Constitution at Part Three Section B;
  - d) approve the consequential change to the scheme of Members' Allowances at Part Six of the Constitution
  - e) appoint the following Council members to the new combined Pensions Committee and Board:
    - Councillor C Bull
    - Councillor Bevan
    - Councillor Adamou
    - Councillor Blake
    - Councillor G Bull
    - Councillor Ross
  - f) pursuant to Regulation 107(1), (2) and (4) note:
    - (i) the appointment of the following employer and employee representatives to the new combined Committee and Board:
      - Keith Brown (employer representative)
      - Randy Plowright (employee representative)
    - (ii) the remaining vacant employer and employee seats are to be filled in accordance with the appointment process set out in the terms of reference for the new combined Pensions Board and Committee
- 2) That full Council approve the changes to the terms of reference for the Staffing and Remuneration Committee (as set out in Appendix 2 to the Standards Committee report).
- 3) That full Council approve the following minor amendments to the Constitution:
- a) amendment to Part Three, Section B3, paragraph 4.2(E) to enable the Council's planning applications to be approved by an officer where the Chair agrees (Appendix 3 of the Standards Committee report);
  - b) amendment to Part Two, Article 4.01 and Part Three, Section B1, paragraph 2, to clearly set out the policy framework as prescribed in law, with any additional policies added by choice set out clearly (Appendix 4a of the Standards Committee report);
  - c) amendment to Part Four, Section F, (Cabinet Procedure Rules) paragraph 1.7. to set out the actual current cabinet start time of 6.30pm;
  - d) amendment to Part Four, Section C, paragraph 8 to allow the Statement of Attendances to be presented either at the last meeting of the municipal year or at annual council;
  - e) amendment to Part Two, Article 10.08(a) (ii) (C) to remove the reference to the Haringey Strategic Partnership.
- 4) That Full Council note that the Monitoring Officer has removed the words 'members of the Cabinet' from Part Four, Section B paragraph 20, has made further changes to Part Four, Section C paragraph 7 by adding a reference to the attendance requirements for members of the Cabinet, and has replaced 'appointments' with 'nominations' at Part Three, Section E4, paragraph 1.5(h), pursuant to his powers under Article 14.03 of the Constitution.

**Report for:** Standards Committee – 13 June 2016

**Item number:** 7

**Title:** Proposed changes to the Council Constitution

**Report**

**Authorised by:** Bernie Ryan, Assistant Director of Corporate Governance and Monitoring Officer

**Lead Officer:** Alison Vydulinska x2751 Alison.Vydulinska@haringey.gov.uk  
Gina Clarke x4636 Gina.Clarke@haringey.gov.uk

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** Non key

**1. Describe the issue under consideration**

- 1.1 The Council Constitution governs the organisation of Council decision making. It is kept under review and when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to full Council.
- 1.2 This report proposes changes to the Constitution in the following areas:
- a) Abolition of the current Pensions Committee and Pensions Board, establishment of a new combined Pensions Committee and Board, approval of the terms of reference, appointments to the new body and consequential amendments arising as a result of the change;
  - b) Minor amendments to the terms of reference for the Staffing and Remuneration Committee;
  - c) Minor amendments to the terms of reference for the Planning subcommittee;
  - d) Other minor amendments to the Constitution.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

- 3.1 That the Standards Committee recommend full Council:
- a) approve the abolition of the Pensions Committee and the Pensions Board;

- b) pursuant to Regulation 106(2) of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015, approve the establishment of a combined Pensions Committee and Board;
- c) approve the terms of reference of the new combined Pensions Committee and Board, to be reflected in the Constitution at Part Three Section B (as set out in Appendix 1a);
- d) approve the consequential change to the scheme of Members' Allowances at Part Six of the Constitution (as set out in Appendix 1b)
- e) appoint the following Council members to the new combined Pensions Committee and Board:
  - Councillor C Bull
  - Councillor Bevan
  - Councillor Adamou
  - Councillor Blake
  - Councillor G Bull
  - Councillor Ross
- f) pursuant to Regulation 107(1), (2) and (4) note:
  - (i) the appointment of the following employer and employee representatives to the new combined Committee and Board:
    - Keith Brown (employer representative)
    - Randy Plowright (employee representative)
  - (ii) the remaining vacant employer and employee seats are to be filled in accordance with the appointment process set out in the terms of reference for the new combined Pensions Board and Committee (Appendix 1a).

3.2 That the Standards Committee recommend full Council approve the changes to the terms of reference for the Staffing and Remuneration Committee (as set out in Appendix 2).

3.3 That the Standards Committee recommend full Council approve the following minor amendments to the Constitution:

- a) amendment to Part Three, Section B3, paragraph 4.2(E) to enable the Council's planning applications to be approved by an officer where the Chair agrees (Appendix 3);
- b) amendment to Part Two, Article 4.01 (Appendix 4a) and Part Three, Section B1, paragraph 2 (Appendix 4b), to clearly set out the policy framework as prescribed in law, with any additional policies added by choice set out clearly;
- c) amendment to Part Four, Section F, (Cabinet Procedure Rules) paragraph 1.7. to set out the actual current cabinet start time of 6.30pm (Appendix 5);

- d) amendment to Part Four, Section C, paragraph 8 to allow the Statement of Attendances to be presented either at the last meeting of the municipal year or at annual council (Appendix 6);
- e) amendment to Part Three, Section E4, paragraph 1.5(h) (Appendix 7a) and Part Three, Section E3 (Functions delegated to the Director of Children's Services, paragraph 6) (Appendix 7b) to enable the nomination of school governors to be made by the Assistant Director of Schools and Learning;
- f) amendment to Part Two, Article 10.08(a) (ii) (C) to remove the reference to the Haringey Strategic Partnership (Appendix 8).

3.4 That the Standards Committee note the Monitoring Officer has removed the words 'members of the Cabinet' from Part Four, Section B paragraph 20 (Appendix 9a) and has made further changes to Part Four, Section C paragraph 7 by adding a reference to the attendance requirements for members of the Cabinet (Appendix 9b).

#### **4. Reasons for decision**

- 4.1 The proposed changes to the Council Constitution are to ensure that:
- a) decision making processes comply with changes to pension law as to the governance and administration of public service pensions schemes;
  - b) the rules as to the process by which decisions are made, and the rules governing the conduct of meetings are clearly set out and that they reflect the statutory position;
  - c) procedures enable efficient, open, accountable and lawful decision-making.

#### **5. Alternative options considered**

5.1 In relation to the establishment of a combined Pensions Committee and Board, consideration was given to establishing two separate entities in 2014 however Council decided to pursue the combined Committee and Board option and this has been approved by the Secretary of State. The law requires one or other option to be implemented.

5.2 Leaving the terms of reference of the Staffing and Remuneration Committee as they stand was considered. However there is a need to make specific the committee's ability to set terms and conditions of employment for school based staff employed by the council, and also its power to recommend Human Resources procedures to school governing bodies.

- 5.3 Consideration was also given to leaving the terms of reference of the Planning subcommittee as they stand, however there is a need to ensure that a proportionate approach is taken for the Council's applications and that the Planning subcommittee committee has time to consider major and contentious applications.
- 5.4 As to the minor changes to the constitution, for some of the changes no other alternative options were considered as the changes are required to either provide clarity or to reflect the statutory position.

## **6. Background information**

Abolition of the Pensions Committee, establishment of a new Pensions Committee and Board and approval of terms of reference for the new body:

- 6.1 The Public Sector Pensions Act 2013 included a requirement that pension boards be established to assist pension administering authorities with the effective and efficient management of the Pension Scheme. The Regulations approved in relation to the local government pension scheme (regulation 106(2) of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015) allow for pension committees and boards to be separate or combined. A combined committee and board has to be individually approved by the Secretary of State. Haringey applied for authority for a combined board and committee in 2015 and this was approved by the Secretary of State by letter, dated 6<sup>th</sup> January 2016.
- 6.2 This report seeks abolition of the current Pensions Committee and the Pensions board, and establishment of the combined Committee and Board. Certain governance requirements must be included in the terms of reference for the combined board and committee, and in addition, the current committee terms of reference require updating in light of the legal changes and organisational changes proposed. At their meeting of 11 April 2016 Pensions Committee reviewed and noted the terms of reference of the proposed combined Pensions Committee and Board to ensure alignment with the relevant regulations. The proposed new terms of reference are at Appendix 1a.
- 6.3 Finally the Council will need to appoint the new councillor members of the combined Committee and Board. Regulation 107(4) has specific requirements as to membership where the Committee and Board are combined. While the Council may appoint councillors to the combined Committee and Board in the usual way, employer and employee representatives have specific rules relating to appointment, namely that there must be no less than 4 members of the committee divided equally

between employer and employee members. Their appointments will only be noted by the Council but the administering authority must be satisfied that those persons have the capacity to represent members/employees as appropriate.

- 6.4 The Regulations also make provision for the establishment of terms of reference including in relation to voting, and these are set out in detail in the terms of reference attached at Appendix 1a.
- 6.5 As employer and employee representatives will be non-councillor members of the combined Committee and Board can vote, by virtue of section 27 of the Localism Act 2011 are treated as co-opted members. The effect of this means that the Council's Code of Conduct will apply to the employer and employee representatives, and they will need to complete a register of interest form in respect of their interests.
- 6.6 The principle of political balance of council committees set out in section 15 of the Local Government and Housing Act 1989 will apply to the combined Committee and Board. However, provision has been made in section 15 that where the principles on political balance apply, that any seats which are to be filled by the appointment of non-councillors are to be disregarded for the purposes of political proportionality.
- 6.7 As a consequence of the proposal to abolish the current Pensions Committee and replace it with the combined Pensions Committee and Board, a change will be required for the Member's Scheme of Allowance, as agreed by the Council on 17 March 2016 and included at Part Six of the Constitution (Appendix 1b)

## **7. Changes to the Terms of Reference for the Staffing and Remuneration Committee:**

- 7.1 The terms of reference of the Staffing and Remuneration Committee as currently written require clarification as to the Committee's ability to set terms and conditions of employment for school based staff which the Council employs (those in community, voluntary controlled, community special and maintained nursery schools). Whilst certain contractual terms for teachers are set by statute by the Schoolteachers' Pay and Conditions Documents, other contractual terms for teachers and contractual terms for non- teaching staff fall to be set by the Council. The Staffing and Remuneration Committee is delegated by the Council to set terms and conditions of service for Council employees.

- 7.2 It is also not stated explicitly that the Staffing and Remuneration Committee has power to determine the Human Resources procedures which the Council recommends for adoption to school governing bodies.
- 7.3 Changes to the Staffing and Remuneration Committee's terms of reference are therefore proposed to clarify these points. The proposed changes shown in track changes in Appendix 2.

## **8. Other minor amendments to the Constitution:**

- 8.1 It is proposed to make one amendment to the terms of reference of the planning subcommittee at Part 3, Section B3, paragraph 4.2(E). This change makes it clear that applications submitted by or on behalf of the Council will be approved by the sub-committee, unless otherwise agreed by the Chair. At their meeting on 19 May 2016 Regulatory Committee agreed to the proposed amendment to the terms of reference of the planning subcommittee. A tracked changed version of the terms of reference is appended in Appendix 3.
- 8.2 Article 4.01 and Part Three, Section B1 paragraph 2, include the meaning of the policy framework for the Council. The Policy Framework comprises those documents which by law must be approved by full council and any others the council wishes to approve at full council as part of its overarching policy framework. The current list needs updating and needs to make clear which documents must form the policy framework for the council by law and which have been added by choice. It is therefore proposed to amend Article 4.01 and Part 3, Section B1 paragraph 2 to make clear that the Council approves the following policies as part of the policy framework:
- a) those required by law:
    - i. Annual Library Plan
    - ii. Best Value Performance Plan
    - iii. Crime and Disorder Reduction (community safety) Strategy
    - iv. Development Plan documents
    - v. Youth Justice Plan
    - vi. Statement of Licensing Policy
    - vii. Statement of Gambling Policy
    - viii. Treasury Management Strategy
    - ix. And any other policies required by law to be approved by full council.
  
  - b) any other plans and strategies Council considers it should consider as part of its Policy framework:
    - i. Housing Strategy



The above proposed changes are shown in track changes in Appendices 4a and 4b.

- 8.3 In Part Four, Section F, (Cabinet Procedure Rules) paragraph 1.7, the time for the start of Cabinet meetings is stated to be 7.30pm. In fact the Cabinet meets at 6.30pm and it is proposed to correct this reference within the Constitution to reflect custom and practice (Appendix 5).
- 8.4 Part Four Section C paragraph 8 states that the Statement of Member Attendances is presented to the last meeting of the Council in each municipal year. In fact the Council has generally received the Statement at the Annual Council meeting. It is proposed that the paragraph is amended to allow the Statement to be presented to either the last meeting of the municipal year or the Annual Council, to reflect the current practice and to retain the option of presenting the Statement of Member Attendances at the last meeting of the year, for example in local council election years (Appendix 6).
- 8.5 Following changes in the law relating to the appointment of school governors, the Council's power to appoint school governors has been removed. The Council can nominate any eligible person as a local authority school governor, but it is for the school governing body to decide whether the nominee meets the new skills edibility criteria for appointment. As a result of this change it is proposed that Part 3 Section E4 paragraph 1.5(f) is deleted (Appendix 7a), and that Part 3 Section E3 paragraph 6 is amended to enable the Assistant Director of Schools and Learning to make nominations for School Governors (Appendix 7b).
- 8.6 Part Two, Article 10.08 sets out the council's practice of making nominations to a large number of external bodies, and sets out the different categories of external bodies the council has nomination rights to. It is proposed to remove the reference to the Haringey Strategic Partnership from Article 10.08 (a) (ii) (C) to reflect that this organisation no longer exists (Appendix 8).
- 8.7 The Monitoring Officer has the power under Article 14.03 of the Constitution to make required changes to the Constitution to reflect the statutory position, and the following corrections have been made, and are included for noting:
- (i) Part Four, Section B (Committee Procedure Rules) includes an erroneous element at paragraph 20. The paragraph refers to appointments of committees but includes reference to appointments to 'members of the Cabinet'. The Cabinet is

appointed by the Leader of the Council pursuant to section 9(c) Local Government Act 2000 (Appendix 9a).

- (ii) Part Four, Section C paragraph 7 refers to absence from Council meetings but does not specifically refer to Cabinet meetings. It has been changed to make clear that the members of the executive who fail to attend a meeting of the executive or a cabinet signing for six months without prior approval of the Council will cease to be a member of the authority, pursuant to section 85(2A) Local Government Act 1972 (Appendix 9b).

## **9. Contribution to strategic outcomes**

9.1 Not applicable.

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

### **10.1 Finance and Procurement**

10.1.1 The initial report to Pensions Committee on the combined Pensions Committee and Board was provided by the Chief Finance Officer.

10.1.2 There are no other financial matters arising in this report.

### **10.2 Legal**

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

10.2.2 In relation to the recommendation to establish a combined Pensions Committee and Board, Section 5 of the Public Service Pensions Act 2013 imposes new requirements on administering authorities which are included in the new proposed terms of reference. Haringey is one of only two authorities that has sought and received approval for a combined Pensions Committee and Board. This arrangement will need to be reviewed in 6 months, since the approval by the Secretary of State requires the administering authority to report to the Department for Communities and Local Government on the implementation and viability of the combined board and committee after January 2017.

10.2.3 The new combined Committee and Board will need to comply with the political balance requirements as set out in section 15(1) of the Local Government and Housing Act 1989. However

as 4 seats on the Committee and Board are allocated to non councillors, the general rule set out in Section 13 of the 1989 Act preventing non councillor members from voting is disapplied by Section 13(3) and (4)(fb) of the 1989 Act. This means that non council members of the combined Committee/ Board can vote. As the principles of political balance are to be applied to the combined Committee and Board, the effect of section 15(6) (b) of the 1989 Act is that any seats on the combined Committee and Board which are to be filled by non-councillors are not taken into account when working out the allocation of seats to the different political groups.

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

### 10.3 **Equality**

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

## 11. **Use of Appendices**

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

Appendix 1a – Part Three, Section B, para 2: Terms of Reference, Pensions Committee and Board

Appendix 1b – Part Six, Members' Allowance Scheme

Appendix 2 – Part Three, Section B2 para 3: Terms of Reference, Staffing & Remuneration Committee

Appendix 3 – Part Three, Section B3, section 3, para 4.2: Terms of Reference, Planning subcommittee

Appendix 4a – Part Two, Article 4.01: Changes to Council Policy Framework

Appendix 4b – Part Three, Section B, para 2: Changes to Council Policy Framework

Appendix 5 – Part Four, Section F, para 1.7: Cabinet Procedure Rules (start time)

Appendix 6 – Part Four, Section C, para 8: Miscellaneous Standing Orders (Statement of Attendances)

Appendix 7a – Part Three, Section E4 para 1.5(h): Proper Officer and Specified Officer Functions (Nomination of School Governors)

Appendix 7b – Part Three, Section E3, para 6: Delegations to the Chief  
Executive and Statutory Officers (Nomination of School Governors)  
Appendix 8 – Part Two, Article 10.08(a) (ii) (C): Outside Bodies  
Appendix 9a – Part Four, Section B, para 20: Committee Procedure Rules  
(Appointment of Committees)  
Appendix 9b – Part Four, Section C para 7: Miscellaneous Standing Orders  
(Absence from Meetings)

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

## Section B – Full Council &amp; Non-Executive Bodies

**2. Combined Pensions Committee and Board**

The Committee Procedure Rules and Access to Information Rules apply to this Committee and Board except where this would be inconsistent with either these Terms of Reference or the legislation relating to the Committee and Board.

1. Responsibilities

The Pensions Committee and Board has the following functions and responsibilities:

- (a) all the functions which are stated not to be the responsibility of The Executive in Regulation 2 and Schedule 1 paragraph H of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations relating to those matters concerning the Local Government Pension Scheme.
- (b) Exercising the Committee's all the Council's functions are those of the as "Administering Authority" under the Pensions legislation, and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements. This includes:
  - (i) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
  - (ii) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles and funding strategy statement;
  - (iii) Determining the allocation of investments between each asset class;
  - (iv) Reviewing specialist external advisers performance;
  - (v) Publicising statements and policy documents as required by legislation, government directives and best practice.
- (c) Monitoring and as appropriate to decide upon Pensions Administration issues.
- (d) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and to receive the Pension Fund Budget annually.
- (e) Agreeing the admission of bodies into the Council's Pension scheme.
- (f) Receiving actuarial valuations.
- (g) Ensuring that members of the Committee and Board receive appropriate training to undertake their responsibilities.
- (h) Approving the Annual Accounts of the Local Government Pension Scheme and consider recommendations from the Auditor.
- (i) To secure, and to assist in securing compliance with:
  - i) the Regulations,

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- ii) and any other legislation relating to the governance and administration of the Scheme and any connected scheme,
  - iii) any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme, and
- (i) To ensure, and to assist in securing the effective and efficient governance and administration of the Scheme and any connected scheme.

For the avoidance of doubt, none of the functions set out above entail the committee in regulating or controlling the finances of the Council or its area.

**2. Membership**

2.1 The Committee & Board shall consist of 10 members and be constituted as follows:

Councillors

(a) Six Councillors appointed by the administering authority.

Employer Representatives (co-optees)

(b) Two representatives from scheduled and admitted employers.

Employee Representatives (co-optees)

(c) Two scheme membership representatives, one being appointed by local trade unions and the other selected from scheme member nominations.

2.2 The Chair and vice chair of the Committee & Board will be Council representatives. The Chair will be appointed by full Council, and the vice chair will be appointed by the Joint Committee and Board.

2.3 The Chair will ensure that meetings are properly conducted, decision making is clear and professional advice is followed. The Chair will monitor the performance and attendance of Committee & Board members and if appropriate make recommendation to terminate appointments in accordance with section 4 below.

2.4 All members of the Committee & Board will have equal voting rights. The Chair will have a casting vote.

2.5 The Committee & Board may nominate advisers to support them. These nominees are not Committee & Board members and do not have voting rights.

**3. Appointment and removal of Committee & Board Members**

a) Council members:

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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3.1 The administering authority will appoint and replace as it sees fit, the six councillor members of the Committee.

b) Employer representatives:

3.2 The employer representatives will be nominated by employers other than the Council. If there are more than two nominations a panel consisting of the Chair of the Committee & Board and Chief Financial Officer to the Council will select the representatives to be appointed.

3.3 Employer representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment

3.4 Employer representatives will remain as members of the Committee & Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body. If an appointment is terminated a new appointment process will commence for the remainder of the term.

c) employee representatives:

3.5 The employee representatives will be appointed as follows:

i) one active scheme member representative will be the appointed jointly by trade unions who represent working scheme members.

ii) one pensioner and deferred member representative will be selected through an open invitation to apply.

3.6 If there is more than one nomination for these positions a panel consisting of the Chair of the Committee & Board and Chief Financial Officer to the Council will select the representatives to be appointed.

3.7 Employee representatives will serve for a period of four years and will be eligible to be re-appointed in accordance with the above processes, subject to compliance with the conditions of appointment

3.8 Employee representatives will remain as members of the Committee & Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body. If an appointment is terminated a new appointment process will commence for the remainder of the term.



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All appointed members:

3.9 Prospective members of the Committee & Board will be required to demonstrate to the panel consisting of the Chair of the Committee & Board and the Chief Financial Officer that they have the capacity to represent other employers and employees (as appropriate) and that they do not have a conflict of interest. The decision of the panel will be final.

3.10 Each Committee & Board member should endeavour to attend all meetings during the year.

3.11 Other than by ceasing to be eligible as set out above, a Committee & Board member may only be removed from office during a term of appointment by Full Council on a recommendation from the panel.

**4. Quorum, voting and substitutes**

4.1 The Committee & Board shall have a formal quorum of five comprising at least three Council and two employer or employee representatives. Advisers and other nominees do not count towards the quorum. All decisions will be by majority of votes, with the Chair having a casting vote when the votes are initially tied unless stated otherwise in these terms, although it is expected that the Committee & Board will, as far as possible, reach a consensus.

4.2 No substitutes shall be permitted for employer and employee representatives.

**5. Meetings**

5.1 The Committee & Board shall meet sufficiently regularly to discharge its duties and responsibilities. There will be at least four meetings a year, with additional meetings if the Committee & Board so agrees.

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

5.3 The agenda for each meeting will be agreed by the Chair and all papers will be circulated to Members in accordance with the Access to Information Procedure Rules.

5.4 A formal record of Committee & Board proceedings will be maintained. Following the approval of the minutes by the Chair, they shall be circulated to all members and published in accordance with the Access to Information Procedure Rules.

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

**6. Standards of Conduct and Conflicts of Interest**



## PART THREE – RESPONSIBILITY FOR FUNCTIONS

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6.1 All members of the Committee & Board, Councillors and others, are expected to act at all times within these terms of reference and will be required to comply with both the Members' Code of Conduct and the provisions of the Localism Act relating to Standards. In accordance with section 108 of the Regulations Board members must not have a financial or other interest that could prejudice them in carrying out their duties. This does not include a financial or other interest arising merely by virtue of membership of the LGPS.

6.2 Each Committee & Board member must provide the Council with such information as is reasonably required for the purpose of complying with the Members Code of Conduct and demonstrating that there is no conflict of interest.

**7. Budget and Business Plan**

7.1 The Committee & Board will prepare a Business Plan and Budget each year.

**8. Committee & Board Review Process**

8.1 The Committee & Board will undertake each year a formal review process to assess how well it and the members are performing with a view to seeking continuous improvement in performance.

**9. Advisers to the Committee & Board**

9.1 The Committee & Board may be supported in its role and responsibilities through the appointment of advisers, and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers on such terms as it shall see fit to help better perform its duties. Advisers may include:

- i) Officers from the Council's Finance, Human Resources, Legal and other teams as needed;
- ii) An independent Advisor;
- iii) The Fund's Actuary;
- iv) The Fund's Investment Managers and Custodian;
- v) The Fund's Investment Consultant; and
- vi) Any other appointed advisers.

9.2 Any remuneration to advisors appointed by the Committee & Board must be in accordance with the Budget.

9.3 The Committee & Board shall ensure that the performances of the advisers are reviewed on a regular basis.

**10. Knowledge and Skills**

10.1 Every member of the Committee & Board must be conversant with –

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(i) The rules of the LGPS.

(ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund.

10.2 It is for individual Committee & Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.

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

10.4 The Council will provide a training programme, which all Committee & Board members must attend. Training undertaken will be reported at each meeting.

**11. Expense Reimbursement, remuneration and allowances**

11.1 Remuneration for Employee and Employer Representatives who are not Councillors will be limited to a refund of actual expenses incurred in attending meetings and training. Remuneration for Councillors will be via the Members Allowances Scheme.

11.2 The expenses of the Committee & Board are a part of the costs of administrating the Pension Fund.

**12. Publication of Committee & Board information**

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

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

## PART 6 – MEMBERS’ ALLOWANCES SCHEME

**5. SPECIAL RESPONSIBILITY ALLOWANCES**

- 5.01 For the period 1 April 2016 to 31 March 2017, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table A below. If a Councillor does not serve as such for the whole period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor.

**Table A**

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

**6. MULTIPLE RESPONSIBILITIES**

- 6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

**7. CO-OPTES’ ALLOWANCES**

- 7.01 Each education representative on scrutiny bodies is entitled to an allowance of £616.50. No allowances are payable to others who are not elected Councillors.

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

## Section B – Full Council &amp; Non-Executive Bodies

**3. Staffing & Remuneration Committee**

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

- (a) To exercise the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 paragraphs H and I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:
  - (i) Paragraph H – Pensions; Determining the Council’s policy statement of discretions as “Employing Authority” under the Local Government Pension Scheme Regulations 2013 and the Teachers Pension Regulations 2010
  - (ii) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal. The Committee agrees the terms and conditions of employment, and the pay structure for all posts with the exception of school-based employees pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers’ Pay and Conditions Documents
- (b) To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
- (c) To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001
- (d) To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
- (e) To exercise functions in respect of the appointment and dismissal (including the terms of release) of Chief and Deputy Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
- (f) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of Paid Service and Chief and Deputy Chief Officers
- (g) To approve procedures for appointment and dismissal of staff
- (h) To consider and approve any remuneration or severance payments to Chief and Deputy Chief Officers of £100,000 or more, in accordance with guidance

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section B – Full Council & Non-Executive Bodies

issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001

- (i) To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.
- (j) To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.
- (k) To approve those human resources policies and procedures that the Council recommends to school governing bodies for adoption in respect of school based employees.

Membership

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

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

## Section B – Full Council &amp; Non-Executive Bodies

**4.2 Planning Sub-Committee**

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

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

- (a) paragraph A - Town Planning Functions
- (A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;
- (B) planning applications for changes of use 1000 sq. metres of gross internal floor space and where the officer recommendation is for approval;
- (C) planning applications for the erection, or extension of non-residential buildings where the new build is more than 1000 sq metres gross internal floor space and where the officer recommendation is for approval;
- (D) unless otherwise agreed with the chair of the Planning Sub-Committee, planning applications either:
  - (i) for major development as categorised by the Department for Communities in Local Government (DCLG) and where the officer recommendation is for approval; or
  - (ii) where a S106 is required; or
  - (iii) where the decision would be contrary to a policy in the development plan;
- (E) unless otherwise agreed with the Chair of the Planning Sub- Committee, Applications submitted by, or on behalf of the Council ~~planning applications submitted by or on behalf of the Council except for applications for development within the curtilage of a dwelling house;~~
- (F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to Members' consideration;
- (G) planning applications submitted by or on behalf of Members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section B – Full Council & Non-Executive Bodies

- (H) any planning application to amend an application or vary conditions or a section 106 agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;
  
- (I) any planning application where there have been objections from a single Ward Councillor and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;
  
- (b) paragraph I - Miscellaneous Functions;
  - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
  - (B) the preservation of trees;
  
- (c) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

## PART TWO – ARTICLES OF THE CONSTITUTION

## Article 4 - The Full Council

## 4.01 Meanings

(a) Policy Framework. ~~These are the plans and strategies that Haringey Council has decided should~~ 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 Licensing Policy
- Statement of Gambling 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

~~Overarching strategies:~~

- ~~(i) — (ii) — Core Strategy, Local Development Framework~~
- ~~(iii) — Such other strategies that the full Council is required to adopt as a matter of law.~~

~~Key Documents:~~

- ~~(i) — Housing Strategy;~~
- ~~(ii) — Local Implementation Plan~~
- ~~(iii) — Statement of Gambling Policy~~
- ~~(iv) — Youth Justice Plan~~
- ~~(v) — Such other service plans that the full Council is required to adopt as a matter of law.~~

~~Plans required from partnerships of which the authority is a member:~~

- ~~(i) — Community Safety Strategy;~~

~~Such other plans and strategies that Haringey Council decides should be reserved for the full Council for approval and adopted by it.~~



PART TWO – ARTICLES OF THE CONSTITUTION

- (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.

PART THREE, SECTION B RESPONSIBILITY FOR FUNCTIONS

Full Council & Non-Executive Bodies

**SECTION 1 - THE COUNCIL**

**THE COUNCIL**

1. Only the Council will exercise the following functions:
  - (a) Adopting and changing the Constitution;
  - (b) Approving or adopting the policy framework as set out in Article 4, above;
  - (c) Approving the budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);
  - (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
  - (e) Making or revising a Council Tax Reduction Scheme;
  - (f) Approval of the Community Infrastructure Levy Charging Schedule;
  - (g) Approval of the Statement of Community Involvement;
  - (h) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
  - (i) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
  - (j) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
  - (k) Appointing the Leader;
  - (l) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
  - (m) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
  - (n) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
  - (o) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;

PART THREE, SECTION B RESPONSIBILITY FOR FUNCTIONS

Full Council & Non-Executive Bodies

- (p) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (q) Adopting and amending the Members' Allowances Scheme;
- (r) Changing the name of the area, conferring the title of honorary alderman or freedom of the Borough and establishing any new Civic Link;
- (s) Confirming the appointment or dismissal of the Head of Paid Service, and the dismissal of the Chief Finance Officer and Monitoring Officer;
- (t) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (u) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any of its Committees, Sub-Committees or an officer;
- (v) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Executive;
- (w) Adopting the Members' Code of Conduct;
- (x) Approving Pilot Schemes for Local Elections;
- (y) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the "Act"), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- (z) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
  - (i) approving and revising any Statement of Licensing Policy;
  - (ii) resolving not to issue any casino premises licences in the next three years;
- (za) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (zb) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (zc) All other matters that, by law, must be reserved to Council.

## PART THREE, SECTION B RESPONSIBILITY FOR FUNCTIONS

## Full Council &amp; Non-Executive Bodies

2. The full Council is responsible for approving certain plans and strategies in accordance with the Policy Framework. These are plans and strategies that the full Council must approve either (i) in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or (ii) those that the Council itself has determined shall be reserved to the full Council for approval.

A complete list of all the plans and strategies comprising the Council's Policy Framework is set out below.

- a) Those required to be approved by Council by law:
- (i) Annual Library Plan
  - (ii) Best Value Performance Plan
  - (iii) Crime and Disorder Reduction (community safety) Strategy
  - (iv) Development Plan documents
  - (v) Youth Justice Plan
  - (vi) Statement of Licensing Policy
  - (vii) Statement of Gambling Policy
  - (viii) Treasury Management Strategy
  - (ix) Any other policies that the law requires must be approved by full council.
- b) Any other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework.
- (i) Housing Strategy
- ~~(a) Overarching Strategies:~~
- ~~(i) Sustainable Community Strategy~~
  - ~~(ii) Core Strategy, Local Development Framework~~
  - ~~(iii) Such other strategies that the full Council is required to adopt as a matter of law.~~
- ~~(b) Key Documents:~~
- ~~(i) Housing Strategy;~~
  - ~~(ii) Local Implementation Plan~~
  - ~~(iii) Statement of Gambling Policy~~
  - ~~(iv) Youth Justice Plan~~
  - ~~(v) Such other service plans that the full Council is required to adopt as a matter of law.~~
- ~~(c) a small number of plans required from partnerships of which the authority is a member:~~
- ~~(i) Community Safety Strategy;~~
- ~~(c) Such other plans and strategies that Haringey Council decides should be reserved for the full Council for approval and adopted by it.~~

**PART FOUR – RULES OF PROCEDURE**

**Section F – Cabinet Procedure Rules**

Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.

- (c) Where an individual Member of the Cabinet is exercising executive functions, it may delegate those functions to officers.
- (d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.
- (e) Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

**1.5 The Council's Scheme of Delegation and Cabinet Functions**

- (a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader personally and this will be reported to the full Council for noting and inclusion in the Constitution.

**1.6 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (b) If any Member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (c) If the exercise of an Executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise, or in the alternative, in accordance with the direction of the Leader.

**1.7 Cabinet meetings – when and where**

The Cabinet will meet in accordance with a programme of meetings according agreed by the Leader. The Cabinet shall meet at ~~7:30~~ 6:30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

**1.8 Public Meetings of the Cabinet**

Meetings at which the Cabinet takes decisions shall be open to the media and public unless the business under consideration is exempt or confidential as determined by the Access to Information Procedure Rules set out in Part 4 of this Constitution.

PART FOUR – RULES OF PROCEDURE

Section C – Miscellaneous Standing Orders

a personal, prejudicial or disclosable pecuniary interest under the Members' Code of Conduct. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

**6. INSPECTION OF LAND AND BUILDINGS**

No member of the Council and no other member (whether voting or non-voting) of a Committee, Sub-Committee or other body shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

**7. ABSENCE FROM MEETINGS**

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies shall cease to be a member unless within that period his or her absence is approved by the authority.

**8. STATEMENT OF ATTENDANCES**

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council either at its last meeting in each municipal year or at the Annual Meeting and be entered in the minutes.

**PART THREE – RESPONSIBILITY FOR FUNCTIONS**

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

- (f) To determine the appointment of outside members to the “pool” from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;
- (g) To determine the membership of individual Appeals Panels (under (f) above) and the selection of Chairs of these Panels;
- ~~(h) To make appointments of representative School Governors as notified by the Cabinet Member for Children or the Opposition Spokesperson, as appropriate;~~
- (h) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (i) To make appointments to the membership of Special Licensing Sub-Committees from among the Members of the Regulatory Committee;
- (jk) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Regulatory Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;
- (kl) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the Regulatory Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Sub-Committees.
- (lm) To appoint the membership of Assessment Sub-Committees, and Hearing Sub-Committees in accordance with the arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Members’ Code of Conduct and the decisions of the Standards Committee and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

**1.6 Business Manager, Legal Services**

The Business Manager, Legal services is appointed Proper Officer and specified officer in relation to the provisions of The Registration Services Act 1953 (appointment of superintendent registrars and registrars of births and deaths and their deputy and interim officers and all related functions therein).

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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

**Functions delegated to the Director of Children’s Services**

1. To act as the Council’s statutory Director of Children’s Services
2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:
  - (a) All education and children’s social care functions conferred on or exercisable by the Council
  - (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children
  - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children
  - (d) The establishment of a Local Safeguarding Children Board
  - (e) The preparation and publication of a Children and Young People’s Plan
  - (f) Improving preventative services and delivering earlier intervention
  - (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the Children Act 2004 to include making arrangements for the management of services provided
3. To provide strategic management and direction for Children’s Services across the Council
4. To secure that there are sufficient youth justice services available in the Borough
5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State
6. Education services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council, including to make nominations of an eligible person to Governing Bodies of Maintained Schools in the area for appointment to School Governing Bodies. 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



**PART TWO – ARTICLES OF THE CONSTITUTION**

- (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee,
  - (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects, ~~for example, the Haringey Strategic Partnership,~~
  - (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.

PART FOUR – RULES OF PROCEDURE

Section B – Committee Procedure Rules

15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the Committee or Sub-Committee.
16. Where any Members decide to call a special meeting of a Committee or Sub-Committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at ~~Standing Order No.~~ rule 51 below.
17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.
18. No meeting shall continue after 10 p.m., except that discussion of the specific item or case in hand at 10 p.m. may continue thereafter at the discretion of the Chair of the meeting. Consideration of any business remaining shall be deferred to the next ordinary meeting, except where the matter(s) falls to be dealt with under the urgency provisions.
19. In the absence of the Chair, the Deputy-Chair(s) shall have authority to act for any of the purposes set out in rule 12-15 above.

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

20. At each annual meeting, the Council shall appoint the ~~members of the Cabinet and a~~ Chair and Deputy Chair(s) for every Committee, Sub-Committee and other body for the year ahead, unless the Constitution provides otherwise. If a vacancy arises during the year, the Chief Executive shall report to the next ordinary meeting of the Council to enable a member to be appointed to fill the vacancy.
21. If any appointment possible under the previous paragraph is not made, the Committee, Sub-Committee or other body shall, from among their voting members, appoint a person to preside at their meetings.
22. In the absence of the Chair from a meeting, the Deputy-Chair shall preside. In the absence of both the Chair and a Deputy-Chair from a meeting and providing the meeting is quorate, any member may propose, at the request of the Democratic Services Manager or his/her representative, the election of a voting member present to preside at the meeting.
23. The first proposal to elect a member to preside shall be voted upon before any further proposal is made. The Democratic Services

**PART FOUR – RULES OF PROCEDURE**

**Section C – Miscellaneous Standing Orders**

a personal, prejudicial or disclosable pecuniary interest under the Members' Code of Conduct. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

**6. INSPECTION OF LAND AND BUILDINGS**

No member of the Council and no other member (whether voting or non-voting) of a Committee, Sub-Committee or other body shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

**7. ABSENCE FROM MEETINGS**

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies (or, for a member of the Cabinet, a meeting of the executive) shall cease to be a member unless within that period his or her absence is approved by the authority.

**8. STATEMENT OF ATTENDANCES**

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council at its last meeting in each municipal year and be entered in the minutes.