

GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA

24 August 2022

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

5 OUTSIDE BODIES (Pages 1 - 14)

Report attached.

6 CONSTITUTION REVIEW (Pages 15 - 72)

Report attached.

**Zena Smith
Democratic and Election
Services Manager**

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GOVERNANCE COMMITTEE **24 August 2022**

Subject Heading:

**APPOINTMENTS TO OTHER
ORGANISATIONS, 2022/23**

SLT Lead:

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Governance 01708 438958

Report Author and contact details:

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Policy context:

The Council appoints Members and
others to serve on a variety of other
bodies

Financial summary:

There are no significant financial
implications.

**The subject matter of this report deals with the following Council
Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

The Council makes appointments to a large number of other organisations, some statutory, others voluntary.

Since the new executive governance arrangements came into force, responsibility for making some appointments has passed from this Committee to the Leader of the Council but the Constitution provides that it is for this Committee to make recommendations to the Leader.

RECOMMENDATIONS

That the Committee **AGREES**:

- (1) The new process for non-executive appointments to outside bodies
- (2) To review the list of outside bodies to which the Council makes appointments and to determine that appointments to those Outside Bodies listed at Appendix 3 should no longer be Council appointments.
- (3) All remaining non-executive appointments to the organisations referred to in this report, for the period until the meeting that deals with appointments for the municipal year, 2023/2024 (or such other period as may be relevant in any specific case).

REPORT DETAIL

- 1.1 The Committee is authorised to make all appointments to other organisations (other than executive appointments, which are made by the Leader). Appointments are for the period expiring at the first meeting of this Committee in the municipal year 2023/24 (probably during the last week of May 2023), except where otherwise specifically provided.
- 1.2 **Appendix 1** lists the appointments made by office and by individual member, but that are not executive. The number of appointees required for each organisation is indicated in brackets.
- 1.3 Appointments that do not require review or renewal for the present are shown in italics. **The Committee is asked to note these appointments.**

2. Update on the appointments process:

- 2.1 At the meeting of Governance Committee on 22nd June 2022, it was agreed that a different approach should be taken in making non-executive appointments to Outside Bodies and other organisations than in previous years. It was agreed that the Council would write to certain outside bodies to state that the Council was intending to change its process for making appointments and would be writing to all Councillors asking them to express an interest in being appointed to outside organisations. It was agreed that the Council would seek the Organisations'

acceptance of the new process and ensure that it accorded with the Terms of Reference and/or Constitutions of their respective organisations. A copy of the suggested draft procedure for dealing with future appointments to outside bodies is included at **Appendix 2**.

2.2 Officers were asked to contact the following organisations to establish if they still required Councillor representation:

- Citizens Advice Havering
- Havering Arts Council
- Havering Association for People with Disabilities
- Havering Bands & Majorettes Association
- Havering Sports Council
- Relate North East
- Sight Action Havering
- Wennington Quarry Community Liaison Committee

2.3 Havering Arts Council and Having Sports Council indicated that they would still like to have Member appointments, but with a reduction in number from five to three. Havering Arts Council particularly requested that Councillor Linda Hawthorn should be one of their representatives and Havering Sports Council particularly requested Councillor Viddy Persaud should be amongst their three appointees.

2.4 Havering Association for People with Disabilities, Sight Action Havering and Wennington Quarry Community Liaison Committee all responded positively and indicated that they would still like to receive Councillor appointments and stated that they have very much appreciated the contribution made by Members in the past.

2.5 No response was received from Citizen's Advice Havering, Havering Bands & Majorettes Association or Relate North East.

2.6 Under separate cover, the Standing Advisory Council for Religious Education, and Veolia ES Cleanaway Havering Riverside Trust also requested continuing Councillor representation.

2.7 Of the remaining appointments, only Havering Theatre Trust has not been contacted for their views.

2.8 Subject to Para 4 below, Appendix 1 summarises the current position, including Members appointed by office or on a Ward basis, the vacancies being as follows:

- Adoption & Permanency Panel - **1**
- Coopers Company & Coborn Educational Foundation – **1 Ward Councillor**
- Havering Arts Council – **Cllr Hawthorn and 2 vacancies**
- Havering Association for People with Disabilities- **2**
- Havering Joint Forum – **3**

- Havering Sports Council – Cllr Persaud and 2 vacancies
- Havering Theatre Trust – 3
- London Road Safety Council- 1
- Sight Action Havering - 1
- Standing Advisory Council for Religious Education (SACRE) - 5
- Tenant Management Organisations - 1 x BETRA (Gooshays Ward), 1 x DELTA (Squirrels Heath Ward), 1 x PETRA (St Andrews Ward)
- Veolia ES Cleanaway Havering Riverside Trust - 1
- Wennington Quarry Community Liaison Committee – 1 Rainham & Wennington Ward Councillor

3. Process for Appointing to remaining Non-Executive Vacancies

- 3.1 It was agreed at Governance Committee on 22nd June, that in the event that more than one Councillor expresses interest in being appointed to an organisation, then the organisation would be asked to select which Councillor(s) it wished to appoint, prior to ratification by Governance Committee. The draft process for future appointments to outside bodies is included at Appendix 2.
- 3.2 Officers will advise all organisations no longer seeking appointments or reducing the number of Council appointments to revise their Constitutions and Terms of Reference.
- 3.3 In the event that Governance Committee agrees to remove an organisation from the list of outside bodies, the Council will write to inform the organisation of its decision to terminate Council appointments at the end of their current term of office. These organisations will of course be able to offer appointments to Councillors in the future but these will be outside the Council appointment process.

4. Outside Bodies that will no longer have Council appointed members

- 4.1 It is proposed that going forward the Council will no longer appoint to the organisations set out in Appendix 3. If agreed, officers will write to these outside bodies to advise that Council appointments will cease once the current term of office ends. These organisations may of course still offer appointments to councillors directly, outside the Council process.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

There are no specific implications or risks. Appointments should be made with the Council's equalities policies in mind.

Legal, Finance and Environmental Implications and Risks

In the event that an outside body determines that it no longer wishes to have Council appointees then they may need to review their constitutions to reflect this change.

Council appointees to outside bodies will normally have the benefit of indemnity insurance provided they are acting in the course of their duties as a Councillor.

In some cases, membership of an organisation is dependent upon the Council paying a subscription: where relevant, the subscription will be met from within an appropriate budget provision

BACKGROUND PAPERS

None

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Appointments to other Organisations 2022/23

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-2	Cabinet Member for Children & Young People – Cllr Oscar Ford	
Children's Executive Board	Cabinet Member for Children & Young People – Oscar Ford	
Coopers Company & Coborn Educational Foundation -1	Upminster Ward Councillor	
Havering Arts Council - 3	Cllr Linda Hawthorn	Proposed to be removed as Council appointments
Havering Association for People with Disabilities - 2		Proposed to be removed as Council appointments
Havering Chamber of Commerce and Industry	Cabinet Member for Development and Regeneration- Cllr Graham Williamson	
Havering Community Safety Partnership – 2	Cabinet Member for Environment – Cllr Barry Mugglestone & the Chief Executive – Andrew Blake-Herbert	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Havering Joint Forum - 6	Leader of the Council – Cllr Ray Morgon Deputy Leader of the Council – Cllr Gillian Ford Leader of the Opposition Group – Cllr Damian White	
Havering Local Board (formerly Havering Sixth Form College & Havering College of Further and Higher Education)- 1	Cllr Keith Darvill (until October 2024)	Proposed to be removed as Council appointments
Havering Sports Council - 3	Cllr Viddy Persaud	Proposed to be removed as Council appointments
Havering Theatre Trust - 3		Proposed to be removed as Council appointments
Hornchurch Housing Trust (Nomination Trustees) - 1	Mr John Mylod (until February 2026) Cllr Carol Smith and Mr Melvin Wallace (until February 2023) Mr Roger Evans and Mr Peter Salisbury (until February 2025)	<i>Under the Trust's new Constitution, only one Council representative is required. This is currently Mr John Mylod. As other appointments expire, they will not be replaced.</i> Proposed to be removed as Council appointments

Appointments to other Organisations 2022/23

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Lee Valley Regional Park Authority- 1	Cllr Dilip Patel (until July 2025)	<i>Appointed by London Councils 21.07.21</i>
Local Government Association General Assembly - 4	Leader of the Council – Cllr Ray Morgon Councillor Gillian Ford Councillor Keith Darvill Councillor Michael White	<i>Appointed at Annual Council on 25th May</i>
Local Government Information Unit - 1	Leader of the Council- Cllr Ray Morgon	
London Road Safety Council - 2	Cabinet Member for Environment – Cllr Barry Mugglestone	
London Youth Games-1	Cabinet Member for Corporate, Culture & Leisure – Cllr Paul Middleton	
Lucas Children’s Play Charity Nominative Trustees – 2	Cllr Robert Benham and Cllr Osman Dervish (appointed till November 2023)	Agreed at Governance on 14.11.19
North East London NHS Foundation Trust – 1	Director of Adult Services – Barbara Nicholls	
Poyntz (a.k.a. Richard Poyntz’s) and other charities	Cllr Linda Hawthorn (until March 2024) Mr Ron Ower (until March 2024)	Mr Ower’s appointment agreed by Governance on 13 January 2021 Proposed to be removed as Council appointments
Relate North East - 2		Proposed to be removed as Council appointments
Reserve Forces & Cadets Association -1	Champion for the Armed Forces- Cllr Barry Mugglestone	
Romford Town Management Partnership	Cabinet Member for Development and Regeneration- Cllr Graham Williamson	

Appointments to other Organisations 2022/23

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Romford Combined Charity <u>Nominative Trustees</u> – 2	Mrs Wendy Brice Thompson and Councillor Dilip Patel (until 3.11.22) Mr Melvin Wallace (until 3.11.23) Councillor Joshua Chapman (until 3.11.24)	Mr Wallace's appointment agreed by Governance on 14 November 2019. Cllr Chapman's appointment agreed by Governance on 13 January 2021
Safer Neighbourhood Board	Cabinet Member for Environment – Cllr Barry Mugglestone	
Sight Action Havering		
Standing Advisory Council for Religious Education (SACRE) - 5		
Tenant Management Organisations - 3	BETRA (Gooshays) – Ward Councillor DELTA (Squirrels Heath)- Ward Councillor PETRA (St Andrews') – Ward Councillor	
Veolia ES Cleanaway Havering Riverside Trust - 1		
Wennington Quarry Community Liaison Committee- 1 (until May 2026)	Rainham & Wennington Ward Councillor	

Appointments to Outside Bodies and Other Organisations – August 2022

Executive Appointments

The Council's Governance Committee met on 22nd June and agreed to ratify the appointments to the Executive positions that were filled by the relevant Lead Member. The full list is attached at Appendix 1. All organisations have been advised of their representatives.

Non-Executive Appointments

Some Non-Executive appointments were made by Office. In addition, the appointment of Councillor Darvill to the Havering Local Board was agreed in order that the Board would be quorate for its Annual General Meeting in early July.

It is proposed that the Council will not make appointments to the following bodies once the current terms of office end:

- Havering Arts Council
- Havering Association for People with Disabilities
- Havering Local Board
- Havering Sports Council
- Havering Theatre Trust
- Hornchurch Housing Trust
- Poyntz and other charities
- Relate – North East - 2

The Council will write to each organisation which it is agreed should no longer have council appointed representatives to inform them of the decision. These organisations will be advised of the need to review their constitutions to give effect to this decision and will be advised that should they still wish to appoint Councillors to their Boards that the Council will facilitate these appointments by circulating job descriptions/roles on their behalf, but will take no further part in any appointment process.

For the remaining vacancies, the Committee decided to adopt a different approach from that taken in previous years.

It is proposed that:

- All Councillors will be invited to put themselves forward for nomination to Outside Bodies, matching their skills and interests wherever possible.
- The role descriptions and Terms of Reference for the Non-Executive Bodies that are held on file will be circulated to all Councillors.

- If Members would like to be considered for nomination, they should express interest to the outside bodies directly who will be asked to select their preferred appointee(s).
- Governance Committee will ratify the appointment of the preferred appointees to all Outside Bodies which are classified as Council non-executive appointments.
- In the event that no nominations are received from Outside Bodies then Governance Committee will receive nominations from Group Leaders for appointment to all Outside Bodies which are on the list of Council appointments to Outside Bodies as agreed by Governance Committee from time to time.

Appendix 3: List of Outside Bodies to which Council appointments will cease.

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)
Havering Arts Council - 3	Cllr Linda Hawthorn
Havering Association for People with Disabilities - 2	
Havering Local Board (formerly Havering Sixth Form College & Havering College of Further and Higher Education)- 1	Cllr Keith Darvill (until October 2024)
Havering Sports Council - 3	Cllr Viddy Persaud
Havering Theatre Trust - 3	
Hornchurch Housing Trust (Nomination Trustees) - 1	Mr John Mylod (until February 2026) Cllr Carol Smith and Mr Melvin Wallace (until February 2023) Mr Roger Evans and Mr Peter Salisbury (until February 2025)
Relate – North East – 2	

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GOVERNANCE COMMITTEE 24 August 2022

Subject Heading:	Review of the Council's Constitution
SLT Lead:	Alison McKane
Report Author and contact details:	Manjia Grant Principal Governance Lawyer Manjia.Grant@onesource.co.uk
Policy context:	The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

To note proposals to undertake a full review of the Council's Constitution and to approve the setting up of a cross party working group to oversee the review.

RECOMMENDATIONS

That the Governance Committee:

- 1 Notes the changes to the Constitution made by the Monitoring Officer as set out in Appendix 1.
- 2 Considers the proposed changes to the Constitution set out in Appendix 2 and approves these for recommendation to Full Council.
- 3 Agrees to the setting up of a cross party working group (“the Constitution Review Working Group”) with a membership as recommended at 1.5 below, to undertake a full review of the Constitution.

REPORT DETAIL

- 1.1 Section 37 of the Local Government Act 2000 requires a local authority operating executive arrangements to prepare and keep up to date a constitution, which sets out how the Council operates and how decisions are made. This is an on-going process requiring periodic review.
- 1.2 A key role for the Governance Committee is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended, in order to achieve the Council’s aim of ensuring that decisions are properly made and are efficient, transparent and accountable to local people.
- 1.3 In accordance with Article 11 of the Constitution, the Monitoring Officer has delegated power to amend the Constitution to correct errors, insert obvious omissions, to comply with any legal requirement and to reflect organisational changes to the Council’s structure. Where necessary amendments are made under this authority, the Monitoring Officer must notify the Governance Committee at the first reasonable opportunity. The amendments made by the Monitoring Officer are set out in Appendix 1 and include a correction to the number of councillors following the Local Government Boundary Commission Review; insertions to the list of enactments to be enforced by the Assistant Director for Environment and the deletion of the outdated management structure chart.
- 1.4 In addition to these amendments, Governance Committee is referred to the proposed amendments at Appendix 2 for recommendation to Full Council. These include amendments to the scheme of delegation to reflect the current council structure and a proposed change to the procedure for the dealing with allegations that a Member has failed to comply with the code of conduct.
- 1.5 Every Local Authority needs to review its Constitution regularly to ensure that it is up to date. This is a piece of work which will require looking at all sections of the Constitution and will provide the opportunity to ensure that it reflects the council’s values and aspirations and aids the achievement of the

corporate plan and objectives. Some examples of areas for review are set out at Appendix 3. It is suggested that a Cross Party Working Group is established, consisting of members from Governance Committee and relevant officers, to discuss revisions to the Constitution and to provide a regular report to Governance Committee on any proposed amendments that will be recommended for approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications arising from this report.

Legal implications and risks:

Changes to the constitution must be approved by Full Council only after consideration of recommendations made by the Governance Committee.

Human Resources implications and risks:

None

Equalities implications and risks:

There are no specific equalities implications arising from this report..

Climate Change Implications and Risks:

None.

BACKGROUND PAPERS AND APPENDICES

Appendix 1 – Schedule of changes made by the Monitoring Officer

Appendix 2 – Schedule of proposed changes to be considered by Governance Committee

Appendix 3 – Non exhaustive list of suggested areas for review by the newly formed Constitution Working Group

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Appendix 1 – schedule of changes to be made by the Monitoring Officer

Description of Change	Section / Page Number	Amendment
Administrative – to correct the number of Havering councillors	Various references to 54 councillors	To amend the figure to 55 , following the Local Government Boundary Commission Review
Administrative – to correct the omission of legislation	Part 3.8.3 – Functions delegated to AD for Environment [Appendix A, list of enactments, page 109 – 116 of the Constitution]	To insert the following in list of enactments to be enforced by AD for Environment: <ul style="list-style-type: none"> • Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 • Environment Act 2021 • Environmental Permitting (England and Wales) Regulations 2016 • Housing Act 2004 • Housing & Planning Act 2016 • London Local Authorities Act 1990 (Part II) • Slaughter of Poultry Act 1967
Administrative – to delete the management structure chart	Part 7 – Management Structure [page 419 of the Constitution]	To remove the outdated structure chart and replace with a current structure chart

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Appendix 2 – Schedule of Proposed Changes

Description of Change	Section of Constitution	Amendment
Amendment to terms of reference (TOR)	Part 3, Responsibility for Functions Section 1.2 [Functions delegated to General Council Committees]	To amend the Governance Committee TOR, following review of the Committee Structure and decommission of Adjudication and Review Committee (ARC). To delete references to the ARC and Highways Advisory Committee (HAC) (Appendix 2a/2b)
Committee Structure	Part 3, Section 1.4 Overview and Scrutiny Sub-Committees	To reflect the structure approved at June 2022 Full Council, reducing the number of O & S sub-committees to 2. (Appendix 2a / 2b)
Amendment to Scheme of Delegation	Part 3, Responsibility for Functions Section 2.1 [General Functions of Cabinet]	To correct an anomaly and amend s 2.1 (q) to include provision for the acceptance of grant funding; [Appendix 2c] <i>(Cabinet may currently approve the submission of a bid, but cannot accept them. The amendment rectifies this and avoids the need for two different decision-makers)</i>
Procedural	Part 5.2, [Arrangements for dealing with allegations that a Member has failed to comply with the Members' Code of Conduct]	To amend paras 4.4 - 4.6 of the procedure to include provision for the Monitoring Officer to have discretion to reject a complaint that is not deemed sufficiently serious to warrant a referral. To delete references in the procedure to the ARC [Appendix 2d]

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1 Council functions

1.1 Functions exercised by full Council alone

Only the Council will exercise the following functions:

- (a) adopting the constitution
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive 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
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area, conferring the honorary freedom of the borough or appointing honorary aldermen
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (j) the decision to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption of the members' code of conduct
- (m) approving the annual pay policy statement
- (n) Resolution to make a change in governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which the Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Council.

1.2 Functions delegated to general council committees

The following functions are delegated to the general council committees. Any reference to “the regulations” is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as subsequently amended. Reference is made to the following functions:

- * functions not to be the responsibility of an authority’s Executive, set out in Part 3, section 4 (delegated in accordance with schedule 1 of the regulations)
- * local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

Council committee	Functions
Audit	<p>Internal control</p> <ul style="list-style-type: none"> * To consider and monitor the adequacy and effectiveness of the authority’s risk management and internal control environment and to make recommendations to full Council where necessary <p>External audit</p> <ul style="list-style-type: none"> * To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings <p>Internal audit</p> <ul style="list-style-type: none"> * To support the Officers with their delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit * To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager * To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding the committee’s responsibilities to monitor corporate governance matters generally. * To monitor proactive fraud and corruption arrangements
Governance	<p>Monitoring constitution</p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> * To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect * To make recommendations to the Council about amending the constitution * To monitor and review the Members’ Allowance Scheme and make recommendations to Council * To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations

Council committee	Functions
	<p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> * Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee. * Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager * Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff. <p>Appointments and dismissals</p> <ul style="list-style-type: none"> * To make recommendations to Council about appointing and dismissing the Head of Paid Service. * To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. * Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid service, a SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager . * To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> (a) to any office (other than an office in which he is employed by the authority) in the authority's gift (b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body <p>and to revoke any such appointment (see Part 3, section 5: local choice functions)</p> <ul style="list-style-type: none"> * To approve delegated arrangements for such appointments <ul style="list-style-type: none"> • To interview candidates for the independent member positions on the Adjudication and Review Committee and to make recommendations to Council about the appointment of the independent members <p>Terms and conditions and general employment matters</p> <ul style="list-style-type: none"> • To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees. • To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers. <p>Member Conduct</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority

Council committee	Functions
	<ul style="list-style-type: none"> To assist members and co-opted members of the authority to observe the authority's code of conduct To advise the authority on the adoption or revision of a code of conduct <p>(AnThe Adjudication and Review Assessment PanelSub-Committee, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</p> <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Guidelines on members dealing with staff. <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> To advise the authority on the adoption or revision of the Protocol on Probity in Planning. <p>Whistleblowing Policy and Procedure</p> <ul style="list-style-type: none"> To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet. <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Regulatory and investigatory Powers Act 2000</p> <p>To review the Council's use of the Regulation of Investigatory Powers Act 2000 and the Council's policy at least once every year and to make recommendations for changes to the policy</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group EA functions)</p>
Highways Advisory	<p>a) To advise the Council's Executive on local highway and traffic management schemes</p> <p>b) To consider representation made as a result of public consultation on proposed schemes.</p> <p>c) To make recommendations to the Cabinet Member for, Regulatory Services and Community Safety for the implementation of proposed schemes.</p>
Pensions	<p>Pension fund</p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p>Advisers and investment managers</p> <p>Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters.</p> <p>To appoint and review the performance of advisers and investment managers for pension fund investments.</p> <p>Other Non-executive matters</p> <p>To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities)</p>

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Council committee	Functions
	(England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.
Strategic Planning	<ol style="list-style-type: none"> 1) To receive presentations in the pre-application or pre-determination stage. 2) To determine: <ol style="list-style-type: none"> a) Applications for Planning Permission; or b) Applications for Listed Building Consent; which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee. 3) Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee

Council committee	Functions
Planning	<p>Planning</p> <p>1) To determine:</p> <ol style="list-style-type: none"> Applications for Planning Permission; or Applications for Listed Building Consent; <p>except where they are referable to the Strategic Planning Committee.</p> <p>2) Any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion.</p> <p>Health and safety</p> <p>To carry out functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p> <p>Highways use and regulation</p> <p>To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority's or to staff.</p>
Governance Committee Adjudication & Review	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panel</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none"> To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals) To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies.</p> <p>Members' conduct</p> <p>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code has been breached.</p>

Sub-Committees

Committee establishing sub-committee	Name of sub-committee	Functions
Governance	Appointments Sub-Committee	<p>Appointments and dismissals</p> <ul style="list-style-type: none"> To make recommendations to Council about appointing and dismissing the Head of Paid Service To appoint and dismiss SLT Directors and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. For appointments to oneSource Managing Director and Monitoring Officer and Chief and Deputy Chief Officers of oneSource to appoint following recommendations from the oneSource Joint Committee. Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a SLT Director, the Monitoring Officer or Second Tier Managers. To make recommendations to Council about the appointment of Independent Persons for Standards matters. <p>Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, SLT Directors, Monitoring Officer and Second Tier Officers</p>

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee establishing sub-committee	Name of sub-committee	Functions
Governance Adjudication and Review Committee	Hearings Panel	<p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant SLT Director and Cabinet Member for consideration and possible review.</p> <p><u>General hearings</u></p> <p>Member Review Panels – To review complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure.</p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><u>Hearings under the Children Act 1989 Representations</u></p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p><u>Procedure (England) Regulations 2006</u></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><u>Secure accommodation hearings</u></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><u>Housing Service appeals</u></p> <ul style="list-style-type: none"> * To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985) * To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> (a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and (b) the tenant has failed to comply with the terms on which the court suspended that order, and (c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and (d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of possession to be executed, so that the panel may have opportunity to consider the circumstances * To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> (a) section 164 (applicants' right to request review of decisions in respect of inclusion etc. on the housing register) (b) section 202 (review of decisions in respect of people who are homeless) <p><u>Members' conduct</u></p> <p>To deal with complaints about breaches by Members of the Code of Conduct (see specific provision for Assessment and Hearing Panels below).</p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<u>Access to files</u> * To review decisions made pursuant to the: (a) Access to Personal Files (Housing) Regulations 1989 (b) Access to Personal Files (Social Services) Regulations 1989 where the applicant is aggrieved
Governance Adjudication and Review Committee (Members' Code of Conduct)	Assessment Panel (Members' Code of Conduct)	To assess complaints referred for attention by the Governance Adjudication and Review Committee
	Hearings Panel (Members' Code of Conduct)	To consider the outcome of investigations and determine whether or not there has been a breach of the Member's Code of Conduct by one or more members and, if there has been a breach, what penalty should be imposed.

1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

Name of body	Functions
Admissions Forum	To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
Adoption Panel	To undertake the functions assigned by the Adoption Agencies Regulations
Corporate Parenting Panel	To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents
Standing Advisory Council on Religious Education (SACRE)	To advise the Council as Local Education Authority on matters relating to Religious Education.
Children's Trust	To uphold and champion the vision, principles and commitments for children and young people in Havering.
Havering Local Pension Board	Assisting the scheme manager (i.e. the Council) in relation to the following matters. (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it; (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;

Name of body	Functions
	(c) such other matters as the scheme regulations may specify.
Local Safeguarding Children Board	(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for each purpose.
Safeguarding Adults Board	(a) to help and protect adults at risk of neglect or abuse. (b) To ensure the effectiveness of what each of its members does

1.4 Functions delegated to Overview and Scrutiny Board and Sub-Committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Sub-Committees and Board be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or
 - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

The ~~PeopleHealth Overview & Scrutiny~~ Sub-Committee has powers under the National Health Service Act 2006 in relation to health; and ~~the Crime & Disorder Scrutiny Sub-Committee~~ has powers under the Police & Criminal Justice Act 2006 in relation to crime and disorder- (except in respect of any referral to Secretary of State, which is reserved to the Council by resolution)

Overview and Scrutiny	Area of responsibility
Board	<ul style="list-style-type: none"> * Strategy and commissioning * Local Strategic Partnership * Partnerships with Business * Customer access * E-government and ICT * Finance (although each committee is responsible for budget processes that affect its area of oversight) * Human resources * Asset Management * Property resources * Facilities Management * Communications * Democratic Services * Social inclusion * Councillor Call for Action
Overview and Scrutiny Sub-Committee	Area of responsibility
<u>People Children & Learning</u>	<ul style="list-style-type: none"> * Pupil and Student Services (including the youth service) * Children's Social Care * Safeguarding Children * Adult education * Social inclusion * Issues relating to the Children and Families Act 2014. * Councillor Call for Action
<u>Place Environment</u>	<ul style="list-style-type: none"> * Environment * Local Development Framework and Strategic Transport * Transport for London * Environmental Strategy * Community safety * StreetCare * Parking * Social Inclusion * Councillor Call for Action
<u>People Individuals</u>	<ul style="list-style-type: none"> * Personalised services agenda * Adult Social Care * Diversity * Social Inclusion * Councillor Call for Action

Place Towns & Communities	<ul style="list-style-type: none"> * Regulatory Services * Planning and Building Control * Town centre strategy * Licensing * Leisure, arts, culture * Housing Retained Services * Community safety * Social and economic regeneration * Parks * Social inclusion * Councillor Call for Action
People Health	<ul style="list-style-type: none"> * Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services within the borough or to residents of the borough * To consider and provide recommendations on any proposed substantial development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider. (except any referral to Secretary of State, which is reserved to the Council by resolution)
People Crime and Disorder	<ul style="list-style-type: none"> * Exercise of the functions conferred on the Committee by the Police & Justice Act <u>in relation to crime and disorder</u>

1: ~~Governance~~Adjudication and Review Committee

- 1.1 ~~The major part of the work of this Committee is carried out through Hearings Panels.~~ The composition of Hearings Panels varies according to the nature of the issue ~~adjudicated~~ – as indicated in the following table:

Type of hearing	Membership of Panel
Corporate complaints procedure (including housing tenants' complaints)	Three Members and a non-voting independent person
Children Act complaints	Three independent persons (one as chairman) with voting rights (<i>to accord with legal requirements, elected Members may not serve on this type of Panel</i>)
Adult Care complaints	One independent person (as chairman) with voting rights and two Members
Housing tenancy appeals	Three Members

- 1.2 The independent persons used for such hearings are taken from a pool of such people appointed ~~by~~~~on behalf~~ the ~~Governance~~Adjudication & Review Committee, managed by Democratic Services, who have received training appropriate to that role.
- 1.3 The substitute rule does not apply to Hearings Panels, which are not required to be politically balanced.

2: Licensing Committee

- 2.1 Most of the work of this Committee is carried out through Licensing Sub-Committees comprising a Chairman and two other Members, all drawn from the main Committee. In general, Sub-Committees will be chaired either by the Chairman of the main Committee, or one of the three Vice-Chairmen.
- 2.2 The substitute rule does not apply to Licensing Sub-Committees, which are not required to be politically balanced.

3: Pensions Committee

- 3.1 The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.
- 3.2 The Admitted and Scheduled Bodies who are members of the pension fund jointly appoint a representative as a non-voting, co-opted Member of the Committee.
- 3.3 Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during the discussion of any exempt business.
- 3.4 The membership of the Pension Committee is expected to remain static for the life of the Council in order that members are fully trained in matters relating to investment, unless exceptional circumstances require a change. Each Group is entitled to nominate named substitutes for their committee in order that they may receive appropriate training.

4: PeopleChildren & Learning Overview & Scrutiny Sub-Committee

- 4.1 The law requires that the Council co-opt to this Overview & Scrutiny Sub-Committee one representative of each of the Anglican and Roman Catholic Churches, with voting rights, to attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. In practice, they are also able to contribute to other discussions.
- 4.2 In addition, there are three voting co-opted members representing governors of schools in the three sectors of education, primary, secondary and special. Again, they may attend when issues relating to Education are being discussed

and have call-in rights in relation to executive decisions. They are also able to contribute to other discussions.

- 4.3 Finally, there are three non-voting representatives of local teacher unions and professional associations, nominated by those organisations.
- 4.4 The Councillor Members of the Sub-Committee are also automatically Members of the Council's Corporate Parenting Panel.

5: Crime & Disorder **Sub-Committee**

5.1 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 confer on the Sub-Committee the ability to co-opt certain members or employees of crime and disorder partner bodies. It is for the Sub-Committee to determine whether such co-optees are to have voting rights and the issues in respect of which they may attend meetings as co-optees.

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2 Executive functions

The Leader of the Council is responsible for arranging for the exercise of all executive functions and may by way of written notice delegate Executive functions to:

1. Cabinet
2. A committee of the Cabinet
3. Individual Cabinet Members
4. Staff
5. Joint Committees

And may exercise any Executive functions personally provided notice is given to the Proper Officer.

The Leader of the Council will give notice in writing, duly signed and dated, to the Proper Officer as to the exercise of Executive functions and will submit a fresh notice on each occasion that those delegations are amended

Executive functions may not be exercised by the Leader or individual Cabinet Members until written notice has been received by the Proper Officer. The Proper Officer will maintain a record of Leader delegations

The following General functions are a list of functions which the Leader may delegate to full Cabinet. The Leader may upon giving written notice to the Proper Officer add other Executive functions to this list.

2.1 General functions of Cabinet

Policy matters

- (a) To formulate the Council's overall policy objectives and priorities and to recommend them to Council for approval where they fall within the budget and/or policy frameworks.
- (b) To determine the Council's strategy and programme in relation to the policy and/or budget frameworks set by full Council.
- (c) To determine all substantial policy matters and strategic decisions and those minor matters which are referred by the Leader at the request of an individual Cabinet Member as being particularly contentious.
- (d) To determine the Council's policy, strategy and programme in relation to the area and in respect of all Executive matters.

- (e) To co-ordinate the statutory functions and obligations of the Council with respect to equality of opportunity and non-discrimination, including its function as an employer save where these concern non-executive functions
- (f) To promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.

Other matters

- (g) To allocate and control financial and land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives.
- (h) To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and to have responsibility for land and property used for operational purposes, 'in principle', disposals of land in excess of £1,000,000 [with the Leader of the Council having authority to agree the 'in principle' disposal of land etc., below that sum.]
- (i) To exercise control over the Council's revenue and capital budgets (including the housing revenue account).
- (j) To exercise control over all human resource matters including the number and type of staff, payroll and pensions, equalities issues, occupational health and safety and organisational development (subject to the Council's policies and procedures) except for staff appointments and dismissals and other non-executive functions.
- (k) To oversee and take responsibility for effective joint work with partner agencies.
- (l) To approve funding for voluntary organisations.
- (m) To affiliate with and appoint representatives to outside bodies, where these are not specifically identified elsewhere in this constitution.
- (n) To consider whether the Council should give evidence before a parliamentary select committee, royal commission, Government committee or similar body.
- (o) To undertake those functions assigned to the Cabinet under Part 3, section 5: local choice functions.
- (p) To award all contracts above a total contract value of £10,000,000.
- (q) To approve applications for the submission of bids for grants and other financial assistance which require the provision of additional finance or match funding or are likely to lead to residual costs or implications for the Council or where the amount of the grant application exceeds £500,000 and to accept such funding when granted.

- (r) To be responsible for all executive matters even if not expressly set out in Part 3 of this constitution.

2.2. Corporate functions of Cabinet

Finance

- (a) To take decisions on all matters relating to the Council's finances including but not exclusively:
- (i) budgetary control
 - (ii) establishing long and short term capital and revenue programmes for all areas of service and allocations of both capital and revenue expenditure to other services
 - (iii) financial planning
 - (iv) operational management of insurance arrangements
 - (v) budget revisions
 - (vi) considering the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the council tax
 - (vii) virements £1 million or more
 - (viii) virements between services over £250,000 and up to and including £999,999

Treasury management strategy

- (b) To consider the Council's treasury management strategy, making recommendations to full Council on its content and to subsequently monitor its effectiveness taking account of appropriate expert advice

Resource management

- (c) To exercise the Council's functions relating to the use of the Council's resources and, where these are not non-executive functions, human resources. Such functions include:
- (i) corporate human resources policies and procedures
 - (ii) e-government and customer access
 - (iii) responsibility for the Council's health and safety policies as an employer
 - (iv) Council's Employment Relations framework
 - (v) overall responsibility for properties held for investment purposes

- (vi) corporate purchasing policies and procedures
- (vii) corporate communication strategies
- (viii) overall responsibility for the management and maintenance of the Council's office accommodation and corporate assets
- (ix) emergency planning and civil defence.

2.3 Education functions of Cabinet

To exercise the Council's functions in relation to education including the formulation of the Council's future policies for recommendation to Council where appropriate and their co-ordination and implementation. Such functions include, but are not limited to, the following:

- (a) proposals for schemes of the fair funding of schools, including special schools
- (b) making awards and other allowances to students attending courses at institutions for further and higher education and exercising the discretionary powers of the Council in that connection
- (c) the provision of day care under section 18 of the Children Act within Early Years' Service.

2.4 Quality of life functions of Cabinet

Environment

- (a) To exercise the Council's functions in relation to environmental matters including the formulation of the Council's policies for referral to Council where appropriate and their co-ordination and implementation. Such functions include (but are not limited to) the following except to the extent that they are non-executive functions:
 - (i) town planning
 - (ii) environmental health
 - (iii) highway engineering
 - (iv) public health
 - (v) building control
 - (vi) consumer protection and licensing
 - (vii) traffic management and parking control
 - (viii) transport planning
 - (ix) waste and energy management
 - (x) cemeteries
 - (xi) managing the transport fleet.
- (b) To encourage and promote the environmentally sustainable development and regeneration of the borough and the health of the population through

its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.

- (c) To adopt or amend Interim Planning Guidance for the borough and to approve planning briefs and guidance for the development of sites in the borough and conservation area statements.
- (d) To respond to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to planning control.

Housing

- (e) To exercise the Council's functions in relation to housing and homelessness including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include, but are not limited to, the following:
 - (i) assessing housing need, demand and supply and developing appropriate strategies, including specific strategies for groups in need
 - (ii) managing and maintaining all land and property held for the Council's housing functions other than that land and property the management of which has been delegated to Homes in Havering.
 - (iii) assessing and setting rents and other charges
 - (iv) setting and varying charges for the use of garages, car parking spaces and other facilities on the Council's housing estates
 - (v) making and rescinding compulsory purchase order resolutions under the relevant housing legislation
 - (vi) keeping under review issues affecting non-public housing tenures in accordance with the Council's housing strategy, in pursuance with the Council's duties under current legislation
 - (vii) taking responsibility for all matters relating to housing associations except the appointment of Members

Leisure and cultural services

- (f) To exercise the Council's functions in relation to leisure services, including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
 - (i) library and information services

- (ii) arts and museum services
 - (iii) providing and maintaining leisure facilities for children and young persons
 - (iv) providing facilities for sports
 - (v) developing tourism opportunities and provision of tourism services
 - (vi) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial grounds.
- (g) To develop strategic policies for the provision of co-ordinated, accessible and quality leisure services that reflect the multi-ethnic, social and cultural diversity of those who live, work and study within the borough.
- (h) To plan the provision of leisure facilities whether provided by the Council or others.

Social care and health

- (i) To exercise the Council's functions in relation to social services including the formulation of the Council's policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:
- (i) all matters within Schedule 1 of the Local Authority Social Services Act 1970 and, in particular, functions in relation to child protection, children in need, community care and mental health provision
 - (ii) all matters relating to the National Health Services, including the consideration and review of NHS policies in so far as they affect the borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities.
 - (iii) All matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Service Act 2003, the Health and Social Care Act 2012 and any subsequent legislation (but excluding functions that are the statutory responsibility of the Health and Wellbeing Board.)

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

Each individual Cabinet member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet member to do so. Matters delegated to individual Cabinet members under this section give them

individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the individual Cabinet member.

- (a) To monitor the budgets and the performance of the services allocated by the Leader.
- (b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:
 - (i) the Government (including White and Green papers)
 - (ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodieswhere those papers affect the services allocated.
- (c) To agree an appropriate response by members of staff to issues raised in respect of allocated services
- (d) To determine priorities in conjunction with the relevant member of SLT (within the policy framework and budget).
- (e) To make suggestions for policy initiatives (within the budget and/or policy frameworks) and for amendments to the budget and/or policy framework, for agreement by the Cabinet and Council.
- (f) To recommend to the Cabinet a response to reports from the Overview and Scrutiny Board and relevant Sub-Committees in respect of the allocated services.
- (g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.
- (h) To award contracts, agree extensions of contract terms and awards/extensions of Consortia contracts, of a value above £5,000,000 and up to £10,000,000 and contracts where external funding is guaranteed and there is no longer term financial commitment to the Council. *(Note: Pension Committee has powers to invite tenders and award contracts for investment matters within their terms of reference)*
- (i) To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made.
- (j) To consider and recommend plans in respect of the portfolio allocated.
- (k) To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate.
- (l) To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community.

- (m) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Finance Procedure Rules set out in Part 4 of this constitution.
- (n) To consider reports on contract overspends and to report to Cabinet as necessary.
- (o) To consult any advisory bodies as directed by the Cabinet
- (p) To agree the demolition of housing stock in appropriate cases
- (q) To agree minor matters and urgent or routine policy matters
- (r) To approve supplementary planning guidance and policies.
- (s) To consider recommendations of the Highways Advisory Committee relating to highways and traffic schemes and to make decisions relating to them.
- (t) To approve the 'in principle' decision of the Council disposing of or acquiring an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000.
- (u) To approve individual virements within a service above £250,000 up to and including £999,999.
- (v) To approve virements within services where resources are available or where they are not but the virement is below the identified threshold.
- (w) To approve all virements between services over £250,000.
- (x) To approve all in year changes to both fees and charges.
- (y) To determine allocations from the contingency.
- (z) To consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.
- (aa) To authorise expenditure of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund above the level delegated to the Assistant Director Development.
- (bb) To approve all Community Safety Partnership Strategies arising under the Crime and Disorder Act or other related legislation.
- (cc) The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are Executive functions and provided due notice of the exact terms of the delegation and the name of the Cabinet Member is lodged with the Proper Officer.

2.6 Portfolios to be assigned to individual Cabinet members

The Leader is responsible for assigning portfolios to individual Cabinet members. Any Cabinet member, including the Leader, may hold more than one portfolio, although a Cabinet Member need not hold any portfolio. Suggested portfolios are as follows, although the Leader may determine the nature of any portfolio as he or she considers appropriate:

- (a) Information & Communication Technology
- (b) Procurement
- (c) Project Management
- (d) Asset Management
- (e) Development Control
- (f) Building Control
- (g) Internal Shared Services
- (h) Finance Procurement
- (i) Human Resources
- (j) Commissioning
- (k) Adult Social Care
- (l) Children & Young People's Services
- (m) Learning & Achievement
- (n) Schools for the Future
- (o) Community Engagement
- (p) Policy and Partnerships
- (q) Communications
- (r) Culture & Leisure
- (s) Customer Services
- (t) Housing
- (u) Public Protection
- (v) Regeneration
- (w) Strategic Planning
- (x) StreetCare
- (y) Highways and traffic schemes
- (z) Legal Services
- (aa) Democratic Services
- (bb) Community Safety
- (cc) Health & Safety
- (dd) Electoral Registration
- (ee) Public Health

The names of individual Cabinet Members are listed on the Council's website and on a list which is available at the Town Hall reception.

2.7 Health and Wellbeing Board

The Health and Wellbeing Board is by virtue of the provision of the Health and Social Care Act 2012 an executive committee of the Council to exercise those functions prescribed under the Health and Social Care Act 2012. In particular to:

Duty to encourage integrated working

To encourage organisations involved in the provision of any health or social care services in the borough to work in an integrated manner.

- (a) To advise, support and encourage (where appropriate) section 75 arrangements under the National Health Service Act 2006 in connection with the provision of health services.
- (b) To encourage all those involved in the provision of health-related services to work with the Board.
- (c) To arrange and encourage any persons involved in the provision of health-related services to work in cooperation with the Health and Wellbeing Board.

Other Functions

- (d) To exercise those functions conferred on the Council by virtue of the Local Government and Public Involvement in Health Act 2007, namely
 - o Preparation of a Joint Strategic Needs Assessment, and;
 - o Preparation of a Health and Wellbeing Strategy
- (e) To inform the Council on whether or not the Council is meeting its duties under section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard for strategies).

Discharge of Functions

- (f) If appropriate, to make arrangements for its functions to be discharged jointly with the Board of another authority and/or by joint sub-committees.

Supply of Information

- (g) To request, where necessary, information from any organisation represented on the Board that relates to the function of the organisation from which the information is requested and that is for the purpose of enabling or assisting the Board in fulfilling its functions.

Health Protection Forum

To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in section 12 of the Health and Social Care Act 2012

2.8 Joint working delegations

The Council and the Executive have established the following joint arrangements under section 101(5) of the Local Government Act 1972:

- (a) London Councils
- (b) Shared Services Joint Committee (oneSource)

The functions delegated to each of these joint arrangements are set out below:

(a) London Councils Committees

London Councils Leaders Committee

This comprises one member from each of the 33 London local authorities.

Its functions are set out in full in Schedule 2 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the Council committee is authorised to deal with the following matters:

- (i) consulting on common interests of London local authorities, discussing local government matters and providing forums for such discussion
- (ii) representing the interests of London local authorities to other bodies, including national and local government, Parliament and the European Union
- (iii) formulating policies for the development of democratic and effectively managed local government
- (iv) appointing representatives or staff to serve on any other body
- (v) representing the interests of London local authorities as employers
- (vi) disseminating relevant information to London local authorities
- (vii) providing information to the public and other bodies on London Councils policies and local government issues relevant to London
- (viii) acting as the regional body of the Local Government Association.

London Councils have the following other committees:

Transport and Environment Committee

This committee comprises one member from each of the 33 London local authorities and a member from Transport for London (which is part of the Greater London Authority).

Its functions are set out in full in Schedule 2 of the *Association of London Government Transport and Environment Committee Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) undertaking various matters related to parking adjudicators, including making appointments, providing accommodation and administrative staff, determining the places at which adjudicators will sit and making an annual report on adjudicators' discharge of their functions
- (b) determining penalty charge levels and fees and discounts for early payment
- (c) publishing and updating the Code of Practice for Parking in London
- (d) co-ordinating and maintaining vehicle removal and clamping operations
- (e) establishing and maintaining a communications and control service to deal with vehicle removals
- (f) overseeing the London lorry ban
- (g) overseeing the London taxicard scheme.

Housing Forum

This committee comprises one representative from each of the following London local authorities:

Barnet, Brent, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Southwark, Tower Hamlets and Waltham Forest.

Its functions are set out in full in Schedule 3 of the *Association of London Government Agreement* dated 13 December 2001 (as amended). In summary, the committee is authorised to deal with the following matters:

- (a) considering housing functions of local authorities generally and housing activities of other housing agencies where relevant
- (b) providing, organising and co-ordinating housing publicity and information on issues relevant to member authorities
- (c) conducting research, evaluation and analysis on housing matters including housing policy and service delivery
- (d) conducting investigations into and collecting information about housing, and making such information available
- (e) assisting member boroughs with publicity on housing functions

- (f) providing professional, administrative and technical assistance to member boroughs and other bodies in the preparation and implementation of specific projects.

The London Grants Committee

This committee comprises one member from each of the 33 London local authorities.

Its functions are:

- (a) To make grants to voluntary organisation benefiting more than one London borough.
- (b) To consider and review the needs of London in relation to the grants scheme.
- (c) To recommend an annual budget to the London Councils which, once approved, must be agreed to by a two-thirds majority of the London local authorities before it can be binding on all London local authorities.

(b) OneSource Joint Committee

This is a committee of this Council, the London Borough of Newham and the London Borough of Bexley, with a membership of 3 councillors from the executive of Havering and Newham Councils and one from Bexley Council. The committee's functions are to control and co-ordinate the back-office functions of both Councils, in the case of Havering these will be:

- (a) Finance & Procurement
- (b) Exchequer Services
- (c) Asset Management
- (d) Legal Services
- (e) Democratic Services
- (f) Strategic HR and Organisational Development
- (g) Business Systems

These functions are set out in detail in Schedule 2 of the Joint Committee Agreement with the London Boroughs of Newham and Bexley.

2.9 Delegation of Functions to another Local Authority

The Council has delegated under Section 101(1) (b) of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the following functions to Birmingham City Council:

- (a) Enforcement of Parts III and IV of the Consumer Credit Act 1974, and

- (b) the enforcement functions and powers under Parts XI and XII of the Consumer Credit Act 1974, and
- (c) the power of prosecution under section 222 of the Local Government Act 1972

All in connection with money-lending or the activities of money lenders and/or their agents and associates, and the laundering of the proceeds of illegal money-lending.

Arrangements for dealing with allegations that a Member or a Co-opted member of the London Borough of Havering has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected Member or Co-opted Member of the London Borough of Havering has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the Member/Co-opted Member against whom an allegation has been made. The arrangements fulfil the Council's statutory obligations.
- 1.3 In these arrangements a number of terms are used which have the following meanings.

Member	An elected Councillor
Co-opted Member	A person who is not an elected Member of the Council but has been appointed to a committee or sub-committee of the Council
Monitoring Officer	An officer of the Council designated under Section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its Members and Officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a Register of Interests of Members and Co-opted Members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011 whose views are sought and taken into account before decisions upon allegations against Members/Co-opted Members are taken and who may be consulted by a Member/Co-opted Member who is

Member	An elected Councillor
	the subject of allegations or by the Council generally.
Adjudication and Review Assessment Panel	An ad hoc Panel of three Members taken from the membership of the Governance Adjudication and Review Committee established to decide whether allegations against Members/Co-opted Members are worthy of investigation.
Adjudication and Review Hearing Panel	An ad hoc Panel of three Members taken from the membership of the Governance Adjudication and Review Committee established to conduct Hearings into allegations of breaches by Members/Co-opted Members of the Members' Code of Conduct

2. The Members' Code of Conduct

- 2.1 The Council has adopted a members' Code of Conduct which is available on the Council's website and on request from the Monitoring Officer.
<https://www.havering.gov.uk/Pages/Category/Councillors.aspx?11=90001>

3. Making an allegation

- 3.1 Allegations concerning possible breaches of the Code of conduct should be made in writing to:

Monitoring Officer
London Borough of Havering
Town Hall,
Main Road,
Romford RM1 3BD
Tel: 01708 432484

Or by email to monitoringofficer@havering.gov.uk marked for the attention of the Monitoring Officer.

- 3.2 It is preferable that allegations are made on the form available on the Council's website:
- 3.3 It is important that a person making an allegation provides his/her name and a contact address or email address so that the Monitoring Officer can acknowledge receipt of the allegation and keep the person informed of its progress.
- 3.4 The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such

requests. The Monitoring Officer has to balance the rights of the Member/Co-opted Member to understand who is making an allegation against them, against the rights of the person making the allegation who will have to provide reasons why their name and/or address ought to remain confidential

- 3.5 If the Monitoring Officer accepts the reasons for maintaining anonymity and the name and/or address of the person making the allegation will not be disclosed to the Member/Co-opted Member without prior consent.
- 3.6 If the Monitoring Office does not consider those reasons justify anonymity, the person making the allegation will be given the opportunity to withdraw the allegation if they do not wish to proceed without anonymity.
- 3.7 Even where anonymity is agreed at the outset it may not always be possible to maintain that anonymity throughout the entirety of the process. For example, the person making the allegation may be requested to give evidence at a Hearing. If anonymity cannot be maintained the Monitoring Officer will liaise with the person making the allegation to establish whether the person wishes to continue with the allegation or withdraw it.
- 3.8 The Council does not normally investigate anonymous allegations unless there is a clear public interest in so doing.
- 3.9 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 3.10 The Monitoring Officer will inform the Member/Co-opted Member against whom an allegation has been made and will give details of the allegation and the remedy sought by the person making the allegation. In exceptional circumstances the Monitoring Office has discretion not to inform the Member/Co-opted Member if in his/her opinion to do so would risk an investigation being frustrated or prejudiced in some way.

4. Assessment of allegation

- 4.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to whether or not the allegation merits reference to an [Adjudication and Review](#) Assessment Panel.
- 4.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the Member/Co-opted Member against whom the allegation is directed. If the person making the allegation fails to provide the additional information

requested, the allegation may be dismissed by the Monitoring Officer pursuant to Paragraph 4.4(a), below.

- 4.3 The Monitoring Officer will use a number of criteria for assessing allegations and may consult the Independent Person and if necessary the appropriate political Group Leaders. The decision whether to submit the allegation to an ~~Adjudication and Review~~ Assessment Panel will be a proportionate response to the issues raised and likely outcomes.
- 4.4 The Monitoring Officer may determine that an allegation does not merit any further action where:
- (a) There is insufficient information upon which to base a decision and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently; or
 - (b) The allegation is about someone who is no longer a Member/Co-opted Member of the Council; or
 - (c) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example the allegation relates to matters whilst the Member/Co-opted Member was not acting in his/her official capacity but rather relates to their private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service; or
 - (d) The same or a similar allegation has been investigated and determined; or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Members' Code of Conduct; or
 - (f) The allegation is considered to be frivolous or vexatious; or
 - (g) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation; or
 - (h) The Member/Co-opted Member about whom the allegation is made has admitted making an error and/or has apologised and the matter would not warrant a more serious sanction; or
 - (i) The Monitoring Office facilitates an informal resolution. This may involve the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the

allegation will be referred to the ~~Assessment~~ Adjudication and Review Panel for consideration.

(i) In the opinion of the Monitoring Officer the complaint is not sufficiently serious to warrant referral to the ~~Assessment~~ Adjudication and Review panel for further consideration.

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4.5 If the allegation is dealt with under Paragraph 4.4 above, the Monitoring Officer shall reject the complaint and notify the person making the allegation and the Member/Co-opted Member of the outcome giving reasons for the decision. -Normally such notification shall be given within 20 clear working days of receipt of the allegation. The complainant shall be informed that there is no right of appeal, but that the complaint may be re-submitted for consideration if accompanied by additional evidence for the Monitoring Officer to consider, in which case it will be treated as a fresh complaint.

4.6 ~~Subject to~~ Except as provided for in Paragraph 4.4 above, where the Monitoring Officer ~~deems it appropriate, shall refer all~~ allegations may be referred to an ~~Adjudication and Review~~ Assessment Panel for consideration which normally shall meet within 20 clear working days from receipt of the allegation.

4.7 Where the Monitoring Officer refers an allegation to an ~~Adjudication and Review~~ Assessment Panel for consideration, the Panel shall determine whether the allegation:

- (a) Merits no further investigation and is dismissed; or
- (b) Merits further investigation

4.8 An ~~Adjudication and Review~~ Assessment Panel may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 4.4 above and to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation; or
- (b) The allegation appears to be motivated by malice or is "tit-for-tat"; or
- (c) The allegation appears to be politically motivated

4.9 Where an ~~Adjudication and Review~~ Assessment Panel considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation. The meeting of the Panel shall adjourn and reconvene when the Investigation Report is available.

- 4.10 The Monitoring Officer will inform the person making the allegation and the Member/Co-opted Member of an ~~Adjudication and Review~~ Assessment Panel's decision and if the allegation is to be investigated will provide an indication of the timescale for the investigation. The Monitoring Officer will keep the person making the allegation and the Member/Co-opted Member informed if the initial timetable changes substantially.

5. The Investigation

- 5.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Authority, or an external investigator.
- 5.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.3 The Monitoring Officer/Investigating Officer will normally write to the Member/Co-opted Member against whom the allegation is made and provide him/her with a copy of the allegation and ask the Member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 5.4 Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the pages given to the Member/Co-opted Member. Where disclosure of details of the allegation to the Member/Co-opted Member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the Member/Co-opted Member until the investigation has progressed sufficiently.
- 5.5 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer shall produce as appropriate a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the Member/Co-opted Member concerned to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

- 5.6 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or Member/Co-opted member have made on the draft report, the Investigating Officer will send his/her final report (The Investigation Report) to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 5.7 Where the Monitoring Officer is satisfied with the Investigation Report, and where the conclusion in the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, where appropriate he/she may seek to achieve an informal resolution. The Monitoring Officer will consult the Independent Person and the person making the allegation and seek to agree what the person making the allegation considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member/Co-opted Member accepting that his/her conduct was inappropriate or otherwise unacceptable and offering an apology and/or taking other remedial action. If the Member/Co-opted Member complies with the suggested resolution, the Monitoring Officer will report the matter to an ~~Adjudication and Review~~ Assessment Panel which will note the outcome and formally resolve that the allegation is determined by way of informal resolution, the details of which will be published.
- 5.8 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the Member/Co-opted Member has made on the draft report and, where appropriate having sought to achieve an informal resolution pursuant to Paragraph 5.7 above, the Monitoring Officer shall produce the Investigation Report.

6. Consideration of the Investigation Report

- 6.1 When the Monitoring Officer is satisfied with the Investigation Report and an informal resolution is either inappropriate or incapable of achievement, the Monitoring Officer will refer the Investigation Report to an ~~Adjudication and Review~~ Assessment Panel and the Independent Person. Normally this will be within 30 clear working days of an ~~Adjudication and Review~~ Assessment Panel having determined that the allegation merits further investigation.
- 6.2 Where the conclusion of the Investigation Report is that there is no evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, an ~~Adjudication and Review~~ Assessment Panel may:
- (a) Accept the conclusion, resolve that no further action is required and dismiss the allegation; or

- (b) Remit the report to the Monitoring Officer for further consideration; or
 - (c) Remit the allegation to an ~~Adjudication and Review~~ Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.
- 6.3 Prior to making a determination under Paragraph 6.2(a) above an ~~Adjudication and Review~~ Assessment panel shall seek and take into account the views of the Independent Person.
- 6.4 Where the conclusion of the Investigation Report is that there is evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member and where an informal resolution pursuant to Paragraph 5.7 above is either inappropriate or incapable of achievement, an ~~Adjudication and Review~~ Assessment Panel may:
- (a) Remit the report to the Monitoring Officer for further consideration; or
 - (b) Remit the allegation to an ~~Adjudication and Review~~ Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.
- 6.5 Where the ~~Adjudication and Review~~ Assessment Panel remits the Investigation Report to the Monitoring Officer for further consideration under Paragraph 6.2(b) or 6.4(a) the meeting of the Panel shall adjourn and reconvene when the Monitoring Officer has reconsidered.

7. The pre-hearing process

- 7.1 The Monitoring Officer (and/or his/her nominees) shall:
- (a) Agree a date for the hearing with all relevant parties
 - (b) Provide a timetable for the person making the allegation, the Member/Co-opted Member (hereinafter called 'the parties') to provide details about whether they wish to give evidence (and whether orally or in writing) at the Hearing and any witnesses they intend to call and additional papers they may wish to provide in time for inclusion in the Committee papers;
 - (c) Establish whether the parties will be represented or accompanied at the Hearing;
 - (d) Establish whether the parties wish any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private and the reasons for this.

- (e) Provide information about the procedure to be used at the Hearing.
- (f) Establish whether the parties disagree with any of the findings of fact in the Investigation Report.
- (g) Establish whether the Investigating Officer intends to call any witnesses.

7.2 Normally Hearings conducted by an ~~Adjudication and Review~~ Hearing Panel shall take place within 20 clear working days of the referral by the ~~Governance~~ ~~Adjudication and Review Assessment~~ Committee to the ~~Adjudication and Review~~ Hearing Panel.

8. The hearing

8.1 A hearing ~~of the Adjudication and Review Hearing Panel~~ shall take place in public unless a resolution is passed to exclude the public and the press due to exempt material which may be disclosed in the course of the proceedings.

8.2 Where a resolution to exclude the public and the press has been passed, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel
- (c) The Independent Person
- (d) The Monitoring Officer and/or The Investigating Officer
- (e) The Member/Co-opted Member against whom the allegation is made together with a single representative, if any
- (f) The person making the allegation together with a single representative, if any.
- (g) Witnesses to be called by any party
- (h) Members of the Council who are not Members of the Panel

8.3 When the Panel reaches the point of deliberation upon the allegation or the sanction/penalty, the following persons only may remain in attendance:

- (a) Members of the Panel
- (b) Officers supporting/advising the Panel

(c) The Independent Person

(d) The Monitoring Officer but only where the Monitoring Officer is present to support/advise the Panel and not where the Monitoring Officer has presented the Investigation Report.

The Chairman shall invite all other persons present to withdraw to enable the Panel to deliberate upon the allegation, and any such persons shall withdraw.

8.4 Normally an ~~Adjudication and Review~~ Hearing Panel will conduct the Hearing in an inquisitorial manner.

8.5 The Monitoring Officer/Investigating Officer will make an opening statement with reference to the Investigation Report. The parties will then make opening statements in relation to the allegation and to the Investigation Report. Each party may have a single representative who may participate on behalf of the relevant party. Participation may be by the party or the party's representative but not by both.

8.6 Following the opening statements, the ~~Adjudication and Review~~ Hearing Panel may ask questions of the Monitoring Officer/Investigating Officer and/or the parties by way of inquiry into the matters the subject of the allegation and/or the Investigation Report.

8.7 The Monitoring Officer/Investigating Officer and the parties will be afforded the opportunity to make closing statements.

8.8 If the Member/Co-opted Member fails to attend the Hearing, an ~~Adjudication and Review~~ Hearing Panel may decide to proceed in the Member's/Co-opted Member's absence and make a determination, or to adjourn the Hearing to a later date.

8.9 Full details of the process to be undertaken at the Hearing are contained in the Hearings Procedure note comprising Appendix A to these arrangements.

8.10 An ~~Adjudication and Review~~ Hearings Panel having sought and taken into account the views of the Independent Person may conclude:

(a) That the Member/Co-opted Member did not fail to comply with the Members' Code of Conduct and dismiss the allegation; or

(b) That the Member/Co-opted Member did fail to comply with the Members' Code of Conduct.

8.11 In the event of a finding under Paragraph 8.7(b) above, the Chairman will inform the Member/Co-opted Member of this finding and an ~~Adjudication and Review~~ Hearing Panel will then consider what action, if any, it should

take as a result of the Member's/Co-opted Member's failure to comply with the Members' Code of Conduct.

- 8.12 ~~An Adjudication and Review~~ Hearing Panel will give the Member/Co-opted Member an opportunity to make representations to the Panel as to whether any action should be taken and what form any action should take.
- 8.13 ~~An Adjudication and Review~~ Hearing Panel will seek and take into account the views of the Independent Person, following which it will decide what action, if any, to take in respect of the matter.

9. Action which may be taken when a member/co-opted member has failed to comply with the Members' Code of Conduct

- 9.1 Having determined that the Member/Co-opted Member has failed to comply with the Members Code of Conduct, ~~an Adjudication and Review~~ Hearing Panel may:
 - (a) Publish its findings in respect of the Member's/Co-opted Member's conduct.
 - (b) Reports its findings to Council for information;
 - (c) Issue the Member/Co-opted Member with a formal censure or reprimand, a report of which may be submitted to Council.
 - (d) Recommend to the Member's Group Leader (or in the case of ungrouped Members/Co-opted Members recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-committees of the Council;
 - (e) Recommend to the Council that the Member/Co-opted Member be replaced as Chairman or Vice-Chairman of any Committee.
 - (f) Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular portfolio responsibilities;
 - (g) Instruct the Monitoring Officer to arrange training for the Member/Co-opted Member.
 - (h) Recommend the Council or Cabinet, as appropriate, that the Member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet.

- (i) Withdraw facilities provided to the Member/Co-opted Member by the Council such as a computer, website and/or email and internet access;
 - (j) Exclude the Member/Co-opted Member from Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-committee meetings;
 - (k) Take no further action;
 - (l) Any other appropriate sanction which may be available to an ~~Adjudication and Review~~ Hearing Panel;
- 9.2 ~~An Adjudication and Review~~ Hearing Panel has no power to suspend or disqualify a Member or to withdraw Members' or special responsibility allowances;
- 9.3 At the end of the Hearing the Chairman shall state the decision of the ~~Adjudication and Review~~ Hearing Panel as to whether the Member/Co-opted Member failed to comply with the Members' Code of Conduct and as to any action which the Panel has resolved to take.
- 9.4 Within 10 working days following the Hearing, the Monitoring Officer shall prepare a formal decision notice, after consultation with the Chairman of the ~~Adjudication and Review~~ Hearing Panel and send a copy to the person making the allegation and to the Member/Co-opted Member concerned. The Monitoring Officer shall make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Appeals

- 10.1 There is no right of appeal for either the person making the allegation or for the Member/Co-opted Member against whom the allegation is made against a decision of the Monitoring Officer, an ~~Adjudication and Review~~ Assessment Panel or an ~~Adjudication and Review~~ Hearing Panel.

APPENDIX A

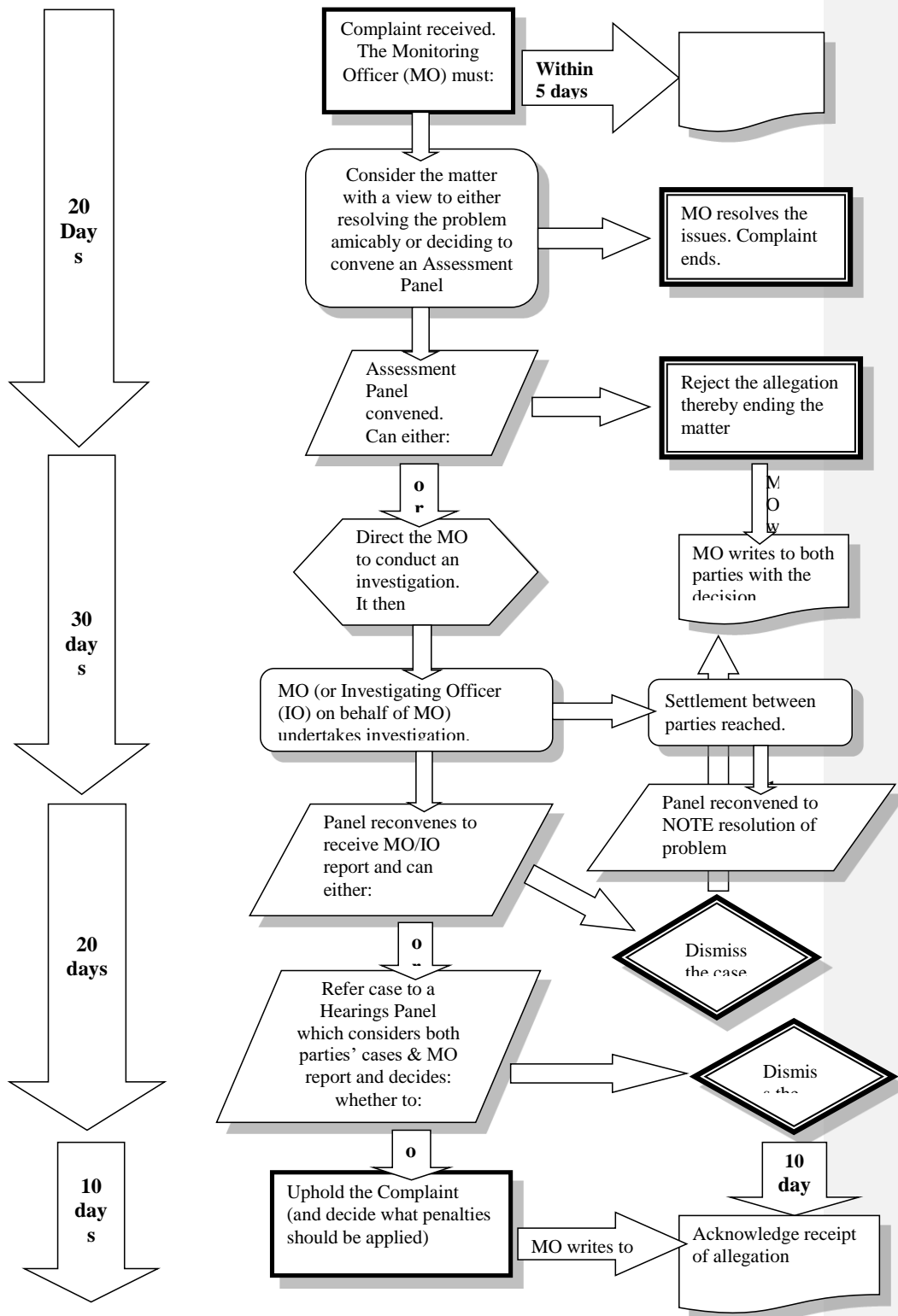
HEARING PROCEDURE

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be affected at the discretion of the ~~Adjudication and Review~~ Hearing Panel and advised to the Parties.

1. The Chairman shall facilitate introductions and explain the procedure for the Hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to make an opening statement with reference to the Investigation Report.
3. The person making the allegation and the Member/Co-opted Member or their representatives (hereinafter called 'the Parties') shall be invited to make opening statements with reference to the allegation and/or the Investigation Report.
4. Members of the ~~Adjudication and Review~~ Hearing Panel may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report.
5. Members of the ~~Adjudication and Review~~ Hearing Panel may question the Parties upon the allegation and/or with reference to the Investigation Report.
6. The Monitoring Officer/Investigating Officer may make a closing statement.
7. The Parties or their representatives may make closing statement.
8. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon the allegation. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
9. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision in the following terms:
 - (a) The Panel has determined that the Member/Co-opted member has failed to comply with the Members' Code of Conduct; or
 - (b) The Panel has determined that the Member/Co-opted Member has not failed to comply with the Members' Code of Conduct and the allegation is dismissed.

The Panel will give reasons for its decision. If the Panel has determined that the Member/Co-opted Member has failed to comply with the Members' Code of Conduct it shall consider any representations from the Member/Co-opted Member or his/her representative as to whether any action should be taken and what form any action should take.

10. The Chairman shall invite the persons who may not be present during the Panel's deliberation upon the allegation to withdraw to enable the Panel to deliberate upon what action, if any, should be taken. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
11. In addition to any action upon the current matter, the Panel shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members/Co-opted Members.
12. The Monitoring Officer/Investigating Officer and the Parties shall be invited to return and the Chairman shall announce the Panel's decision.
13. A full written decision shall be issued to the person making the allegation and the Member/Co-opted Member within 10 clear working days following the Hearing and shall be published.



Appendix 3 – Areas for review (non-exhaustive list)

Description of Change	Section of Constitution	Action
Amendment to scheme of delegation	Part 3.4 HR powers	To delegate authority for approval to create posts PO7 and below to relevant Director.
Amendment to scheme of delegation	Part 3.8 Functions of Director of Regeneration	To incorporate functions of Director of Regeneration and amend reporting lines to reflect change in organisational structure
Amendment to scheme of delegation	Part 3 Functions relating to Planning	To incorporate Land Charges functions and comprehensive list of relevant legislation
Procedural Havering Procurement Process	Part 4.4 Contract Procedure Rules Part 4.8 Financial Procedure Rules	To provide clarity and on rules and an effective procedure
Procedural Planning Committee Procedure	Part 4.10 Planning Committee Procedure Rules	To provide clarity in rules
Procedural	Part 5.3 Protocol on Gifts and Hospitality	To review and update as appropriate
Procedural	Part 5.4 Protocol on Member / Officer relations	To review and update as appropriate
Procedural	Part 5.6 Staff Code of Conduct	To review and update as appropriate

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