

<p style="text-align: center;">COUNCIL SUPPLEMENTARY AGENDA</p>
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18 March 2026

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

7 RECOMMENDATIONS AND REPORTS (Pages 3 - 18)

Revised versions of Constitution parts (3.1 and 3.3) attached as agreed at Governance Committee.

Zena Smith
Head of Committee & Election
Services

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PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 1 FULL COUNCIL AND COMMITTEES

1 FULL COUNCIL

1.1 Only Full Council will exercise the following functions:

- (a) adopting or amending the constitution
- (b) approving, adopting or amending 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 elsewhere in 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 any Committee, 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 or conferring an Honorary Award;
- (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) to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption or amendment of the Code of Conduct
- (m) approving the annual pay policy statement
- (n) making a change to the Council's governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which Full Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Full Council.

2 FUNCTIONS DELEGATED TO GENERAL COUNCIL COMMITTEES

2.1 The following functions are delegated to the Committees. Any reference to “the regulations” is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as subsequently amended.

2.2 Reference is made to the following functions:

- (a) 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)
- (b) local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

Council committee	Functions
<u>Audit</u>	<p><u>Internal control</u></p> <ul style="list-style-type: none"> • To consider and monitor the adequacy and effectiveness of the Council’s risk management and internal control environment and to make recommendations to Full Council where necessary. <p><u>External audit</u></p> <ul style="list-style-type: none"> • To monitor the adequacy and effectiveness of the external audit service and respond to its findings Internal audit • To support 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 <p><u>Whistleblowing Policy and Procedure</u></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 Officer and/or Cabinet.

	<p><u>Regulatory and investigatory Powers Act 2000</u></p> <ul style="list-style-type: none"> • whisTo 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><u>Governance</u></p>	<p><u>Monitoring constitution</u></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 <p><u>Officer disciplinary, capability and grievance procedures</u></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 Chief Officer, Monitoring Officer or a Deputy Chief Officer 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 Chief Officer, Monitoring Officer or a Deputy Chief Officer • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by “Havering Grade” Officers. <p><u>Appointments and dismissals</u></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 Chief Officers, Director of Public Health, the Monitoring Officer and Deputy Chief Officers, 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

	<p>Chief Officer, Director of Public Health, Monitoring Officer or Deputy Chief Officer.</p> <ul style="list-style-type: none"> • To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: (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 and to revoke any such appointment (see Part 3, section 5: local choice functions) • To approve delegated arrangements for such appointments • To interview candidates for independent member positions and to make recommendations to Council about the appointment of independent members <p><u>Terms and conditions and general employment matters</u></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, Chief Officer, the Monitoring Officer and Deputy Chief Officer. <p><u>Member Conduct</u></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 • 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>(An Assessment Panel, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</p> <p><u>Guidelines for Members in dealing with Officers</u></p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Guidelines on Members dealing with Officers. <p><u>Protocol on probity in planning</u></p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Protocol on Probity in Planning.
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	<p><u>Member support</u></p> <ul style="list-style-type: none"> • To oversee matters related to the facilities available to support members <p><u>Miscellaneous</u></p> <ul style="list-style-type: none"> • 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><u>Appeals and complaints</u></p> <ul style="list-style-type: none"> • 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><u>Admission and exclusion of pupils</u></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> <ul style="list-style-type: none"> • To hear appeals from teachers about early retirement decisions by governing bodies. <p>Members' conduct</p> <ul style="list-style-type: none"> • 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.
<u>Pensions</u>	<p><u>Pension fund</u></p> <ul style="list-style-type: none"> • To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance

	<p><u>Advisers and investment managers</u></p> <ul style="list-style-type: none"> • Authorise Officers to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters. • To appoint and review the performance of advisers and investment managers for pension fund investments. <p><u>Other Non-executive matters</u></p> <ul style="list-style-type: none"> • To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.
<u>Planning</u>	<p><u>Planning</u></p> <ul style="list-style-type: none"> • To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; except where they are referable to the Strategic Planning Committee. • To determine any planning matter referred to the Planning Committee by the Deputy Chief Officer responsible for Planning acting in his or her discretion. <p><u>Health and safety</u></p> <ul style="list-style-type: none"> • 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><u>Highways use and regulation</u></p> <ul style="list-style-type: none"> • 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 Officers.
<u>Strategic Planning</u>	<ul style="list-style-type: none"> • To receive presentations in the pre-application or pre-determination stage. • To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; which, in the opinion of the Deputy Chief Officer responsible Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee.

	<ul style="list-style-type: none"> Any other planning matter which, in the opinion of the Deputy Chief Officer responsible for Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee
Corporate Parenting Panel	<ul style="list-style-type: none"> To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents

Appendix A

Enactments enforceable by the Strategic Director of Place and , the Director of Planning and Public Protection , and any of the Public Protection Divisional Managers with Sub Delegated Powers to act

This appendix sets out enactments which the Strategic Director of Place has delegated authority to enforce. The Strategic Director of Place may authorise staff to enforce these enactments and to authenticate, on the Council's behalf, any notice, certificate or other document required to be issued in relation to the enactments.

Environmental Health

Enactment	Relevant provisions and notes
Agriculture (Miscellaneous Provisions) Act 1968	Part I
Animal Boarding Establishments Act 1963	
Animal Health Act 1981	
Animal Welfare Act 2006	
Anti-social Behaviour, Crime and Policing Act 2014	
Breeding of Dogs Act 1973	
Building Act 1984	<ul style="list-style-type: none"> sections 59 to 69 (relating to drainage of buildings and to sanitary conveniences) section 70 (food storage accommodation in existing houses) section 76 (relating to defective premises) section 79 (relating to ruinous and dilapidated buildings)
Caravan Sites Act 1968	
Caravan Sites Control & Development Act 1960	
Clean Air Act 1993	
Clean Neighbourhoods & Environment Act 2005	Parts 3, 5, 6 & 7
Control of Pollution Act 1974	section 13 (Part III, sections 60 to 62 and regulations made under section 78 (sulphur content of fuel oil)) and 1990
Criminal Justice and Police Act 2001	Sections 19 to 27 (closure of unlicensed premises)
Dangerous Dog Acts 1871 & 1991	
Dangerous Wild Animals Act 1976	

Enactment	Relevant provisions and notes
The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020	
Environment Act 1995	
Environment Act 2021	Parts 1 and 4
Environmental Protection Act 1990	Parts I, II (Sections 33, 34 & 59), IIA including any function relating to contaminated land, III, IV and VIII (Section 150)
Environmental Permitting (England and Wales) Regulations 2016	
Essex Act 1987	Part IV (Massage and Special Treatment)
European Communities Act 1972	<ul style="list-style-type: none"> • Common Agricultural Policy (Wine) Regulations 1973 • any other regulations that may be made
Factories Act 1961	
Fire Safety and Safety of Places of Sport Act 1987	
Food Act 1984	
Food Hygiene (England) Regulations 2006	
Food Safety Act 1990	
Food and Environment Protection Act 1985	Part III
Gambling Act 2005	
Guard Dogs Act 1975	
Greater London Council (General Powers) Act 1967	(Registration of hairdressers, etc.)
Greater London Council (General Powers) Act 1973	section 31
Greater London Council (General Powers) Act 1979	(control of brown tail moth)
Greater London Council (General Powers) Act 1984	(registration of certain sleeping accommodation)
Greater London Council (General Powers) Act 1986	
Health Act 2006	Part I, Chapter I (smoke- free premises, places and vehicles)
Health and Safety at Work, Etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers)
Highway Act 1980	Part IX
Housing Act 1985	
Housing Act 2004	
Housing & Planning Act 2016	
Housing (Construction and Regeneration) Act 1996	

Enactment	Relevant provisions and notes
Hypnotism Act 1952	
Landlord and Tenant Act 1985	
Licensing Act 1964	sections 78 and 79
Licensing Act 2003	
Local Government and Housing Act 1989	
Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> • section 15 (survey of land for the purposes of compulsory purchase) • section 16 (power to serve notices – requisition for information) • section 20 (provision of sanitary conveniences at places at entertainment) • section 35 (power to require the removal of obstructions from private sewers)
Local Government (Miscellaneous Provisions) Act 1982	<ul style="list-style-type: none"> • sections 14 to 16 • section 17 (exercise powers relating to entry in relation to registered premises in the Council's area) • section 29 and 30 (powers of entry) • section 32 (recovery of costs) • Schedule 3 (sex establishments)
London Government Act 1963	
London Local Authorities Act 1990	Part II (Night Café licensing) Part III (street trading)
London Local Authorities Act 1990	
London Local Authorities Act 1991	Part II, Part III and section 23
London Local Authorities Act 1995	
London Local Authorities Act 1996	
London Local Authorities Act 2000	
Medicines Act 1968	(such orders and regulations as the Council may be appointed to enforce)
Mobile Homes Act 1983 / 2013	
Noise Act 1996	sections 2 to 9
Noise & Statutory Nuisance Act 1993	(loudspeakers in streets)
Offices, Shops and Railway Premises Act 1963	
Official Feed and Food Controls (England) Regulations 2006 and 2009 and the European Communities Act 1972 and Food Safety Act 1990 (as amended) and any food and feed safety regulations	

Enactment	Relevant provisions and notes
Performing Animals (Reg) Act 1925	
Pet Animals Act 1951	
Poisons Act 1972	
Pollution Prevention & Control Act 1999	
Prevention of Damage by Pests Act 1949	
Protection from Eviction Act 1977	
Psychoactive Substances Act 2016	
Public Health Act 1936	
Public Health Act 1961	
Public Health Control of Disease Act 1984	
Rag Flock and Other Filling Materials Act 1951	
Renters' Rights Act 2025	
Rent Act 1977	(provisions relating to certificates of disrepair pursuant to section 27 and schedule 6)
Riding Establishments Acts 1964 and 1970	
Scrap Metal Dealers Act 2013	
Shops Act 1950 – 1965	
Slaughter of Poultry Act 1967	Sections 4 and 6
Sunday Trading Act 1994	
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	
Town & Country Planning Act 1990	Sections 215-219 Powers to deal with land adversely affecting amenity of the neighbourhood.
Vehicle (Crime) Act 2001	
Water Industry Act 1991	Sections 77 - 85
Wildlife and Countryside Act 1981	
Young Persons (Employment) Acts 1938 and 1964	
Zoo Licensing Act 1981	

Trading Standards

Enactment	Relevant provisions and notes
Administration of Justice Act 1970	section 40
Agricultural Act 1970	Part IV

Enactment	Relevant provisions and notes
Agricultural Produce (Grading and Marketing) Acts 1928 and 1931	
Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020	
Anti-Social Behaviour Act 2003	
Anti-social Behaviour, Crime and Policing Act 2014	
Building Act 1984	Insofar as it relates to energy performance for public buildings
Business Names Act 1986	section 4
Cancer Act 1939	
Celluloid and Cinematograph Film Act 1922	
Children and Young Persons Act 1933	section 7 (sale of tobacco etc., to persons under 16)
Children and Young Persons (Protection from Tobacco) Act 1991	
Children and Families Act 2014	tobacco, nicotine products and smoking provisions only
Civil Aviation Act 1982	
Clean Air Act 1993	sections 30 and 32
Consumer Credit Act 1974	
Consumer Protection Act 1987	Parts II and III
Consumer Rights Act 1985	
Control of Pollution Act 1974	section 75 (regulations concerning lead content of motor fuel)
Copyright, Designs and Patents Act 1988	
Crossbows Act 1987	
Development of Tourism Act 1969	section 18 (relating to price displays)
Education Reform Act 1988	sections 214 to 217 (provisions relating to unrecognised degrees)
Energy Act 1976	
Energy Conservation Act 1981	
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 -	
Enterprise Act 2002	
Estate Agents Act 1979	
European Communities Act 1972	(Regulations relating to: <ul style="list-style-type: none"> • eggs (marketing standards) • crystal glass (description) • Package Travel, Package Holidays, Package Tours Regulations 1982

Enactment	Relevant provisions and notes
	<ul style="list-style-type: none"> • textile products (indication of fibre content) • aerosol dispensers (EU requirements) • Non-Automatic Weighing Instruments • Consumer Protection from Unfair Trading Regulations 2008 • Business Protection from Misleading Marketing Regulations 2008 • any other regulations as may be made from time to time)
Explosive Acts 1875 and 1923	
Explosives (Age of Purchase) Act 1976	
Fair Trading Act 1973	(orders under section 22)
Firearms Act 1968	
Fireworks Act 2003	
Food and Environmental Protection Act 1985	Part III
Food Safety Act 1990	
Forgery and Counterfeiting Act 1981	
Fraud Act 2006	
Greater London Council (General Powers) Act 1984	(registration of premises in respect of the sale of goods by competitive bidding)
Hallmarking Act 1973	
Health Act 2009	provisions relating to tobacco only
Health and Safety at Work etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers) (including the Manufacture and Storage of Explosives Regulations 2005)
Housing Act 2004	Part 5
Hire Purchase Act 1964	Part III

Enactment	Relevant provisions and notes
Insurance Brokers (Registration) Act 1977	
Intoxicating Substances Supply Act 1985	
Knives Act 1997	
Licensing Act 2003	
Medicines Act 1968	orders under sections 62(1)(b) and 90 (provisions relating to animal feeding stuffs and fertilisers)
Merchant Shipping Act 1979	
Mock Auctions Act 1961	
Motorcycle Noise Act 1987	

National Lotteries etc. Act 1993	
Offensive Weapons Act 1996	
Olympic Symbol etc (Protection) Act 1995	
Prices Acts 1974 and 1975	
Proceeds of Crime Act 2002	
Property Misdescriptions Act 1991	
Protection of Children (Tobacco) Act 1986	
Psychoactive Substances Act 2016	
Restriction of Offensive Weapons Act 1959	
Road Traffic Acts 1988 & 1991	
Road Traffic (Foreign Vehicles) Act and Regulations 1972	
Road Traffic Offenders Act 1988	
Solicitors Act 1974	section 22
Sunbeds (Regulation) Act 2010	
Telecommunications Act 1984	
Theft Acts 1968 and 1978	
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014	
Timeshare Act 1992	
Trade Descriptions Act 1968	
Trademarks Act 1994	
Trading Representations (Disabled Persons) Acts 1958 and 1972	(provisions relating to goods represented as being made by blind or disabled persons)
Trading Stamps Act 1964	
Unsolicited Goods and Service Acts 1971 and 1975	(provisions relating to unsolicited goods and directory entries)
Video Recordings Act 1984 and 1993	
Weights and Measures Act 1985	Limited to officers with DTS or equivalent

Licensing and registration of premises or persons

Licensing matter	Enactment
Animal boarding establishments	Animal Boarding Establishments Act 1963
Caravan Sites	Caravan Sites and Control of Development Act 1960
Dangerous wild animals	Dangerous Wild Animals Act 1976

Dog-breeding premises	Breeding of Dogs Act 1991
Establishments for massage and special treatment	London Local Authorities Act 1991
Gambling	Gambling Act 2005
Licensing	Licensing Act 2003
Housing	Housing Act 2004
Pet shops	Pet Animals Act 1961
Riding establishments	Riding Establishments Act 1964
Sex establishments	Local Government Miscellaneous Provisions Act 1982
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)
Street trading	London Local Authorities Act 1990

Registration matter	Enactment
Food premises	EC Regulation 852/2004, Article 6(2)
Hairdressers' and barbers' establishments	Greater London Council (General Powers) Act 1967, section 21
Premises for competitive bidding (auctions)	Greater London Council (General Powers) Act 1984 – Part VI
Scrap metal dealers	Scrap Metal Dealers Act 1964
Motor Salvage Operators	Vehicles (Crime) Act 2001
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)