

<p>GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA</p>

15 January 2014

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

12 JOINT COMMITTEE - CONSEQUENTIAL AMENDMENTS (Pages 1 - 34)

**Andrew Beesley
Committee Administration
Manager**

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GOVERNANCE COMMITTEE

15 January 2014

Subject Heading:

JOINT COMMITTEE –
CONSEQUENTIAL AMENDMENTS

CMT Lead:

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Policy context:

Financial summary:

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

Ensuring a clean, safe and green borough	□
Championing education and learning for all	□
Providing economic, social and cultural activity in thriving towns and villages	□
Valuing and enhancing the lives of our residents	□
Delivering high customer satisfaction and a stable council tax	□

SUMMARY

The report sets out amendments required to the Constitution, predominately to the scheme of delegation to officers, consequent on the Council's decision to create a Joint Committee with London Borough of Newham for the delivery of back office/support services for the Council. The only new power is one to the Chief Executive to delegate functions to staff employed by London Borough of Newham.

RECOMMENDATIONS

1. To recommend to Council that the function and powers set out in Appendix 1 of this report be delegated from the 1st April 2014 to the Joint Committee and the relevant senior officers within the shared services organisation.
2. To recommend to Council that consequentially the Council's Constitution be amended from the 1st April 2014 as set out in Appendices 2 and 3.

3. To recommend to Council that the following power be delegated to the Chief Executive
 - “(h) To exercise the power to enter into agreement with other local authorities for the placing of the services of officers from one local authority, at the disposal of the other in accordance with Section 113 Local Governments Act 1972 as amended”.
4. To agree the principle that Proper Officer functions will transfer to the relevant senior officer in the new shared back office structure and note that the final allocation will be made by the Monitoring Officer under existing delegated powers.

REPORT DETAIL

1. The Council at its meeting on the 27th November agreed to the formation of a Joint Committee with London Borough of Newham and to delegate to it the provision of various back office/support functions of the Council which are currently directly provided by the Council.
2. The internal arrangement of the Joint Committee operation, likely to be known publically as ‘One Source’ are in the process of being finalised, but the intention is to rapidly consolidate the senior management of the various services involved under single service levels/direction some of whom will be employed by Havering and some by Newham.
3. Currently numerous executive powers are directly delegated by the Council to Heads of the affected services. These powers will from the 1st April 2014 be initially delegated to the Joint Committee but then further delegated under the Joint Committee Agreement to the new relevant services head/director. There are also a smaller number of powers relating to service and budget planning delegated to the Joint Committee itself. These delegations are set out in full in Appendix 1 to this report. This also requires consequential amendments to Section 3.7 (Resources) and 3.9 (Legal & Democratic Services) of Part 3 of Havering’s Constitution and these changes are set out in Appendix 2 to this report. These amendments do not change the nature or scope of the current delegations but only reflect the change in organisation.
4. The Joint Committee is constituted to handle only executive functions of the Councils. However officers in Havering also have delegated to them a number of non-executive powers, the most important one being decision on staffing matters as well as some very specific powers, e.g. commons registration. As these are non-executive powers they cannot be delegated to the Joint Committee, so it is proposed that they will be delegated directly by this Council to the relevant service/head/director in OneSource. These amendments are set out in Appendix 3.

5. It is possible that some of those service heads/directors to whom direct delegation of non-executive powers are proposed will be Newham employees rather than Havering's. It is perfectly legal for a Council to delegate its functions to another Council or an officer in another Council, but it needs to make a deliberate decision to so delegate and the recipient has to agree to it. In order that this process can be smoothly and effectively carried out it is proposed to delegate the power to do so on behalf of Havering to the Chief Executive and the wording of the delegation is set out in recommendation 3.
6. Various senior officers in the services which are going into the Joint Committee are also designated as "the Proper Officer" or "Deputy Proper Officer" for various specific functions where the relevant legislation requires the appointment of such a person, e.g. currently to Proper Officer for signing the summons to Councillors for a Council meeting is the Assistant Chief Executive. It is proposed that the relevant function will follow with the new post in the Joint Committee structure. The provision allocation is as follows, but it is dependent on the final arrangements of the senior office structure in the Joint Committee.

Old	New
Assistant Chief Executive, Legal & Democratic Services, and Head of Legal Services	Director of Legal & Governance
Group Director Resources	Managing Director
Head of Finance & Procurement	Director of Financial Services
Head of Business Service	Director of ICT Services
Head of Shared Services	Director of Transactional Services
Head of Asset Management	Director of Asset Management Services
Head of Strategic HR and Organisation Development	Director of HR and OD Services

If the principle of this is accepted by this committee then the final allocation can be handled by the Monitoring Officer using his delegated powers to amend the Constitution to reflect organisational changes, as he will have to do elsewhere in the Constitution.

IMPLICATIONS AND RISKS

Financial Implications and Risks

If the changes proposed are not made the Council's ability to carry out its financial functions would be substantially impaired.

Equalities and Social Inclusion Implications and Risks

No equalities implications and risks have been identified.

Environmental Implications and Risks None

Legal Implications and Risks

The changes proposed are consequential on the decision to create the Joint Committee. The major risk would be if the Council did not make the changes as certain decisions either couldn't be made, would be made without the necessary authority or need making by Cabinet or Council thereby substantially increasing both bodies workload

Human Resources Implication and Risks

There are not direct implications, but the proposals will enable the HR function of the council to be effectively provided.

BACKGROUND PAPERS

None

APPENDIX 1

PART 1 – HAVERING
Delegation to Joint Committee

A	General	Delegation to Officer
A1	To have overall responsibility for the provision to the client Councils of the shared services	None
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation	None
A3	To consider and approve the annual service plan for each shared service	None
A4	To determine the strategic direction of the shared services operation	None
A5	To determine any strategic issue referred to it by the Managing Director	None
A6	To advise the client Councils what financial resources are desirable for the delivery of the shared services operation for three financial years ahead from the current financial year	None
A7	To consider and approve the internal budget for the shared services operation within the overall financial constraints set by the client Council's and to make representation to the council's on the consequences of those restraints as appropriate.	None
A8	To incur expenditure within the revenue and capital budgets as approved by the Joint Committee, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.	Managing Director
A9	To oversee the delivery of programmes agreed by Council and Cabinet.	Managing Director

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A10	In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.	Managing Director
A11	To authorise the making of ex gratia payments up to the limit specified from time to time by the Director of Finance to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.	Managing Director
A12	To authorise activities under the Regulation of Investigatory Powers Act 2000.	Managing Director
A13	To approve commencement of a tendering process for all contracts above a total contract value of £156,000.	Managing Director
A14	To award contracts with a total contract value of under £5,000,000.	Managing Director
A15	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Managing Director
A16	Payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made in consultation with Head of Shared Services.	Director
A17	To approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services.	Director
A18	To approve payment of claims by employees for loss or damage to property and clothes up to the limit specified from time to time by the Director of Finance otherwise payment must be made in consultation with the Group Director Resources.	Director
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.	Director

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A20	To approve honoraria payments in consultation with the service personnel manager.	Director
A21	To approve commencement of a tendering process for, and to award all contracts below a total contract value of £156,000.	Director
A22	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Director
A23	To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any ICT variation permitted by the Council's contract and financial procedure rules.	Director
A24	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.	Director
A25	To implement approved fees, charges, rents etc. and to ensure that proper arrangements exist for their collection.	Director
A26	In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.	Director

B	Finance (including Procurement)	Delegation to Officer
B1	To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.	Director of Finance
B2	To write off sums which are irrecoverable and to settle claims on behalf of the Council	Director of Finance
B3	To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all	S.151 Officer

B	Finance (including Procurement)	Delegation to Officer
	times.	
B4	<p>To undertake all other financial matters arising within the Council, subject to the following requirements:</p> <ul style="list-style-type: none"> (i) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet (ii) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice (iii) all matters being within accepted accounting practice and standards and within statutory requirements (iv) any necessary reference to the Council's external Auditors. (v) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year (vi) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered. (vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions 	S,151 Officer
B5	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Human Resources and the Director of Legal and Governance.	Director of Finance
B6	To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy	S.151. Officer
B7	To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.	Director of Finance
B8	To accept grants and the terms and conditions thereof for and on behalf of the Council.	S.151 Officer

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B9	To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance and motor vehicles, and £50,000 for property insurance.	Director of Finance
B10	To review and, if necessary, amend the limits in (B9) above on an annual basis, following discussion with the Council's insurers.	Director of Finance
B11	To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.	Director of Finance
B12	To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).	Director of Finance
B13	To approve the Financial Framework and any amendments to it.	S.151 Officer
B14	In consultation with the relevant CMT Member, to authorise virements.	Director of Finance
B15	To make or enter into leasing arrangements for vehicles, plant and equipment.	Director of Finance
B16	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.	Director of Finance
B17	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of HR, and Director of Legal & Governance for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme.	Director of Finance

C	Legal & Governance	Delegation to Officer
C1	To prepare, approve and issue or serve all legal documentation on behalf of the Council.	Director of Legal & Governance

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C2	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Director of Legal & Governance
C3	To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.	Director of Legal & Governance
C4	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.	Director of Legal & Governance
C5	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.	Director of Legal & Governance
C6	To sign or endorse any documents on behalf of the borough where so requested by a citizen.	Director of Legal & Governance
C7	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Director of Legal & Governance
C8	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Director of Legal & Governance
C9	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	Director of Legal & Governance
C10	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Director of Legal & Governance

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C11	In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.	Director of Legal & Governance
C12	To name, rename, number and renumber streets and premises	Director of Legal & Governance
C13	To maintain the register of highways that are maintainable at public expense.	Director of Legal & Governance
C14	To arrange for the administration of all statutory appeals.	Director of Legal & Governance
C15	To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.	Director of Legal & Governance
C16	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of HR.	Director of Legal & Governance
C17	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Legal & Governance
C18	To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.	Director of Legal & Governance
C19	To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.	Director of Legal & Governance
C20	To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.	Solicitors appointed by the Director of Legal & Governance
C21	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Solicitors appointed by the Director of Legal & Governance

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C22	To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.	Solicitors appointed by the Director of Legal & Governance
C23	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Solicitors appointed by the Director of Legal & Governance
C24	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Solicitors appointed by the Director of Legal & Governance
C25	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	Solicitors appointed by the Director of Legal & Governance
C26	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Solicitors appointed by the Director of Legal & Governance
C27	To undertake those functions assigned under: (i) Part 3, Section 5 of the Constitution of the London Borough of Havering: local choice functions (ii) Part 3, Section 6 of the Constitution of the London Borough of Havering: Proper Officer function	Director of Legal & Governance
C28	To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act.	Director of Legal & Governance
C29	To develop and implement the Council's Health & Safety Strategy	Director of Legal & Governance
C30	To develop and implement the Council's information governance policies and protocols.	Director of Legal & Governance

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C31	To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.	Director of Legal & Governance and Committee Services Manager
C32	In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.	Director of Legal & Governance and Committee Services Manager
C33	<p>In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:</p> <p>(a) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)</p> <p>(b) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings</p> <p>(c) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.</p>	Director of Legal & Governance and Committee Services Manager
C34	To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein.	Director of Legal & Governance and Committee Services Manager

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C35	To approve arrangements for members' training.	Director of Legal & Governance and Committee Services Manager
C36	To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.	Director of Legal & Governance and Committee Services Manager
C37	Undertake those functions assigned under: (a) Part 3, Section 6 of Constitution of the London Borough of Havering: Proper Officer functions	Director of Legal & Governance and Committee Services Manager
C38	To undertake those election functions assigned to the Proper Officer in the Constitution of the London Borough of Havering.	Director of Legal & Governance

D	ICT/BUSINESS SYSTEMS	Delegation to Officer
D1	To develop the Council's e-government and t-government strategies.	Director of ICT
D2	To develop the Council's information systems, and information technology and e-government strategies.	Director of ICT
D3	To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.	Director of ICT
D4	To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.	Director of ICT

E	STRATEGIC HUMAN RESOURCES	Delegation to Officer
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.	Director of Human Resources

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E2	To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.	Director of Human Resources
E3	To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.	Director of Human Resources
E4	Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including; <ul style="list-style-type: none"> (i) Achieving any necessary reduction through voluntary redundancy; (ii) Considering applications from unaffected Heads of Service or above which would create a suitable alternative employment opportunity for an affected Head of Service or above; (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants. 	Director of Human Resources
E5	In consultation with the Director of Legal and Governance, to amend HR policies where necessary in consequence of legislative, organisational or other changes that have no adverse financial effect.	Director of Human Resources

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)	Delegation to Officer
F1	To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.	Director of Asset Management

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)	Delegation to Officer
F2	Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.	Director of Asset Management
F3	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.	Director of Asset Management
F4	To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.	Director of Asset Management
F5	To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).	Director of Asset Management
F6	<p>In relation to the taxicard scheme:</p> <ul style="list-style-type: none"> (i) To admit to the scheme persons from the waiting list of applicants. (ii) To agree a higher trip limit where justified by the degree of disability of the individual Director of Asset Management (iii) To approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so. 	Director of Asset Management
F7	To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.	Director of Asset Management
F8	To provide a security service for the Council's Administrative buildings	Director of Asset Management
F9	To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes	Director of Asset Management and Property Strategy

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)	Delegation to Officer
		Manager
	To undertake marketing of any Council property.	Director of Asset Management and Property Strategy Manager
F10	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.	Director of Asset Management and Property Strategy Manager
F11	To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.	Director of Asset Management and Property Strategy Manager
F12	To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.	Director of Asset Management and Property Strategy Manager
F13	Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.	Director of Asset Management and Property Strategy Manager
F14	<p>To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.</p> <p>These functions must be exercised in accordance with the following requirements:</p> <p>(i) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B</p>	Director of Asset Management and Property Strategy Manager

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)	Delegation to Officer
	<ul style="list-style-type: none"> <li data-bbox="279 353 1133 573">(ii) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded. <li data-bbox="279 611 1133 792">(iii) in cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources, before the transaction is concluded. <li data-bbox="279 831 1133 902">(iv) complying with relevant Council policy on property transactions <li data-bbox="279 940 1133 1048">(v) referring a matter for Member decision where it is proposed to recommend other than the best financial bid <li data-bbox="279 1086 1133 1305">(vi) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Director of Legal & Governance or the Director of Finance, where there is insufficient time or opportunity to obtain a Member decision <li data-bbox="279 1344 1133 1415">(vii) Making or settling rating appeals only in the Council's financial interests. 	
F15	To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.	Director of Asset Management
F16	To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.	Director of Asset Management & Strategic Property Manager

G	TRANSACTIONAL SERVICES	Delegation to Officer
G1	To advise on, co-ordinate and manage all payroll functions on behalf of the Council.	Director of Transactional Services
G2	To administer the Council's pension fund.	Director of Transactional Services
G3	The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.	Director of Transactional Services
G4	To grant gifts for long service up to the limit specified from time to time by the Director of Finance.	Director of Transactional Services
G5	To approve the arrangements for members' training and development.	Director of Transactional Services
G6	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Internal Transactions
G7	To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.	Director of Transactional Services
G8	To undertake the role of appointed person for the Council in all matters relating to the Disclosure and Barring Service.	Director of Transactional Services
G9	To grant car and season loans to eligible staff.	Director of Transactional Services
G10	To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.	Director of Transactional Services
G11	To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.	Director of Transactional Services

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G12	To act as statutory officer pursuant to for the collection of council tax and commercial rates	Director of Transactional Services
G13	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.	Director of Transactional Services

APPENDIX 2 – Amendments to part 3, Sections 3.7 and 3.8 of the Constitution

APPENDIX 2

3.7 FUNCTIONS RELATING TO THE RESOURCES GROUP OF SERVICES

This section covers functions delegated to the Joint Committee with the London Borough of Newham which in turn has delegated them to the relevant officer in the joint structure.

Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution

3.7.1 FINANCIAL FUNCTIONS

- (a) To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.
- (b) To write off sums which are irrecoverable and to settle claims on behalf of the Council.
- (c) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Head of Human Resources and the Director of Legal and Governance.
- (d) To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.
- (e) To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance and motor vehicles, and £50,000 for property insurance.
- (f) To review and, if necessary, amend the limits in (e) above on an annual basis, following discussion with the Council's insurers.
- (g) To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association
- (h) To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI)
- (i) In consultation with the relevant CMT Member, to authorise virements.
- (j) To make or enter into leasing arrangements for vehicles, plant and equipment.

- (k) To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges
- (l) To act on decisions of a pensions panel consisting of the Director of Finance, Director Human Resources (or their nominated deputies) for the purposes of:
 - 1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - 2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - 3. To implement the Council's early retirement, retirement and redundancy policies.

3.7.2 Transactional Functions

- (b) To advise on, co-ordinate and manage all payroll functions on behalf of the Council.
- (c) To administer the Council's pension fund.
- (d) The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.
- (e) To grant gifts for long service up to the limit specified from time to time by the Head of Finance.
- (f) To approve the arrangements for member's training and development.
- (g) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources. (or their nominated deputies) for the purposes of:
 - 1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - 2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - 3. To implement the Council's early retirement, retirement and redundancy policies.
- (h) To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.

- (i) To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau.
- (j) To grant car and season loans to eligible staff.
- (k) To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.
- (l) To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates
- (m) To act as statutory officer pursuant to for the collection of council tax and commercial rates
- (n) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.

3.7.3 Asset Management Functions

- (a) To provide a security service for the Council's administrative buildings.
- (b) To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.
- (c) Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- (d) To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.
- (e) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.
- (f) To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).
- (g) In relation to the taxicard scheme:
 - (i) to admit to the scheme persons from the waiting list of applicants
 - (ii) to agree a higher trip limit where justified by the degree of disability of the individual

- (iii) to approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so.
- (h) To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.
- (j) **Property Strategy Functions**
 - (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.
 - (ii) To undertake marketing of any Council property.
 - (iii) To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
 - (iv) To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.
 - (v) To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.
 - (vi) Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.
 - (vii) To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
 - (viii) The Property Strategy Manager must exercise the functions delegated to them subject to the following requirements:
 - (a) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B
 - (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be

reported to Cabinet for approval before the transaction is concluded.

- (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources before the transaction is concluded.
 - (d) complying with relevant Council policy on property transactions
 - (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid
 - (f) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Assistant Chief Executive Legal & Democratic Services or the Group Director Resources where there is insufficient time or opportunity to obtain a Member decision
 - (g) Making or settling rating appeals only in the Council's financial interests.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.
- (x) To exercise all powers related to Romford Market, including granting and revoking licences and enforcing relevant bylaws.

3.7.4 ICT/ Business Systems Functions

- (a) To develop the Council's e-government and t-government strategies.
- (b) To develop the Council's information systems, and information technology and e-government strategies.
- (c) To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.
- (d) To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.

3.7.5 Strategic Human Resources and Organisational Development Functions

- (a) To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
- (b) To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.
- (c) To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.
- (d) Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including;
 - (i) Achieving any necessary reduction through voluntary redundancy;
 - (ii) Considering applications from unaffected Heads of Service or above which would create a suitable alternative employment opportunity for an affected Head of Service or above;
 - (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and
 - (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.
- (e) In consultation with the Director of Legal & Governance to amend HR policies where necessary in consequence of legislation, organisational or other changes that have no adverse effect

3.7.6 Governance

- (a) To prepare, approve and issue or serve all legal documentation on behalf of the Council.
- (b) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
- (c) To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.
- (d) To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.

- (e) To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- (f) To sign or endorse any documents on behalf of the borough where so requested by a citizen.
- (g) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
- (h) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
- (i) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
- (j) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (k) In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.
- (l) To name, rename, number and renumber streets and premises
- (m) To maintain the register of highways that are maintainable at public expense
- (n) To arrange for the administration of all statutory appeals.
- (o) To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.
- (p) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of Human Resources
- (q) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources Transactions. (or their nominated deputies) for the purposes of:

- i. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
 - ii. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
 - iii. To implement the Council's early retirement, retirement and redundancy policies.
- (r) To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
- (s) To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.
- (t) **Legal Managers, Principal and Assistant Solicitors (who are permanent employees of the Council and in the name of the Director of Legal & Governance):**
 - (i) To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.
 - (ii) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
 - (iii) To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.
 - (iv) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
 - (v) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
 - (vi) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
 - (vii) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service

and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.

- (u) To undertake those functions assigned under:
 - i. Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
 - ii. Part 3, Section 5 of this Constitution: local choice functions
 - iii. Part 3, Section 6 of this constitution: Proper Officer function

- (v) To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act

- (w) To develop and implement the Council's Health & Safety Strategy.

- (x) To develop and implement the Council's information governance policies and protocols.

- (y) To approve arrangements for members' training.

- (z) To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.

- (aa) **Committee Administration and Member Support Manager**
 - (i) To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.
 - (ii) In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
 - (iii) In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:
 - (d) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)

- (e) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings
 - (f) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.
- (iv) To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein
 - (v) To manage day to day the contract between the Council and the Host organisation for the Local Involvement Network for Health and Social Care (LINK), including (but not limited to) references between the LINK and the relevant Overview and Scrutiny Committee.
- (bb) Undertake those functions assigned under:
 - (b) Part 3, Section 6 of this constitution: Proper Officer functions
 - (cc) **Electoral Services Manager**
To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

3.8 FUNCTIONS DELEGATED TO THE DIRECTOR OF PUBLIC HEALTH

3.8.1 Director of Public Health

- (a) To take responsibility for all the Council's public health functions.
- (b) To oversee all services relating to the public health functions.
- (c) To provide information and advice on public health matters.
- (d) To provide services and facilities designed to promote healthy living.
- (e) To provide services and facilities for the prevention of illnesses.
- (f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment.

- (g) To provide or participate in the provision of training for persons working or seeking to work in the field of health improvement.
- (h) The exercise of the local authority function in the National Health Service Act 2006 as amended.
- (i) The planning for and responding to emergencies involving a risk to public health.
- (j) The liaising with the Commissioner of the Metropolitan Police and the local probation board on assessing and managing the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public.
- (k) The medical inspection and treatment of pupils in attendance at schools maintained by the Council.
- (l) The provision of advice, examination and treatment of persons seeking advice on contraception and the supply of contraceptive substances and appliances.

3.9 S151 Officer Functions

- (a) To make such arrangements as are necessary to control and regulate the expenditure and income of the Council including the exercise of borrowing powers and treasury management powers.
- (b) To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.
- (c) To undertake all other financial matters arising within the Council, subject to the following requirements:
 - (viii) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet
 - (ix) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice
 - (x) all matters being within accepted accounting practice and standards and within statutory requirements
 - (xi) any necessary reference to the Council's external Auditors.
 - (xii) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year

- (xiii) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.
- (xiv) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions
- (d) To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.
- (e) To accept grants and the terms and conditions thereof for and on behalf of the Council.
- (f) To approve the Financial Framework and any amendments to it.

3.10 Monitoring Officer Functions

- (a) The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.

APPENDIX 3 - Amendments to Non-executive powers in the Constitution

4 Functions not to be the responsibility of the Council's Executive

Function	Provision of Act or Statutory Instrument	Decision-making body
A.9. Power to issue a certificate of existing or proposed lawful use or development	Sections 19(4) and 192(2) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Director of Legal & Governance (Use and Development) • Head of Regulatory Services (Development)
A.[14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990]	<ul style="list-style-type: none"> • Head of Development and Building Control in consultation with Director of Legal & Governance
A16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Regulatory Services, in consultation with Director of Legal & Governance
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	<p>Head of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers</p> <p>Director of Legal & Governance as appropriate</p>
B. 37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Director of Governance with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
B.38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471) ¹	Director of Legal & Governance with reference as above
B.72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	Director of Legal & Governance

C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

Part II: other miscellaneous functions

Function	Provision of Act or Statutory Instrument	Decision-making body
I.37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> • Full Council (appointment etc. of Head of Paid Service) • Appointments Committee (appointment etc. of Group Directors and Heads of Service) • Head of Paid Service, or the relevant Group Director or Director Head of Service or on his or her behalf (appointment etc. of all staff under Head of Service)
I.51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Director of Legal & Governance
I.52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	Director of Legal & Governance
I.53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	Director of Legal & Governance

¹ Amended by S.I. 1968/657