

# **GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA**

**1 July 2015**

The following reports are attached for consideration and are submitted with the agreement of the Chairman as urgent matters pursuant to Section 100B (4) of the Local Government Act 1972.

Please note: Item 6 is a revised and updated report already published in the agenda

- 6      OUTSIDE BODY APPOINTMENTS** (Pages 1 - 4)
- 7      ONESOURCE DELEGATIONS** (Pages 5 - 76)
- 8      PROCEDURAL RULES AMENDMENTS** (Pages 77 - 82)
- 9      MO REPORT NR 6** (Pages 83 - 86)

**Andrew Beesley  
Committee Administration  
Manager**

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## GOVERNANCE COMMITTEE 1 July 2015

**Subject Heading:**

APPOINTMENTS TO OTHER  
ORGANISATIONS, 2015/16

**CMT Lead:**

Andrew Blake- Herbert  
Group Director of Communities and  
Resources  
01708 432201

**Report Author and contact details:**

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Research & Information Officer,  
Committee Administration  
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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

Havering will be clean and its environment will be cared for  
People will be safe, in their homes and in the community  
Residents will be proud to live in Havering



**SUMMARY**

**RECOMMENDATIONS**

That the Committee:

1. In respect of the IWMS Committee **note** the position.

2. In respect of the Second Chance Theatre for the People **note** the position.
3. In respect of the Governor Panel, **to appoint Councillor Julie Wilkes** to the current vacancy

**REPORT DETAIL**

**1. IWMS Contract Liaison Committee**

- 1.1 This Committee was set up by the East London Waste Authority for the purposes of negotiating the 25 year contract between ELWA and Shanks. The contract between the two organisations has been in operation since 2002 and the IWMS Committee no longer meets. ELWA has indicated that new arrangements will be made when negotiating the renewal of the contract and therefore no longer require appointment to be made to the IWMS Committee.

**2. Second Chance Theatre for the People**

- 2.1 Second Chance Theatre for the People was a Community Arts Group for mature people that was based in Fairkytes Arts Centre. The group is no longer active and it has not been possible to make contact with the Co-ordinator. Should circumstances change, a further report will be made to the Committee, but at present, a representative is not required.

**3. Governor Panel**

- 3.1 At the annual meeting of the Governance Committee on May 28<sup>th</sup> 2015, it was agreed to leave the vacancy on the Governor Panel in abeyance until such time as a replacement for Councillor Lawrence Webb could be found.

Councillor Julie Wilkes has been nominated to the vacancy.

The Committee is asked to consider whether to confirm this appointment or propose an alternative nomination to the Governor Panel.

**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**

These appointments are administrative and have no direct legal, financial or environmental implications or risks. 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**

A number of files are held by Democratic Services which provide information on the organisations to which appointments are being made.

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**Governance Committee**  
**1 July 2015**

<b>Subject Heading:</b>	<b>DELEGATION OF FUNCTIONS TO THE ONESOURCE JOINT COMMITTEE</b>
<b>CMT Lead:</b>	<b>Andrew Blake-Herbert</b>
<b>Report Author and contact details:</b>	<b>Graham White</b> , Interim Director Legal & Governance
<b>Policy context:</b>	Structural reorganisation to minimise costs.
<b>Financial summary:</b>	These changes are purely procedural and have no specific financial implications

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

- Havering will be clean and its environment will be cared for [x]
- People will be safe, in their homes and in the community [x]
- Residents will be proud to live in Havering [x]

**SUMMARY**

Upon the establishment of the oneSource Joint Committee and the implementation of joint services, both Councils delegated similar functions to the Joint Committee. These separate delegations have been reviewed and brought together into a single scheme of delegation suitable for approval by both Councils. The joint scheme of delegation will make it easier for both Councils and for the Joint Committee to appreciate the precise extent of what is delegated and what is retained.

**RECOMMENDATIONS**

That the Governance Committee recommend to Cabinet and Council that the functions listed in Appendix 3 be delegated to the oneSource Joint Committee

**REPORT DETAIL**

**1. Background**

- 1.1 Prior to the implementation of oneSource in April 2014, both Havering and Newham Councils delegated a range of functions to the oneSource Joint Committee. The schedules of functions were essentially cut and pasted from the Councils' Schemes of Delegation.
- 1.2 Upon receipt of the delegated powers from the Councils, the oneSource Joint Committee further delegated variously to its Management Director and its Directors.
- 1.3 The result of these governance decisions was that the officers who had delegated power through one Council or the other were vested with the same powers under the oneSource arrangements and further were empowered to act on behalf of the 'other' council as well.
- 1.4 These arrangements have worked satisfactorily in the short term but are not as efficient as they might be because of the very different natures of the delegation schemes of the two authorities. Newham's delegation scheme is very comprehensive and precise, listing as many specific areas of delegation as possible. Havering's on the other hand, whilst similarly extensive is more generic in its style so that a number of Newham delegations might fit comfortably under a single Havering delegation. A good example of this is in Finance. Havering has delegated 17 matters covering the entirety of the finance functions whilst Newham has delegated 63.

**2. Review of the delegated functions**

- 2.1 In order to streamline the arrangements and to make operations more efficient, the functions delegated by the Councils have been reviewed with a view to bringing them together into a single set of functions delegated by both Councils.
- 2.2 Attached at Appendix 1 is the scheme of delegation from Havering to the oneSource Joint Committee. Appendix 2 is the scheme of delegation from Newham to the oneSource Joint Committee. Appendix 3 is the new proposed scheme of delegation to the oneSource Joint Committee derived from Appendices 1 and 2. In combining those schemes the intention was to find a balance between the very detailed Newham scheme and the more generic Havering version. An extra column has been added to Appendices 1 and 2 to show how the original delegations have been dealt with in the combined schedule.



**IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

**Financial implications and risks:** None

**Legal implications and risks:**

Under Section 101(5) of the Local Government Act 1972 two or more authorities may discharge an of their functions by a joint committee of their functions by a joint committee of theirs. This power does not extend to executive functions.

Section 9EB of the Local Government Act 200 provides that the Secretary of State may by Regulations make provision for or in connection with permitting arrangements under Section 101(5) of the Local Government Act 1972 where any of the functions which are the subject of the arrangements are the responsibility of an executive of a local authority under executive arrangements.

Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 provides that arrangements made under Section 101(5) of the Local Government Act 1972 and at least one of those functions is the responsibility of the executive, the arrangements may provide for one joint committee to discharge all the functions which are the subject of the arrangements on behalf of those authorities.

In consequence of the foregoing the Cabinets (for executive functions) and the Councils (for non-executive functions) may delegate those functions to the oneSource Joint Committee.

**Human Resources implications and risks:** None

**Equalities implications and risks:** None

**BACKGROUND PAPERS**

None

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## Delegated Functions and Shared Services

London Borough of Havering	London Borough of Newham
Resources Directorate	Resources and Commercial Development Directorate
<p><b>Legal and Democratic Services</b></p> <ul style="list-style-type: none"> <li>• Legal Services</li> <li>• Democratic Services</li> <li>• Electoral Services</li> <li>• Leader's and Mayor's Offices</li> </ul> <p><b>Internal Shared Services</b></p> <ul style="list-style-type: none"> <li>• Operational Finance and HR</li> <li>• Operational Procurement</li> <li>• HR, Payroll Pensions and Finance Administration</li> <li>• Customer Relationship and Improvement</li> </ul> <p><b>Strategic HR and OD</b></p> <ul style="list-style-type: none"> <li>• HR Business Partners</li> <li>• Corporate HR and Change Strategy</li> <li>• Organisational Development</li> </ul> <p><b>Finance and Procurement</b></p> <ul style="list-style-type: none"> <li>• Corporate Finance</li> <li>• Strategic Finance Business Partners</li> <li>• Internal Audit, Risk, Insurance and Fraud</li> <li>• Strategic Procurement Business Partner</li> </ul> <p><b>Exchequer Services</b></p> <ul style="list-style-type: none"> <li>• Benefits</li> <li>• Council Tax and Business Rates</li> <li>• Corporate Debt Recovery</li> </ul> <p><b>Asset Management</b></p> <ul style="list-style-type: none"> <li>• Corporate and School Premises Management</li> <li>• Transport and Fleet Services</li> <li>• Technical Services (Design and Maintenance)</li> <li>• Health and Safety</li> </ul> <p><b>Business Systems</b></p> <ul style="list-style-type: none"> <li>• ICT Strategy and Operations</li> <li>• Support Centre</li> <li>• Information Governance</li> <li>• Print Unit</li> </ul>	<p><b>Legal</b></p> <ul style="list-style-type: none"> <li>• Legal Services</li> <li>• Democratic Services, Committees and Partnerships</li> <li>• Scrutiny</li> <li>• Electoral Services</li> </ul> <p><b>HR</b></p> <ul style="list-style-type: none"> <li>• Shared Service Centre</li> <li>• Strategic HR</li> <li>• Employee Services</li> <li>• People, Projects and Participation</li> <li>• Talent</li> <li>• Leadership and Organisational Development</li> <li>• Health and Safety</li> </ul> <p><b>Finance</b></p> <ul style="list-style-type: none"> <li>• Strategic Finance</li> <li>• Financial Control</li> <li>• Revenue and Exchequer Services</li> <li>• Finance Business Partnering</li> <li>• Internal Audit, Counter Fraud, Risk and Insurance</li> <li>• Procurement</li> <li>• NNDR</li> <li>• Council Tax</li> <li>• Council Tax and Housing Benefit</li> </ul> <p><b>Property and Commercial Development</b></p> <ul style="list-style-type: none"> <li>• PMO and Business Improvement</li> <li>• Facilities Management</li> <li>• Strategic Property</li> <li>• Capital Strategy and School Organisation</li> <li>• Management of Schools Capital</li> </ul> <p><b>Business Systems</b></p> <ul style="list-style-type: none"> <li>• Information Governance and Corporate Systems</li> <li>• Support Centre</li> <li>• Print Services</li> <li>• Unified Communications</li> <li>• Architectural Management</li> <li>• Contract and Supplier Management</li> <li>• Portfolio Management and Business Analysis</li> <li>• Printing Services</li> </ul>

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## APPENDIX 1

### PART 1 – HAVERING

#### Delegation to Joint Committee

A	General	New JCD reference
A1	To have overall responsibility for the provision to the client Councils of the shared services	<b>A1</b>
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation	<b>A2</b>
A3	To consider and approve the annual service plan for each shared service	<b>A3</b>
A4	To determine the strategic direction of the shared services operation	<b>A4</b>
A5	To determine any strategic issue referred to it by the Managing Director	<b>A5</b>
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	<b>A6</b>
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.	<b>A7</b>
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.	<b>A8</b>
A9	To oversee the delivery of programmes agreed by Council and Cabinet.	<b>A10</b>
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.	<b>A11</b>
A11	To authorise the making of ex gratia payments up to the limit	<b>A13</b>

<b>A</b>	<b>General</b>	<b>New JCD reference</b>
	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.	Amended to refer to limits specified in financial procedures
A12	To authorise activities under the Regulation of Investigatory Powers Act 2000.	<b>A14</b>
A13	To approve commencement of a tendering process for all contracts <b>above</b> a total contract value of £156,000.	<b>B9</b> Value amended to that specified in Contract Standing Orders
A14	To award contracts with a total contract value of under £5,000,000.	<b>B10</b>
A15	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	<b>B11</b>
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.	<b>A16</b> Title of officers updated
A17	To approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services.	<b>A17</b> Title of officers updated
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.	<b>A18</b> Amended to limit specified by the S151 officer and for MD to approve above that limit
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.	<b>A19</b>
A20	To approve honoraria payments in consultation with the service personnel manager.	<b>A20</b> Title of officers updated
A21	To approve commencement of a tendering process for, and	<b>B9</b>

<b>A</b>	<b>General</b>	<b>New JCD reference</b>
	to award all contracts below a total contract value of £156,000.	Value amended to that specified in Contract Standing Orders
A22	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	<b>B11</b>
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.	<b>A9</b>
A24	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.	<b>A21</b>
A25	To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.	<b>B16</b>
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.	<b>A11</b> Amended Financial limits

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
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.	<b>B1</b> Advising only. Determination remains with the Council
B2	To write off sums which are irrecoverable and to settle claims on behalf of the Council	<b>B3</b>
B3	To manage all matters relating to 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	<b>B5</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	to offer best value for the Council promoting good risk management practices at all 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"> <li>(i) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet</li> <li>(ii) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice</li> <li>(iii) all matters being within accepted accounting practice and standards and within statutory requirements</li> <li>(iv) any necessary reference to the Council's external Auditors.</li> <li>(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</li> <li>(vi) Reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.</li> <li>(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</li> </ul>	<b>B7</b>
B5	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Head of Strategic Human Resources and Organisational Development and the Assistant Chief Executive Legal and Democratic Services.	<b>E2</b>
B6	To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy	<b>Not delegated</b> Section 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.	<b>No delegated</b> Section 151 Officer
B8	To accept grants and the terms and conditions thereof for and on behalf of the Council.	<b>A12</b>
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.	<b>B13</b> Amended to refer to limits specified in financial procedures



<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
B10	To review and, if necessary, amend the limits in B9 above on an annual basis, following discussion with the Council's insurers.	<b>Not delegated</b> Section 151 Officer
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.	<b>Not delegated</b> Section 151 Officer
B12	To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).	<b>Deleted</b> Financial Procedures
B13	To approve the Financial Framework and any amendments to it.	<b>Not delegated</b> Section 151 Officer 1
B14	In consultation with the relevant CMT Member, to authorise virements.	<b>Not delegated</b> Section 151 Officer
B15	To make or enter into leasing arrangements for vehicles, plant and equipment.	<b>B21</b>
B16	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.	<b>B18</b>
B17	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of Internal Transactions, 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.	<b>B19</b> Director of Internal Transactions now becomes Director of Exchequer and Transactional Services

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C1	To prepare, approve and issue or serve all legal documentation on behalf of the Council.	<b>C17</b>
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.	<b>C1</b>
C3	To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.	<b>C3</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C4	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.	<b>C7</b>
C5	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.	<b>C19</b>
C6	To sign or endorse any documents on behalf of the borough where so requested by a citizen.	<b>C20</b>
C7	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	<b>C8</b>
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.	<b>C9</b>
C9	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	<b>C21</b>
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, 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.	<b>C17</b>
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. Settlements 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.	<b>C6</b> <b>Amendment of Financial limits</b>
C12	To name, rename, number and renumber streets and premises	<b>C49</b>
C13	To maintain the register of highways that are maintainable at public expense.	<b>C50</b>
C14	To arrange for the administration of all statutory appeals.	<b>C5</b>
C15	To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.	<b>Deleted</b> <b>Covered in operational powers and duties</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C16	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the director of Internal Transactions.	<b>E2</b>
C17	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Internal Transactions 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.	<b>C32</b>
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.	<b>C11</b>
C19	To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.	<b>C10</b>
C20	To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.	<b>Duplicate of C1 above</b>
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.	<b>Duplicate of C2 above</b>
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.	<b>Duplicate of C3 above</b>
C23	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	<b>Duplicate of C7 above</b>
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.	<b>Duplicate of C8 above</b>
C25	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	<b>Duplicate of C9 above</b>
C26	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the appropriate Group Director or Head of Service and to instruct legal	<b>Duplicate of C10 above</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	counsel or experts to advise or appear on any matter and to agree fees arising.	
C27	To undertake those functions assigned under: (i) art 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	<b>Deleted Superfluous</b>
C28	To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act.	<b>A14</b>
C29	To develop and implement the Council's Health & Safety Strategy	<b>Deleted Not delegated</b>
C30	To develop and implement the Council's information governance policies and protocols.	<b>Deleted Not delegated</b>
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.	<b>C28</b>
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.	<b>C31</b>
C33	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:  (a) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period) (b) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings (c) Meetings will only be arranged for Monday or Friday	<b>C27</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	evenings in exceptional circumstances.	
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.	<b>C24</b>
C35	To approve arrangements for members' training.	<b>C25</b>
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.	<b>C26</b>
C37	Undertake those functions assigned under:  (a) Part 3, Section 6 of Constitution of the London Borough of Havering: Proper Officer functions	<b>Deleted Superfluous</b>
C38	To undertake those election functions assigned to the Proper Officer in the Constitution of the London Borough of Havering.	<b>Deleted Superfluous</b>

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>	<b>New JCD reference</b>
D1	To develop the Council's e-government and t-government strategies.	<b>D1</b>
D2	To develop the Council's information systems, and information technology and e-government strategies.	<b>D2</b>
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.	<b>D3</b>
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.	<b>D4</b>
D5	Agreeing arrangements for the use of any spare capacity in any computers or associated equipment owned by the Council under Section 38 of the Local Government	<b>D5</b>

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>	<b>New JCD reference</b>
	(Miscellaneous Provisions) Act 1976	
D6	Approving sales of computer software developed and owned by the Council	<b>D6</b>
D7	Agreeing policies procedures and standards relating to the security, integrity and accessibility for ICT infrastructure and systems	<b>D7</b>

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.	<b>E1</b>
E2	Implementing policies and procedures for recruitment, retention, change/reorganisation, redundancy, retirement, early retirement, redeployment, absence, capability, conduct, Terms and Conditions of Employment, including dismissal of staff.	<b>E3</b>
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.	<b>E4</b>
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"> <li>(i) Achieving any necessary reduction through voluntary redundancy;</li> <li>(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;</li> <li>(iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and</li> <li>(iv) Arranging advertisements and assessment centres, and, subject to compliance with</li> </ul>	<b>E5</b>

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
	Contract Procedure Rules, appointing external recruitment consultants.	
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.	<b>E6</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
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.	<b>F27</b>
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.	<b>F27</b>
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.	<b>H4</b>
F4	To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.	<b>F1</b>
F5	To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxi card scheme).	<b>F30</b>
F6	In relation to the taxi card scheme: <ul style="list-style-type: none"> <li>(i) To admit to the scheme persons from the waiting list of applicants.</li> <li>(ii) To agree a higher trip limit where justified by the degree of disability of the individual Director of Asset Management</li> <li>(iii) To approve dual holding of a concessionary fares permit and a taxi card where, in view of the individual's condition, it is appropriate to do so.</li> </ul>	<b>F30</b>
F7	To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate	<b>F30</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	organisations.	
F8	To provide a security service for the Council's Administrative buildings	<b>F27</b>
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	<b>F3</b>
	To undertake marketing of any Council property.	<b>F4</b>
F10	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.	<b>F5</b>
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.	<b>F1</b>
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.	<b>Deleted – covered by other powers and duties</b>
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.	<b>F31</b>
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> <ul style="list-style-type: none"> <li>(i) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B</li> <li>(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</li> </ul>	<b>F6</b>



<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	<p>provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.</p> <p>(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.</p> <p>(iv) complying with relevant Council policy on property transactions</p> <p>(v) referring a matter for Member decision where it is proposed to recommend other than the best financial bid</p> <p>(vi) 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 &amp; Democratic Services or the Group Director Resources, where there is insufficient time or opportunity to obtain a Member decision</p> <p>(vii) Making or settling rating appeals only in the Council's financial interests.</p>	
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.	<b>F1</b>
F16	To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.	<b>F29</b>

<b>G</b>	<b>INTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
G1	To advise on, co-ordinate and manage all payroll functions on behalf of the Council.	<b>G1</b>
G2	To administer the Council's pension fund.	<b>G2</b>

<b>G</b>	<b>INTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
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.	<b>G3</b>
G4	To grant gifts for long service up to the limit specified from time to time by the Director of Finance.	<b>G4</b>
G5	To approve the arrangements for members' training and development.	<b>G5</b>
G6	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Internal Transactions 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.	<b>G6</b>
G7	To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.	<b>G7</b>
G8	To undertake the role of appointed person for the Council in all matters relating to the Disclosure and Barring Service.	<b>G8</b>
G9	To grant car and season loans to eligible staff.	<b>G9</b>

<b>H</b>	<b>EXTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
H1	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.	<b>H1</b>
H2	To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.	<b>H2</b>
H3	To act as statutory officer pursuant to for the collection of council tax and commercial rates	<b>H3</b>
H4	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.	<b>H4</b>

## APPENDIX 2

### PART 2 - NEWHAM

#### Delegation to Joint Committee

A	General	New JCD reference
A1	To have overall responsibility for the provision to the client Councils of the shared services	A1
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation	A2
A3	To consider and approve the annual service plan for each shared service	A3
A4	To determine the strategic direction of the shared services operation	A4
A5	To determine any strategic issue referred to it by the Managing Director	A5
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	A6
A7	To consider and approve the internal budget for the shared services operation within the overall financial constraints set by the client Councils and to make representation to the councils on the consequences of those restraints as appropriate.	A7
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.	A8
A9	To oversee the delivery of programmes agreed by Council and Cabinet.	A10
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.	A11 Amended so delegation to officers limited to £500k. Unlimited delegation to Joint Committee
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.	A13 Amended to refer to limits specified in Financial Procedures
A12	Granting authority to seek magistrates approval under RIPA in accordance with the agreed policy and guidance	A14 Amended now

<b>A</b>	<b>General</b>	<b>New JCD reference</b>
		included in wider delegated authority
A13	To approve commencement of a tendering process for all contracts above a total contract value of £156,000.	<b>B9</b> Value amended to that specified in Contract Standing Orders
A14	To award contracts with a total contract value of under £5,000,000.	<b>B10</b>
A15	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	<b>B11</b>
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.	<b>A16</b> Titles of officer updated
A17	To approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services.	<b>A17</b> Titles of officers updated
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.	<b>A18</b> Amended to limits specified by S151 officer and for Managing Director to approve above that limit
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.	<b>A19</b>
A20	To approve honoraria payments in consultation with the service personnel manager.	<b>A20</b> Title of officer updated
A21	To approve commencement of a tendering process for, and to award all contracts below a total contract value of £156,000.	<b>B10</b> Duplicate of A13 above
A22	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	<b>B12</b> Duplicate of A15 above
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.	<b>A9</b>

<b>A</b>	<b>General</b>	<b>New JCD reference</b>
A24	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.	<b>A21</b>
A25	To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.	<b>B16</b>
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.	<b>Deleted</b>
A27	<p>Agreeing provision to another public body under the Local Government Goods and Services Act 1970 and provision of staff under S112 and S113 of the Local Government Act 1972 (or such other provision as may permit sharing of resources between public authorities) and deciding on the charges levied for such provision provided the decision will not incur additional costs or potential redundancy costs for LBN at the end of the arrangement. If there is a potential for additional costs for LBN as a result of the arrangement or redundancy costs arising to LBN the decision will require Mayoral approval. This delegation must be read in line with delegation B7.</p> <p>This power does not extend to setting up any Joint Committee or Joint Executive.</p> <p>NOTE Subject to insurance cover approval</p>	<p><b>A22</b> Amended to include Havering (not previously delegated) and updated for cross reference to other paragraph</p>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
B1	Setting statutory Fees and Charges for Services where the fee/charge is levied under a statutory obligation to do so. Note depending on impact this maybe an officer key decision	<b>B17</b>
B2	Setting Fees and Charges (other than those provided for in delegation G1 – provision to other public bodies) where no statutory fee is applicable provided that the Mayor (in consultation with the Cabinet) must approve the levying of the fee/charge in the first instance.	<b>Not delegated</b> Section 151 Officer

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	NOTE depending on impact this may be an Officer key decision	
B3	Authorising or approving payments (not covered by A4(a) or B6). Save that the Council's policy on duplicate signatories must be complied with	<b>B4</b>
B4	Authorising payments in excess of the sum set out in delegation A4 above where the payment is due under a contract or binding Agreement, or operation of law provided the sum due is payable under the relevant instrument and the sum approved is within any limit set by the service for authorised officers to make payments. (See also B6)	<b>B4</b>
B5	Settling insurance claims – including claims for personal injury. Provided any settlement is on advice from Director with responsibility for Legal Services, Insurers and/or Director of Finance.	<b>B14</b>
B6	Writing off debts. Provided any write off must be in accordance with the Council's policy on write offs.	<b>B3</b>
B7	Making bids for external funding subject to any overall strategy approved by the Executive save where capital matched funding in excess of £500,000 outside the budget strategy shall be required from the Council or ongoing revenue spend in which case approval must be obtained from the Mayor before any bid is submitted (see Mayors Scheme of Delegation) Depending on impact or value this could be a key decision	<b>A11</b>
B8	Approving grants to voluntary organisations in accordance with the Authority's policies and budget provision under any relevant legal powers	<b>B12</b>
B9	Making arrangements under S.78 Charities Act 1993 to co-ordinate activities of the Council and any charity with similar or complementary purposes, etc.	<b>Delete Act repealed</b>
B10	Approving indemnities to officers or Members including insurance cover. Provided with the consent of the Director of Finance (as Chief Finance Officer) or Director of Legal (as Monitoring Officer) and is within the Council's agreed policy	<b>B15</b>
B11	Procurements from external sources, obtaining quotes, tendering contracts, authorising use of available frameworks, evaluating and selecting contractors provided any	<b>B8</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	<p>requirement to report to the Mayor for approval at any stage has been complied with. In consultation with the Director with responsibility for Procurement or the Head of Procurement.</p> <p>NOTE For procurement of consultants see delegation B9</p>	
B12	<p>Signing of contractual documents up to £250,000 provided in Council standard form or any variations have been approved by Legal Services or Procurement.</p> <p>Contracts over £250,000 must be executed under seal by the Director of Legal Services or his/her nominee or the requirement waived by Director with responsibility for Legal Services</p>	<b>B11</b>
B13	<p>Approving extensions and renewals to contracts taking the total value above the original agreed value of the contract and notations including extensions of Contract Hire Agreements (subject to the Code of Procurement).</p>	<b>B8</b>
B14	<p>Approving amendments or variations to contracts which will have an impact on the value of the contract where the variation is in accordance with the original approval of the Contract</p>	<b>B8</b>
B15	<p>Referring contracts to Arbitration, terminating contracts, withholding payments, enforcing contract terms (including third party rights under Contracts (Rights of Third Parties) Act 1999) and serving notices in accordance with the contract conditions</p>	<b>B8</b>
B16	<p>To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of Internal Transactions, and Director of Legal &amp; 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.</p>	<b>B19</b> <b>Director of Internal Transactions now becomes Director of Exchequer and Transactional Services</b>
B17	<p>Maintaining financial regulations</p>	<b>Not Delegated</b> <b>Section 151 Officer</b>
B18	<p>Making amendments to risk management policy and strategy</p>	<b>Not Delegated</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	with appropriate consultation with Audit Board.	<b>Section 151 Officer</b>
B19	Making appropriate arrangements for the use of banking services including accounts held jointly with others	<b>B5</b>
B20	Making provision for insurance in respect of the Council's functions, premises, property, employees, Members and third parties including self insurance	<b>B14</b>
B21	Dealing with any claims against the Council where the losses are insured including those below any excess and approve any settlements or other action in respect of such claims	<b>B14</b>
B22	Instructing the Councils Insurance providers with regard to defending any actions or threatened actions where the Council has insurance cover or is self insured.	<b>B14</b>
B23	Preparing, proposing, and implementing a treasury management policy statement, annual strategies (including an annual investment strategy) and plan for the year ahead and report at year close (for approval by Cabinet and Full Council).	<b>Not Delegated</b> <b>Section 151 Officer</b>
B24	Spending and maintaining reserves in accordance with prudential finance strategies	<b>Not Delegated</b> <b>Section 151 Officer</b>
B25	Borrowing, investing or lending money on behalf of the Authority in accordance with the Treasury Management Policy Statement, any borrowing limits and the Prudential Code. Including raising, varying, repaying loans, taking overdrafts, bonds and stock and arranging for investment of funds	<b>B5</b>
B26	Approving all loans or other financial assistance to Housing Associations/Register Social Landlords and fixing interest rates under the Housing Act in respect of any such advances	<b>Deleted</b>
B27	Maintaining relevant statutory accounts and registers in respect of the Council's financial arrangements including the maintenance of relevant separate accounts (capital and revenue) and any register of loans or loan investments	<b>B5</b>
B28	Suspending financial delegation to any school where there is a failure to comply with requirements of Financial Management under the School Standards and Framework Act 1992 (Section 51). (See also Operations Scheme of	<b>B21</b> <b>Act replaced by School Standards</b>



<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	Delegation)	and Framework Act 1998
B29	Applying for any subsidy due to the Council	<b>B5</b>
B30	Approving any incentive schemes in respect of management of the Council's housing stock including incentives for under occupation. (See also Executive Director of Operation's Scheme of Delegation)	<b>Not Delegated</b> <b>Section 151 Officer</b>
B31	Giving instructions to debt collection agencies agreeing to any form of ADR, issuing legal proceedings, applying for attachment of earnings orders, charging orders, bankruptcy and any other relevant enforcement action to recover any debt including attending creditors meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exceeding powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council.	<b>B3</b>
B32	Serving statutory demands, placing and enforcing charges, recovering interest and expenses, appointing receivers, collecting interest and expenses in connection with any debt owed to the Council	<b>B3</b>
B33	To exercise the Council's discretion to release information where statutorily permitted to do so in respect of any debt owed to the Council	<b>B3</b>
B34	Agreeing any apportionment in respect of the expenses of the Coroners Service under the Coroners Act 1988	<b>Act repealed</b>
B35	Pay any expenses incurred by Electoral Registration Officer	<b>B23</b>
B36	Calculating the Council Tax Base and keeping on deposit a copy of the valuation list.	<b>Not Delegated</b> <b>Section 151 Officer</b>
B37	Levying and collecting Council Tax in respect of dwellings in the Council's area under the Local Government Finance Act 1992 (see also the Executive Director Customer Services Scheme of Delegation)	<b>B2</b>
B38	Instituting proceedings, agreeing to any form of ADR in respect of collection of NNDR or Council Tax and other related enforcement action in respect of such actions including attending creditors meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers	<b>B2</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	and exercising powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council.	
B39	Power to levy discretionary discounts under Section 13A of the Local Government Finance Act 1992	<b>B1</b>
B40	To prepare, deposit, alter and give notice of any adopted non-domestic rating list under the Local Government Finance Act 1988	<b>B2</b>
B41	The administration, collection and recovery of non-domestic rates and exercise of powers and duties under Local Government Finance Act 1988	<b>B2</b>
B42	Providing relief from non-domestic rates under Sections 43, 45, 47 or 49 of the Local Government Finance Act 1988 as amended by Part 4 Localism Act 2011	<b>B2</b>
B43	Determining chargeable amounts payable by charities, non-profit making bodies, recreational clubs and societies and the exercise of any discretionary relief.	<b>B24</b>
B44	Exercise of the Council's functions in relation to any Business Improvement District under the Local Government Act 2000	<b>B2</b>
B45	Deciding applications for housing and council tax benefit including hardship payments and backdating including discretionary housing the calculation and recovery of over payments.	<b>B2</b>
B46	Determining whether landlords or agents are fit and proper to receive payment of benefit direct.	<b>B2</b>
B47	Revising decisions on claims for housing or council tax benefit.	<b>B2</b>
B48	Representing the Council at Appeals Service Tribunals	<b>B25</b>
B49	Proposing, adopting, implementing, and monitoring policies to tackle fraud including but not limited to Fraud Policy, Fraud Response Plan and Fraud Prosecution Policy, Annual and Strategic Internal Audit Plans, money laundering. Includes any relevant consultation with the Executive, Audit Board or Standards Advisory Committee	<b>Not Delegated</b> <b>Section 151 Officer</b>
B50	Exercising the Authority's functions and powers to administer cautions and administrative penalties with regard to benefit offences under the Social Security Fraud Act 2001.	<b>B26</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
B51	Acting as Council's reporting officer to the National Criminal Intelligence Service under the Proceeds of Crime Act.	<b>A15</b>
B52	Authorising a prosecution for fraud by an employee or third party in accordance with the Fraud Prosecution Policy.	<b>B27</b>
B53	Applying for communications Data in accordance with the powers conferred by the Social Security Fraud Act 2001	<b>B26</b>
B54	All Decisions relating to the administration of the Superannuation Fund, crediting contributions, dividends and interest and realising and making investments, providing notices to members, arranging for periodical valuations, actuarial certificates and keeping audited accounts	<b>B20</b>
B55	To exercise all powers and duties of the Council as an employer in respect of contracted-out persons under the Pensions Schemes Act 1993	<b>B20</b>
B56	To make payments of remuneration or pension payable to an officer or pensioner of the Council, specified dependants or release permitted sums under the Local Government Act 1972 Sections 118 or 119. (See also Chief Executive's Scheme of Delegation)	<b>B19</b>
B57	Approval of any discretionary payments permitted by the Superannuation Act 1972. (See also the Chief Executive's Scheme of Delegation)	<b>B19</b>
B58	Administration of Discretionary Pension powers. (See also the Chief Executive's Scheme of Delegation)	<b>B19</b>
B59	Approving any gratuity scheme for part-time workers who were not eligible to join the Superannuation Scheme in consultation with Director with responsibility for HR. (See also the Chief Executive's Scheme of Delegation)	<b>Superseded by new Act on pensions</b>
B60	To agree early retirements granted by any school governing body with delegated powers to do so and to make discretionary severance payments in accordance with regulations and guidelines for making such payments to non school based staff. (See also the Director with responsibility for Children's Social Care and Safeguarding Scheme of Delegation)	<b>B19</b>
B61	To exercise and perform any powers and duties under The Welfare Reform and Pensions Act 1999 which fall to be exercised or performed by the Council by virtue of its being	<b>B19</b>

<b>B</b>	<b>Finance (including Procurement)</b>	<b>New JCD reference</b>
	an employer (powers and duties relating to stakeholder pensions). (See also Chief Executive's Scheme of Delegation)	
B62	Apply to Secretary of State for a forfeiture certificate under S111 of the Local Government Pension Scheme Regulations (as amended) (see also the Chief Executive's Scheme of Delegation).	<b>B19</b>
B63	Determining any appeal against the terminations set out in the Superannuation Regulations 1972 in the absence of the Chief Executive or where the Chief Executive is unable to make the decision or otherwise requests that the Director for Finance deal with the appeal.	<b>Not Delegated</b> <b>Section 151 Officer</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C1	In so far as not referred to elsewhere. Instituting, proceedings, agreeing to arbitration or ADR, defending, entering a plea in, admitting facts in, giving and seeking disclosure in, settling (within budget), issuing cautions, seeking costs, taking relevant enforcement action, injunctions, confiscation and restraint orders and taking other relevant procedural action in respect of any actual or contemplated legal or other formal proceedings on behalf of or against the Authority and appearing by counsel or other person or to authorise an officer to so appear in any proceedings. Including all and any such action in relation to bringing or defending any appeal arising out of such legal proceedings.	<b>C2</b>
C2	Instituting proceedings under Section 222 of the Local Government Act 1972.	<b>C4</b>
C3	Authorising/affixing the Authority's seal to deeds and other documents	<b>C17</b>
C4	Issuing Right to Buy completion notices, and all other action in relation to RTB sales and assignments providing certificates in respect of non registered land (Right to Buy and other) paying relevant stamp duty land tax, waiving RTB discount repayments, Registry Charges/Local Land Charges, creating, waiving and enforcing easements and covenants, and discharging mortgages on behalf of the Authority and such other actions may be necessary in	<b>C46</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	relation to the sale, purchase or enforcement/creation of rights of land or property.	
C5	Exercising the Council's discretionary power under Section 133 of the Housing Act 1985	<b>C46</b>
C6	Waiving legal professional fees	<b>C33</b>
C7	Instructing Counsel to advise or represent the Council in the name of instructing solicitor	<b>C21</b>
C8	Making any application to apply a caution, withdrawing any caution, objecting to any caution, registering, or objecting to notice or interest or restriction, applying to upgrade any title.	<b>C34</b>
C9	Making arrangements in respect of all meetings of the Council, Committees, Sub-Committees and the Executive including the administration of school appeals for exclusions (see also Chief Executives scheme of delegation).	<b>C28</b>
C10	Spending a reasonable sum for the purposes of presenting an address or casket to a person on whom the title of honorary alderman or freeman has been conferred. (See also Chief Executives scheme of delegation).	<b>Deleted</b>  <b>Covered by operational powers and duties</b>
C11	Approving the attendance of a Member or Members at any conference where attendance is in the interests of the Council (See also delegation Part 2 of the Scheme of Delegations and (see also Chief Executives scheme of delegation).	<b>C26</b>
C12	Approving travelling and subsistence claims of Members in accordance with the agreed Scheme (See also Part 2 of the Scheme of Delegations and see also Chief Executives scheme of delegation).	<b>C29</b>
C13	Approving expenditure for Members' library and other resources and development, as necessary to enable them to carry out their office and the functions of the Authority. (See also Part 2 of the Scheme of Delegations)	<b>C29</b>
C14	To grant use of the Newham coat of arms and agree the purchase of badges for holders of civic office. (see also Chief Executives scheme of delegation)	<b>C30</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C15	To provide and furnish halls, offices and other buildings for the use of public meetings (See also delegation in Part 2 of the Scheme of Delegations)	<b>C24</b>
C16	Prepare and Comment on reports where maladministration is found and manage the process of dealing with the finding.	<b>Not delegated</b> <b>Monitoring Officer</b>
C17	Ensure appropriate arrangements are made to comply with the Council's duties in respect of the provision of an effective Overview and Scrutiny Committee and function.	<b>Deleted</b> <b>Covered by operational powers and duties</b>
C18	Co-ordinate and implement an annual programme of Scrutiny reviews.	<b>Deleted</b> <b>Covered by operational powers and duties</b>
C19	Confirming CPOs	<b>C35</b>
C20	To agree to waiver the Council's legal professional fees in relation to any land transaction	<b>Duplicate – same as C6 above and C29, 44 &amp; 51 below</b>
C21	To give notice, publish and take any necessary action in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 but not confirming CPO's	<b>C35</b>
C22	To register a notice, apply for a certificate, under The Rights of Light Act 1959 Section 2 (also see Regeneration scheme of delegation)	<b>C36</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C23	To publish notice of any intention to dispose of open space under The Local Government Act 1972 and The Town and Country Planning Act 1959 (Section 26) or instruct the Director for Legal to do so	<b>C37</b>
C24	To agree payments for relevant professional fees incurred by the Council by lessees or prospective lessees of the Council's commercial premises (but not waiver for Legal fees which is dealt with above).	<b>C38</b>
C25	To serve any notices and exercise any powers and duties including payment of compensation arising out of the Council's ownership of land	<b>C39</b>
C26	Approval of claims of costs for successful objectors to CPO	<b>C35</b>
C27	Issuing Right to Buy completion notices, and all other action in relation to RTB sales and assignments providing certificates in respect of non registered land (Right to Buy and other) paying relevant stamp duty land tax, waiving RTB discount repayments, Registry Charges/Local Land Charges, creating, waiving and enforcing easements and covenants, and discharging mortgages on behalf of the Authority and such other actions maybe necessary in relation to the sale, purchase or enforcement/creation of rights of land or property.	<b>Duplicate – same as C4 above</b>
C28	Exercising the Council's discretionary power under Section 133 of the Housing Act 1985	<b>Duplicate – same as C4 above</b>
C29	Waiving legal professional fees	<b>Duplicate – same as C6, C20 above and C44 and C51 below</b>
C30	Instructing Counsel to advise or represent the Council in the name of instructing solicitor	<b>Duplicate – same as C7 above and C65 below</b>
C31	Making any application to apply a caution, withdrawing any caution, objecting to any caution, registering, or objecting to notice or interest or restriction, applying to upgrade any title.	<b>Duplicate – same as C8 above</b>
C32	Making arrangements in respect of all meetings of the	<b>Duplicate –</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	Council, Committees, Sub-Committees and the Executive including the administration of school appeals for exclusions (see also Chief Executives scheme of delegation).	<b>same as C9 above</b>
C33	Spending a reasonable sum for the purposes of presenting an address or casket to a person on whom the title of honorary alderman or freeman has been conferred. (See also Chief Executives scheme of delegation).	<b>Duplicate – same as C10 above</b>
C34	Approving the attendance of a Member or Members at any conference where attendance is in the interests of the Council (See also delegation Part 2 of the Scheme of Delegations and (see also Chief Executives scheme of delegation).	<b>Duplicate – same as C11 above and C70 below</b>
C35	Approving travelling and subsistence claims of Members in accordance with the agreed Scheme (See also Part 2 of the Scheme of Delegations and see also Chief Executives scheme of delegation).	<b>Duplicate - same as C12 above and C71 below</b>
C36	Approving expenditure for Members' library and other resources and development, as necessary to enable them to carry out their office and the functions of the Authority. (See also Part 2 of the Scheme of Delegations)	<b>Duplicate – same as C13 above</b>
C37	To grant use of the Newham coat of arms and agree the purchase of badges for holders of civic office. (see also Chief Executives scheme of delegation)	<b>Duplicate – same as C14 above</b>
C38	To provide and furnish halls, offices and other buildings for the use of public meetings (See also delegation in Part 2 of the Scheme of Delegations)	<b>Duplicate – same as C15 above</b>
C39	Prepare and Comment on reports where maladministration is found and manage the process of dealing with the finding.	<b>Duplicate – same as C16 above</b>
C40	Ensure appropriate arrangements are made to comply with the Council's duties in respect of the provision of an effective Overview and Scrutiny Committee and function.	<b>Duplicate – same as C17 above</b>
C41	Co-ordinate and implement an annual programme of Scrutiny reviews.	<b>Duplicate – same as C18 above</b>



<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C42	Confirming CPOs	<b>Duplicate – same as C19 above</b>
C44	To agree to waiver the Council’s legal professional fees in relation to any land transaction	<b>Duplicate – same as C6 , C20, C29 above and C44, C51 below</b>
C45	To give notice, publish and take any necessary action in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 but not confirming CPO’s	<b>Duplicate – same as C21 above and C52 below</b>
C46	To register a notice, apply for a certificate, under The Rights of Light Act 1959 Section 2 (also see Regeneration scheme of delegation)	<b>Duplicate – same as C22 above</b>
C47	To publish notice of any intention to dispose of open space under The Local Government Act 1972 and The Town and Country Planning Act 1959 (Section 26) or instruct the Director for Legal to do so	<b>Duplicate – same as C23 above</b>
C48	To agree payments for relevant professional fees incurred by the Council by lessees or prospective lessees of the Council’s commercial premises (but not waiver for Legal fees which is dealt with above).	<b>Duplicate – same as C24 above</b>
C49	To serve any notices and exercise any powers and duties including payment of compensation arising out of the Council’s ownership of land	<b>Duplicate – same as C25 above</b>
C50	Approval of claims of costs for successful objectors to CPO	<b>Duplicate – same as C26 above</b>
C51	To agree to waiver the Council’s legal professional fees in	<b>Duplicate –</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	relation to any land transaction	<b>same as C6, C20, C29 and C44 above</b>
C52	To give notice, publish and take any necessary action in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 but not confirming CPO's	<b>Duplicate – same as C29 and C45 above</b>
C53	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.	<b>C7</b>
C54	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.	<b>C19</b>
C55	To sign or endorse any documents on behalf of the borough where so requested by a citizen.	<b>C20</b>
C56	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	<b>C8</b>
	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.	<b>C9</b>
C57	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	<b>C21</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
C58	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.	<b>Duplicate – same as C7 and C30 above</b>
C59	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.	<b>C6</b>
C60	To arrange for the administration of all statutory appeals.	<b>C28</b>
C61	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the director of Internal Transactions.	<b>E2</b>
C62	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Internal Transactions 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.	<b>C32</b>
C63	Authorising officers to attend court and appear on behalf of the Council under S.223 Local Government Act 1972 and the County Courts Act 1984	<b>C10</b>
C64	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	<b>Duplicate – same as C57 above</b>
C65	To instruct and/or seek the opinion of legal counsel and/or external to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	<b>Duplicate – same as C7 and C30 above</b>
C66	Granting authority to seek magistrates approval under RIPA in accordance with the agreed policy & guidance	<b>A14</b>
C67	Authorising officers and Single Point of contact for	<b>A14</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	communications data (see Executive Director of Resources Scheme for powers under Social Security Act)	
C68	Signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority	<b>C13</b>
C69	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.	<b>C31</b>
C70	Approving the attendance of a Member or members at any conference where attendance is in the interests of the Council	<b>Duplicate – same as C11 and C34 above</b>
C71	Approving travelling and subsistence claims of Members in accordance with the agreed Scheme	<b>Duplicate – same as C12 and C35 above</b>
C72	Approving compensatory payments under section 92 Local Government Act 2000	<b>C40</b>
C73	Administering cautions in any criminal proceedings.	<b>C14</b>
C74	Applying for Confiscation Orders, restraint, Charging Orders, deduction of wages, injunctions, possession and any other appropriate orders in connection with all criminal legal proceedings initiated by the Council	<b>C15</b>
C75	Settling claims (other than Employment Tribunal claims, debts and those covered by insurance) including Part 36 offers with the approval of the Director with responsibility for Legal Services. Approval of the Director of Finance (as Chief Finance Officer) is required where the settlement will have a detrimental budget impact or require use of contingencies.	<b>C6</b>
C76	Providing legal support (including payment of external lawyers' fees etc.) to staff assaulted in the course of their duties. Includes agreeing any conditions applicable including a cap on contributions and circumstances for repayment	<b>C48</b>
C77	Authorising officers to use powers of entry and seizure where permitted in law. (See Executive Director of	<b>C42</b>

<b>C</b>	<b>Legal &amp; Governance</b>	<b>New JCD reference</b>
	Resources and Commercial Development Scheme for specific powers under the Social Security Act)	
C78	Discharging miscellaneous Local Government functions and powers such as accepting gifts on behalf of the Council, advertising Council services, promoting involvement in democracy and promoting the area. Provided any requirement to consult with the Councils communications service is adhered to.	<b>Deleted – covered by operational powers and duties</b>
C79	Applying to register any Land Charge, search the Land Charges Register pay any request fee and request Office Copy Entries from Land Registry	<b>C43</b>
C80	Authorise the taking of photocopies of material open for public inspection under a statutory requirement as permitted by copyright Designs & Patents Act 1984	<b>C47</b>
C81	Serving notice on registered keeper of vehicle requiring information about the identity of driver person in charge of the vehicle in relation to any offence concerning the vehicle and instructing Legal Services to bring proceedings for C45failure to provide information	<b>C44</b>
C82	Serving notices on occupiers of any land or premises requiring them to furnish information regarding details of all those with an interest in the land	<b>C45</b>

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>	<b>New JCD reference</b>
D1	To develop the Council's e-government and t-government strategies.	<b>D1</b>
D2	To develop the Council's information systems, and information technology and e-government strategies.	<b>D2</b>
D3	To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to	<b>D3</b>

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>	<b>New JCD reference</b>
	staff and members.	
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.	<b>D4</b>
D5	Agreeing arrangements for the use of any spare capacity in any computers or associated equipment owned by the Council under Section 38 of the Local Government (Miscellaneous Provisions) Act 1976	<b>D5</b>
D6	Notifying all staff of any electronic communications monitoring routinely carried out	<b>Deleted – covered by operational powers and duties</b>
D7	Approving sales of computer software developed and owned by the Council	<b>D6</b>
D8	Agreeing policies procedures and standards relating to the security, integrity and accessibility for ICT infrastructure and systems	<b>D7</b>
D9	Maintaining the Council's Publication Scheme, the Freedom of Information Act charging policy and re-use policy	<b>Deleted – not delegated</b>

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.	<b>E1</b>
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.	<b>E3</b>
E3	To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment.	<b>E4</b>

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
	Where there is a cost implication, a report must be made to the Cabinet.	
E4	<p>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;</p> <ul style="list-style-type: none"> <li>(i) Achieving any necessary reduction through voluntary redundancy;</li> <li>(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;</li> <li>(iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and</li> <li>(iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.</li> </ul>	<b>E5</b>
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.	<b>E6</b>
E6	Approval of staffing related Equalities Impact Assessments	<b>E7</b>
E7	Approval of service related equalities impact assessment	<b>E7</b>
E8	Agreeing policies and procedures for recruitment, retention, change/reorganisation, redundancy, redeployment, absence, capability, conduct, Terms and Conditions of Employment, including dismissal of staff under Section 112 of the Local Government Act 1972 in consultation with Head of Paid Service and SLG/CMT where appropriate. (See also Chief Executive's Scheme of Delegation)	<b>E2</b>  Implementation of policies, not approval
E9	Approval of staffing related Corporate policies and procedures (including those related to Health and Safety)	<b>E2</b>

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
	not otherwise referred to in delegation EDR43 [where those are not specifically reserved to the Mayor in his Scheme of Delegation or where they affect the terms and conditions of staff and would be a non executive matter] in consultation with NEB where appropriate and Head of Paid Service. (See also Chief Executive's Scheme of Delegation)	Implementation of policies, not approval
E10	Evaluating job descriptions and approving changes to job grading and issuing statements of particulars to all staff.	<b>E2</b>
E11	Designing and implementing job application forms and criteria.	<b>Deleted-covered by operational powers and duties</b>
E12	Comply with and exercise powers and duties of the Authority as an employer under the Transfer of Undertakings (TUPE) Regulations.	<b>E8</b>
E13	Appointing or engaging trainers to facilitate the Council's corporate training scheme and managing the corporate management training programme in compliance with relevant procurement rules	<b>E9</b>
E14	Consulting with recognised Trades Unions and in particular in respect of redundancies under the Trade Union and Labour Relations (Consolidation) Act 1992, s.188 including giving all appropriate notices.	<b>E10</b>
E15	Complying with, exercising and performing powers and functions of the Authority as an employer under the Trade Union and Labour Relations (Consolidation) Act 1992	<b>E11</b>
E16	Giving notice of redundancy, make redundancy payments, serve counter notices and written statements of redundancy calculations under ERA 1996 Sections 135, 143, 149 and 165 (save that any pension payments payable shall be subject to the relevant pensions decisions as provided for elsewhere in the Scheme of Delegation).	<b>E12</b>
E17	In a redundancy situation, consideration of the suitability of alternative employment and the impact on redundancy pay of an employee's rejection of the alternative role and reasons for refusal	<b>E2</b>



<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>New JCD reference</b>
E18	In a redundancy situation, deciding to end the trial period for potential suitable alternative employment before the end of the normal four weeks or not to confirm the employee in post at the end of the trial period.	<b>E2</b>
E19	Exercising any powers in respect of statutory sick, parental, incapacity or industrial injuries pay under The Social Security Administration Act 1992, Social Security Contributions and Benefits Act 1982 or in relation to the reserve forces under the Reserve Forces (Safeguard of Employment) Act 1985 and Reserve Forces Act 1996.	<b>E13</b>
E20	Adjusting payment to officers, implementing binding decisions of national negotiating bodies and implementing single status agreement	<b>E2/E3</b>
E21	Giving effect to a governing body's decision in respect of the remuneration and other terms of employment of school teachers and any pay and conditions orders made by the Secretary of State in accordance with any guideline issued under Education Act 2002 Sections 10, 122 and 127. (See also Chief Executive's and the Executive Director with responsibility for Children and/or Education Services Scheme of Delegation)	<b>E14</b>
E22	Applying for and giving notices or information in respect of any attachment of earnings orders made in relation to any debtor who is an employee of the Council under Attachment of Earnings Act 1971 Sections 07, 15 and 16	<b>E15</b>
E23	Approving applications for specific staff monitoring where warranted under the Council's policy and in accordance with the Information Commissioners Code	<b>E16</b>
E24	Amendments to the Council's whistle blowing policy in consultation with the Audit Board and Standards Committee	<b>E17</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
F1	Disposing of assets (other than land) provided best possible price is obtained.	<b>F7</b>
F2	Disposing of assets (other than land) with no value (this	<b>F11</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	does not include disposal at nil value/peppercorn where the asset has a value. Such disposals are covered by C1).	
F3	<p>The approval of the disposal of any freehold or leasehold land (other than commercial or industrial tenancies of single units at full market value for 20 years or less) where the capital of the value does not exceed the stated value in the delegation (£10,000 for voluntary or community groups) (excluding disposals of commercial premises, statutory rights such as Right to Buy, enfranchisement or a statutory right to lease extension).</p> <p>All disposals must have the approval of the Director with responsibility for Property Services</p>	<b>F7</b>
F4	Disposing of land and property within the postholders portfolio or remit where the disposal is subject to a statutory requirement to do so. Provided in consultation with Director with responsibility for Property Services.	<b>F8</b>
F5	The approval of the disposal of any commercial shop or industrial unit for a lease of 20 years or less on the Council's usual terms and conditions at full market rental with a capital values of £500,000 or more (or £50,000 or more for voluntary or community groups)	<b>F7</b>
F6	Acquiring freehold or leasehold land in consultation with Director with responsibility for Property Services. Purchases over £500,000 must be approved by the Mayor	<b>F9</b>
F7	Applying for planning permission from the Council on Council owned land and in consultation with Director with responsibility for Property Services.	<b>F13</b>
F8	Serving Notices to Quit, Notices Seeking Possession and tenants notices; exercising any duty to compensate in respect of land matters or re-housing duties, enforcing covenants; serving notices relating to land; and disposal of property left on land. Where such actions are outside the Council's housing landlord function any notice or compensation calculation must be in consultation with the	<b>F15</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	Director with responsibility for Property Services.	
F9	Agreeing decant status for occupiers of premises subject to a Regeneration Scheme, disposal programme or land assembly scheme. Up to 50 tenants where scheme cost is within officers delegated authority.	<b>F12</b>
F10	Licensing of access works and demolition on Council owned land and property. If approved by Property Services	<b>F16</b>
F11	Enforcement of street trading if approved by the Director of Business Systems, Property and Commercial Development or Markets Development Manager or Director for Enforcement and Safety.	<b>Deleted – authorised by other officers</b>
F12	Enter into planning and highway agreements on Council owned land (but not public highway) and where the Council is not planning authority (e.g. Thames Gateway, UDC area)	<b>F14</b>
F13	Provision and maintenance of any theatre, concert hall, entertainment room, reading room, pavilion, bandstand, refreshment rooms, cloakrooms, lavatories and the like for the provision of concerts and other entertainments and of developing and improving the knowledge of arts and crafts under Sections 4 and 5 of the London County Council (General Powers) Act 1947 and Section 145 of the Local Government Act 1972.	<b>F27</b>
F14	Carry out full range of functions to provide necessary support to deliver the Council's Primary and Secondary school building programmes and schools asset management in so far as the function is not contained within the portfolio of the Executive Director for Operations	<b>Deleted – covered by other powers and duties</b>
F15	Provide project and programme office support for the delivery of the Council's programme of projects across the Council and ensuring compliance with corporate standards	<b>Deleted – covered by general powers and duties</b>
F16	Support the Council's business improvement processes through; provision of project managers and project support including undertaking business process reviews and service	<b>Deleted – covered by general powers and duties</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	improvement projects	
F17	Provide project and programme office support for the delivery of the Council's programme of projects across the Council and ensuring compliance with corporate standards	<b>Deleted – covered by general powers and duties</b>
F18	To ensure compliance with the Council's Carbon Reduction Commitment Energy Efficiency Scheme	<b>F32</b>
F19	Preparing, proposing, and implementing a Corporate Asset Management Plan and Corporate Property Strategy for the Council's property assets.	<b>F2</b>
F20	Duty maintain and publish a list of land which is of community value known as "List of assets of Community Value" in the borough under section 87 of the Localism Act 2011.	<b>F25</b>
F21	Duty to review a decision to include land in the list of assets of community value when requested under section 92 of the Localism Act 2012	<b>F25</b>
F22	Under section 87 of the Localism Act 2011 determining the form and content of lists of assets of community value.	<b>F25</b>
F23	Duty to maintain and publish a list of unsuccessful community land nominations under section 93 of the Localism Act 2011.	<b>F25</b>
F24	Duty to publicise receipt of notice of disposal of land of community value which is on the list of assets of community value under section 97 of the Localism Act 2011.	<b>F25</b>
F25	Calculation and payment of any statutory compensation due to landowners whose property is on the list of land of community value.	<b>F25</b>
F26	Duty to inform owner of land of request to be treated as bidder under section 98 of the Localism Act 2011.	<b>F25</b>
F27	To instruct Legal Services to apply for (or to vary, discharge, suspend etc.) and to comply with access orders under the Access to Neighboring Land Act 1992	<b>F19</b>
F28	To instruct legal services to give notice, publish and take any necessary action in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981, and pay or	<b>F24</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, settle claims of costs for successful objectors and such functions and powers pursuant to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 and any such other powers and duties as the Council may have arising out of the Council's ownership of land.	
F29	To apply for a certificate from the local planning authority, issue appeals, give notice of proposal to carry out development, give notice or instruct Legal Services to give notice of withdrawal of any notice to treat and approve consequential compensation and home loss payments under the Land Compensation Acts 1961 and 1973 in respect of Compulsory Purchases	<b>F24</b>
F30	To instruct Legal services to object to a compulsory purchase order in respect of land owned by the Council, and to apply to the High Court to question the validity of a compulsory purchase order or any provision contained therein under the Acquisition of Land Act 1981	<b>F24</b>
F31	To instruct legal services to recover compensation, home loss, disturbance, reach agreement, accept undertakings, redeem mortgages and such functions and powers in relation to any compulsory purchase order in respect of land owned by the Council under the Compulsory Purchase (Vesting Declarations) Act 1981, the Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973	<b>F24</b>
F32	TOWN AND COUNTRY PLANNING ACT 1990 in so far as it relates to extinguishment of rights including service of notices, counter-notices, withdrawal of such notices and associated applications in respect of any statutory undertaker or telecommunications code system operator in any land compulsorily acquired by the Council and to pay compensation as set out in sections 271,272, 273, 279, 280 and 282.	<b>F15</b>
F33	To consent to an application to register land as common hold and to instruct Legal Services to make an application to court under The Common hold and Leasehold Reform Act	<b>F12</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	2002	
F34	Give notice to the appropriate highway authority and give notice to the appropriate authority so as to negative any intention to dedicate a highway under The Highways Act 1980 Section 31	<b>F15</b>
F35	The approval of the disposal of any freehold or leasehold land and/or property with a capital value up to £500k, with the exception of disposals to community and/or voluntary groups in which case the authority shall be limited to a capital value up to £10,000 or in excess of that if approved by Mayor's decision (excluding statutory rights such as Right to Buy, enfranchisement or a statutory right to lease extension or commercial leases which are dealt with in delegation RPP11 below)	<b>F7</b>
F36	Acquisition of land on a freehold or leasehold basis with a capital value of up to £500,000 in consultation with the relevant Chief Officer in accordance with Section 2 of this Scheme of Delegation.	<b>F9</b>
F37	Approval of disposal of leases of commercial shop units (on the Council's usual terms at full market rental for 20 years or less and capital value up to £500,000) and land where required as the result of the exercise of statutory right, such as Right to Buy or Enfranchisement	<b>F7</b>
F38	To acquire and dispose of land and premises, agree and discharge restrictive covenants, accept and require easements, rights or privileges in respect of any land, including the grant of licences. Subject to approval of the Mayor where required by the thresholds set out in Mayor's Scheme of Delegation and the authority of the relevant Executive Director for the service disposing of or acquiring such land or premises. Carry out such soil surveys, structure surveys and other checks necessary to ensure due diligence in respect of such land transactions, and authorise others to carry out such surveys in respect of the land owned by the Council whether under the Land Registration Act 1925 or other legislation.	<b>F7</b> <b>F9</b>
F39	To negotiate all relevant terms including as to payment of professional fees (but not the waiver of legal professional fees) in respect of the letting and management of commercial premises owned by the Council, apply rent reviews and serve all relevant notices in respect of such	<b>F21</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	premises or instruct the Director Legal Services to issue such notices whether under the lease or statutory provision including retrieval assignments, variations, termination, contracting out of the 1954 Act, and enforcement of such commercial leases and all other relevant landlord action under the Landlord and Tenant Acts and related status	
F40	To agree or request guarantee agreements, rent deposits, overriding leases, release from covenant, apportion liability under covenants and agree compensation for Leases or Tenancies under The Landlord and Tenant Act 1927 and Landlord and Tenant (Covenants) Act 1995)	<b>F17</b>
F41	To register a notice, apply for a certificate (or instruct the Director for Legal Services to do so) under the Rights of Light Act 1959 (S2)	<b>F15</b>
F42	To give any notice, apply to court or lands tribunal, deal with charges, act as mortgagee in possession, deal with proceeds as mortgagee, grant licences and surrender leases (or instruct the Director Legal Services to take any of these actions) under The Law of Property Act 1925	<b>F19</b>
F43	To repair, maintain and insure premises in accordance with the terms of any lease and statutory requirement	<b>F12</b>
F44	To seek mortgagor's consent for the transfer of any interest the Council has as mortgagee under Section 7 of The Local Government Act 1986	<b>F17</b>
F45	To propose the alteration of the valuation list or raise objections to any proposed alteration in respect of any property owned by the Council and appealing to the valuation tribunal in respect of such proposals under The Local Government Finance Act 1988 Section 55.	<b>F23</b>
F46	To carry out rent reviews or Lease renewals	<b>F20</b>
F47	To assess the market value and the value of any improvements on which the sale price should be based for the purposes of sale under the Right to Buy Provisions	<b>F3</b>
F48	To grant wayleaves and easements to, and enter similar agreements with statutory undertakers and other bodies, relating to services supplied or transmitted across or under premises under the control of the Authority, provided that where the premises are in occupational use by another department this decision is taken in conjunction with the	<b>F15</b>

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	Relevant Executive Director or Relevant Service Head	
F49	To provide valuations of land for the purposes of acquisition and disposal by the Council	<b>F3</b>
F50	To serve any notices extinguishing the rights of statutory undertakers or telecommunications operators (or instruct the Director Legal Services to do so), to pay compensation arising out of such action and refer any dispute to the Land Tribunal under the Town and Country Planning Act 1990, Sections 271, 272, 273, 279 and 282	<b>F15</b>
F51	To approve the Council's participation in Section 106 agreements where the Council is joined in the agreement as landowner. Provided the terms of the Section 106 agreement are in accordance with any decision to dispose of the land.	<b>F14</b>
F52	Tribunals Courts And Enforcement Act 2007 - section 72 To use the procedure under Schedule 12 of this Act for the purpose of recovering rent payable under a lease of commercial premises. Sections 81 and 83 To serve, withdraw or replace notice on a sub-tenant of commercial premises demanding payment of rent to the Council as head lessor rather than to the immediate tenant and to comply with and exercise and perform any powers and duties contained in any regulations made under this section with regard to the serving of such notices.  Section 83	<b>F19</b>
F53	To exercise and perform any powers and duties contained in Part 1 of the Landlord and Tenant Act 1927 which may or shall be exercised or performed by the Council by virtue of its being the Landlord or Tenant as the case may be of any business tenancies. Including compensation for improvements and goodwill on the termination of business tenancies.	<b>F22</b>
F54	To keep a copy of any register sent to the Council under Part X Local Government Planning and Land Act 1980 (register of land held by public bodies) available for inspection, provide copies of such register on payment of a reasonable charge and to amend such register on being	<b>F26</b>



<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>New JCD reference</b>
	notified of amendments made by the Secretary of State. Notify the Secretary of State of any inaccuracies and comply with any directions and make representations as to why proposed directions should not be given or as to the proposed content of any such directions.	
F55	To serve notice on the tenant under sections 1 and 3 Landlord and Tenant Act 1988 in response to applications seeking consent for any of the actions to which these sections apply (assignments, underletting etc) taken by the tenant of the subtenant.	<b>F22</b>
F56	To exercise and perform any powers and duties contained in the Leasehold Property Repairs Act 1938 which may or shall be exercised or performed by the Council by virtue of its being the landlord or tenant of any premises as the case may be. (Enforcement by Landlord of obligation to repair).	<b>F22</b>
F57	To publish notice of any intention to dispose of open space under the Local Government Act 1972 and the Town and Country Planning Act 1959 (s26) or instruct the Director for Legal to do so	<b>F18</b>
F58	Giving instructions to debt collection agencies, issuing legal proceedings, applying for attachment of earnings orders, charging orders, bankruptcy and any other relevant enforcement action to recover any debt including attending creditors meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exceeding powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council. (see also Executive Director Customer Services, Regeneration and Part 2 Schemes of Delegation)	<b>F28</b>
F59	Serving statutory demands, placing and enforcing charges, recovering interest and expenses, appointing receivers, collecting interest and expenses in connection with any debt owed to the Council (see also Executive Director Customer Services, Regeneration and Part 2 Schemes of Delegation)	<b>F28</b>
F60	To exercise the Council's discretion to release information where statutorily permitted to do so in respect of any debt owed to the Council (see also Executive Director Customer Services, Regeneration and Part 2 Schemes of Delegation)	<b>F28</b>

<b>G</b>	<b>INTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
G1	To advise on, co-ordinate and manage all payroll functions on behalf of the Council.	<b>G1</b>
G2	To administer the Council's pension fund.	<b>G2</b>
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.	<b>G3</b>
G4	To grant gifts for long service up to the limit specified from time to time by the Director of Finance.	<b>G4</b>
G5	To approve the arrangements for members' training and development.	<b>G5</b>
G6	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Internal Transactions 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.	<b>G6</b>
G7	To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.	<b>G7</b>
G8	To undertake the role of appointed person for the Council in all matters relating to the Disclosure and Barring Service.	<b>G8</b>
G9	To grant car and season loans to eligible staff.	<b>G9</b>

<b>H</b>	<b>EXTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
H1	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.	<b>H1</b>
H2	To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.	<b>H2</b>
H3	To act as statutory officer pursuant to for the collection of council tax and commercial rates	<b>H3</b>

<b>H</b>	<b>EXTERNAL TRANSACTIONS</b>	<b>New JCD reference</b>
H7	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.	<b>H4</b>

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## APPENDIX 3



<b>Functions delegated by LBH and LBN to the Joint Committee</b>	
<b>A</b>	<b>General</b>
A1	To have overall responsibility for the provision to the client Councils of the shared services
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation
A3	To consider and approve the annual service plan for each shared service
A4	To determine the strategic direction of the shared services operation
A5	To determine any strategic issue referred to it by the Managing Director
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
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.
A8	To incur expenditure within the OneSource 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.
A9	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.
A10	To oversee the delivery of programmes agreed by Council and Cabinet.
A11	After consultation with the relevant Cabinet Member to apply for, accept and a. manage external funding to an unlimited amount in support of any function; b. as above up to a financial limit of up to £500k.
A12	To accept grants and the terms and conditions thereof for and on behalf of the Council.
A13	To authorise the making of ex gratia payments up to the limit specified in the financial procedures where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.
A14	To authorise activities under the Regulation of Investigatory Powers Act 2000

<b>Functions delegated by LBH and LBN to the Joint Committee</b>	
<b>A</b>	<b>General</b>
A15	Acting as Council's reporting officer to the National Criminal Intelligence Service under the Proceeds of Crime Act.
A16	Payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made after consultation with Director of Human Resources or the Director of Legal & Governance.
A17	To approve applications for leave for trade union conferences and training courses after consultation with the Director of Human Resources.
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 S151 officers.  Payment above the limit specified from time to time.
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.
A20	To approve honoraria payments after consultation with the Director of Human Resources.
A21	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services in accordance with the financial regulations and procedures.
A22	Agreeing provision to another public body under the Local Government Goods and Services Act 1970 and provision of staff under S112 and S113 of the Local Government Act 1972 (or such other provision as may permit sharing of resources between public authorities) and deciding on the charges levied for such provision provided the decision will not incur additional costs or potential redundancy costs for the councils at the end of the arrangement.  If there is a potential for additional costs for the councils at the end of the arrangement or redundancy costs arising to one of the councils the decision will require Mayoral approval (LBN) or Executive approval (LBH).

<b>Functions delegated by LBN and LBH to the Joint Committee</b>	
<b>B</b>	<b>Finance (including Procurement)</b>
B1	<p>To:</p> <ul style="list-style-type: none"> <li>• Advise on revenue and capital budgets of the Council, including the Housing Revenue Account and advising on housing rent levels</li> <li>• Monitor the revenue and capital budgets of the Council, including the Housing Revenue Account</li> </ul>
<b>Council Tax/Housing Benefit/NNDR</b>	
B2	<ul style="list-style-type: none"> <li>• Levying, collecting and recovery of Council Tax in respect of dwellings in the Council's area under the Local Government Finance Act 1992</li> <li>• The administration, collection and recovery of non-domestic rates and exercise of powers and duties under Local Government Finance Act 1988.</li> <li>• To prepare, deposit, alter and give any adopted non-domestic rating list under the Local Government Finance Act 1988.</li> <li>• Providing relief from non-domestic rates under Section 43, 45, 47 or 49 of the Local Government Finance Act 1988 as amended by Part 4 Localism Act 2011.</li> <li>• Power to levy discretionary discounts under Section 13A of the Local Government Finance Act 1992</li> <li>• Exercise of the Council's powers and duties in respect of housing and Council tax benefits</li> <li>• Determine hardship payments and backdating including discretionary payments or discounts and calculation and recovery of over payments</li> <li>• Determining whether landlords or agents are fit and proper to receive payment of benefit direct.</li> <li>• Revise decisions on claims for housing or council tax benefit</li> <li>• Instituting proceedings, agreeing to any form of ADR in respect of collection of NNDR or Council Tax and other related enforcement action in respect of such options including attending creditor meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exercising powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council.</li> <li>• Exercise of the Council's functions in relation to any Business Improvement District under the Local Government Act 2000</li> </ul>
B3	<ul style="list-style-type: none"> <li>• To write off sums which are irrecoverable pursuant to financial procedures</li> <li>• To settle claims on behalf of the Council in compliance with the Council's write off policy in compliance with financial procedures</li> <li>• Give instructions to debt collection agencies with regards to all processes pursuant to the financial procedures to recover debts owed to the Council</li> <li>• Serving statutory demands and placing and enforcing charges, recovering interest and expenses, appointing receivers.</li> <li>• Institute proceedings and enforcement action to recover debts</li> <li>• To exercise the Council's discretion to release information where statutorily permitted to do so in respect of any debt owed to the Council</li> </ul>
B4	Authorising or approving purchase orders and payments pursuant to the limits set out in the financial procedures.

<b>Functions delegated by LBN and LBH to the Joint Committee</b>	
<b>B</b>	<b>Finance (including Procurement)</b>
B5	<ul style="list-style-type: none"> <li>• To manage the Council's loan debt (including borrowing, investing or lending money on the behalf of the Authority), 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 at all times subject to compliance to the financial procedures, Treasury Management Policy Statement and borrowing limits and Prudential Code.</li> <li>• To apply for any subsidy due to the Council</li> <li>• To prepare, propose and implement a treasury management policy statement, annual strategies pursuant to the councils' financial regulations and procedures.</li> <li>• To maintain relevant statutory accounts and registers in respect of the Council's financial arrangements as prescribed in the financial regulations.</li> </ul>
B6	Approving all loans in accordance with the financial regulations and procedures.
B7	<p>To undertake all other financial matters arising within the Council, subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• authority to incur expenditure being approved or sanctioned by the Council or the Cabinet as appropriate pursuant to limits stipulated in the financial procedures or otherwise</li> <li>• powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice</li> <li>• all matters being within accepted accounting practice and standards and within statutory requirements</li> <li>• any necessary reference to the Council's external Auditors.</li> <li>• an annual report being presented to the relevant committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year</li> <li>• reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.</li> <li>• To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio after consultation with the Chair of the relevant committee.</li> <li>• All financial functions except ones retained by S151 officers of the respective councils.</li> </ul>
B8	<ul style="list-style-type: none"> <li>• With regards to contracts, obtaining quotes, to provide tender documents and specifications, invite tenders, evaluate tenders (PQQ) and make recommendations to award tender or select contractors using available frameworks in compliance with the council's procedure rules</li> <li>• Approving contractual documents up to the values stated in the financial procedures including contractual extensions and renewals, amendments or variations to contracts</li> <li>• Referring contracts to arbitration, terminating contracts, withholding payments, enforcing contract terms pursuant to financial procedures.</li> </ul>



<b>Functions delegated by LBN and LBH to the Joint Committee</b>	
<b>B</b>	<b>Finance (including Procurement)</b>
B9	To approve commencement of a tendering process for all contracts up to the limit specified for all contracts in the contracts standing orders.
B10	To award contracts on behalf of both councils with a total contract value of under £5,000,000
B11	To sign contracts on behalf of the Council which do not require sealing.
<b>Grants</b>	
B12	Approving grants to voluntary organisations in accordance with the councils' policies and budget provision under any relevant legal powers
<b>Insurance</b>	
B13	To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to limits provided for in the financial procedures
B14	<ul style="list-style-type: none"> <li>• Settling insurance claims – including claims for personal injury where the losses are insured including those below any excess and approve any settlements or other actions in respect of such claims. Includes any action to instruct insurance providers with regard to defending any actions or threatened actions. Provided any settlement is on advice from Director of Legal and Governance, Insurers and/or Director of Finance.</li> <li>• Making provision for insurance in respect of the Council's functions, premises, property, employees, Members and third parties including self-insurance and the selecting of and accepting of tenders for insurance cover and related services which are considered to be best value</li> </ul>
B15	Approving indemnities to officers/members including insurance cover. Provided with consent of the S151 officer/monitoring officer and is within the Council's agreed policy.
<b>Fees &amp; Charges</b>	
B16	To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.
B17	Setting Statutory Fees and Charges for services where the fee/charge is levied under a statutory obligation to do so.
B18	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.
<b>Pensions</b>	

<b>Functions delegated by LBN and LBH to the Joint Committee</b>	
<b>B</b>	<b>Finance (including Procurement)</b>
B19	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of Human Resources/Organisational Development 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.
B20	All decisions relating to the administration of the Superannuation Fund including making payments of remuneration or pensions, crediting contributions, dividends and interest and realising and making investments, providing notices to members, arranging for periodical valuations, actuarial certificates, keeping audited accounts and applying to the Secretary of State for forfeiture certificate <ul style="list-style-type: none"> <li>• Administration of Discretionary Pension powers.</li> <li>• Approval of any discretionary payments permitted by the Superannuation Act 1972.</li> <li>• To exercise all powers and duties of the Council as an employer.</li> <li>• To agree early retirements granted by any school governing body with delegated powers to do so and to make discretionary severance payments in accordance with regulations and guidelines for making such payments to non-school based staff.</li> </ul>
B21	Suspending financial delegation to any school where there is a failure to comply with requirements of Financial Management under the School Standards and Framework Act 1998 (S51, sch 15).
B22	To make or enter into leasing arrangements for vehicles, plant and equipment.
B23	Pay any expenses incurred by Electoral Registration Officer
B24	Determining chargeable amounts payable by charities, non-profit making bodies, recreational clubs and societies and the exercise of any discretionary relief.
B25	Representing the Council at Appeals Service Tribunals
B26	<ul style="list-style-type: none"> <li>• Exercising the councils' functions and powers to administer cautions and administrative penalties with regard to benefit offences under the Social Security Fraud Act 2001.</li> <li>• Applying for communications Data in accordance with the powers conferred by the Social Security Fraud Act 2001</li> <li>•</li> </ul>
B27	Authorising a prosecution for fraud by an employee or third party in accordance with the Fraud Prosecution Policy.

<b>C Legal &amp; Governance</b>	
<b>Legal Proceedings</b>	
C1	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.
C2	In so far as not referred to elsewhere. Instituting, proceedings, agreeing to arbitration or ADR, defending, entering a plea in, admitting facts in, giving and seeking disclosure in, settling (within budget), issuing cautions, seeking costs, taking relevant enforcement action, injunctions, confiscation and restraint orders and taking other relevant procedural action in respect of any actual or contemplated legal or other formal proceedings on behalf of or against the Authority and appearing by counsel or other person or to authorise an officer to so appear in any proceedings. Including all and any such action in relation to bringing or defending any appeal arising out of such legal proceedings.
C3	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.
C4	Instituting proceedings under Section 222 of the Local Government Act 1972.
C5	To arrange for the administration of all statutory appeals
C6	After 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 £250,000. Settlement of claims that exceed £250,000 require the approval of the relevant individual Cabinet Member unless the decision is required to be made immediately before, at, or during a hearing in which case the decision maker must report to the relevant Cabinet member for information.
C7	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
C8	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
C9	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.
C10	To authorise Council staff to represent the Council in proceedings in the County Court of the County Courts Act 1984 and the Magistrates Court under Section 223 Local Government Act 1972.
C11	To alter the financial procedures in Financial and Contract Procedures specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
C12	To give notice, publish and take any necessary action in respect of Compulsory

<b>C Legal &amp; Governance</b>	
	Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 but not confirming CPO's
C13	Signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority
C14	Administering cautions in any criminal proceedings.
C15	Applying for Confiscation Orders, restraint, Charging Orders, deduction of wages, injunctions, possession and any other appropriate orders in connection with all criminal legal proceedings initiated by the Council
C16	To instruct and or seek the opinion of Counsel and or external solicitors to advise or represent the Council in the name of instructing solicitor
<b>Authentication of Documents</b>	
C17	Authorising/affixing the Authority's seal to deeds and other documents and sign any documents not requiring the authorities' seal.
C18	To prepare, approve and issue or serve all legal documentation.
C19	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
C20	To sign or endorse any documents on behalf of the borough where so requested by a citizen.
C21	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer
C22	To sign or endorse any documents on behalf of the borough where so requested by a citizen.
<b>Administration</b>	
C23	To develop and implement the Council's information governance policies and protocols.
C24	To exercise general use and hire of the Town Hall and other halls and buildings for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines 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

<b>C Legal &amp; Governance</b>	
	therein.
C25	To approve arrangements for members' training.
C26	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.
C27	After consultation with the Executive and the Chairmen of Committees as appropriate, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting).
C28	To undertake all the administrative procedures for all statutory and non-statutory appeals, including Schools Appeals, Hearings Panels and any other panels or Sub-Committees required 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.
C29	Approving travelling and subsistence and any other claims of Members in accordance with the agreed Schemes.
C30	To grant use of the Council's coat of arms.
C31	After 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.
C32	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Exchequer and Transactional Transactions 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.
C33	Waiving legal professional fees.
C34	Making any application to apply a caution, withdrawing any caution, objecting to any caution, registering, or objecting to notice or interest or restriction, applying to upgrade any title.
C35	To give notice, publish and take any necessary action including confirmation in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, approval of claims for successful objectors and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and

<b>C Legal &amp; Governance</b>	
	1973.
C36	To register a notice, apply for a certificate, under The Rights of Light Act 1959 Section 2.
C37	To publish notice of any intention to dispose of open space under The Local Government Act 1972 and The Town and Country Planning Act 1990.
C38	To agree payments for relevant professional fees incurred by the Council, by lessees or prospective lessees of the Council's commercial premises.
C39	To serve any notices and exercise any powers and duties including payment of compensation arising out of the Council's ownership of land.
C40	Approving compensatory payments under section 92 Local Government Act 2000.
C41	Providing legal support (including payment of external lawyers' fees etc.) to staff assaulted in the course of their duties. Includes agreeing any conditions applicable including a cap on contributions and circumstances for repayment.
C42	Authorising officers to use powers of entry and seizure where permitted in law.
C43	Applying to register any Land Charge, search the Land Charges Register pay any request fee and request Office Copy Entries from Land Registry
C44	Serving notice on registered keeper of vehicle requiring information about the identity of driver person in charge of the vehicle in relation to any offence concerning the vehicle and to bring proceedings for failure to provide information.
C45	Serving notices on occupiers of any land or premises requiring them to furnish information regarding details of all those with an interest in the land.
C46	Issuing Right to Buy completion notices, and all other action in relation to RTB sales and assignments providing certificates in respect of non-registered land (Right to Buy and other) paying relevant stamp duty land tax, waiving RTB discount repayments, Registry Charges/Local Land Charges, creating, waiving and enforcing easements and covenants, and discharging mortgages on behalf of the Authority and such other actions maybe necessary in relation to the sale, purchase or enforcement/creation of rights of land or property.
C47	Authorise the taking of photocopies of material open for public inspection under a statutory requirement as permitted by copyright Designs & Patents Act 1984.
C48	Providing legal support (including payment of external lawyers' fees etc.) to staff assaulted in the course of their duties. Includes agreeing any conditions applicable including a cap on contributions and circumstances for repayment.
C49	To name, rename, number and renumber streets and premises. [LBH only]

<b>C</b>	<b>Legal &amp; Governance</b>
C50	To maintain the register of highways that are maintainable at public expense [LBH only]

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>
D1	To develop the Council's e-government and t-government strategies.
D2	To develop the Council's information systems, and information technology and e-government strategies.
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.
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.
D5	Agreeing arrangements for the use of any spare capacity in any computers or associated equipment owned by the Council under Section 38 of the Local Government (Miscellaneous Provisions) Act 1976
D6	Approving sales of computer software developed and owned by the Council
D7	Agreeing policies procedures and standards relating to the security, integrity and accessibility for ICT infrastructure and systems



<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
E2	Implementing policies and procedures for recruitment, retention, change/reorganisation, redundancy, redeployment, absence, capability, conduct, Terms and Conditions of Employment, including dismissal of staff.
E3	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.
E4	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.
E5	<p>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;</p> <ul style="list-style-type: none"> <li>(i) Achieving any necessary reduction through voluntary redundancy;</li> <li>(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;</li> <li>(iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and</li> <li>(iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.</li> </ul>
E6	To amend HR policies where necessary in consequence of legislative, organisational or other changes that have no adverse financial effect.
E7	Approval of staffing and service related Equalities Impact Assessments
E8	Comply with and exercise powers and duties of the Authority as an employer under the Transfer of Undertakings (TUPE) Regulations.
E9	Appointing or engaging trainers to facilitate the Council's corporate training scheme and managing the corporate management training programme in compliance with relevant procurement rules.
E10	Consulting with recognised Trades Unions and in particular in respect of redundancies under the Trade Union and Labour Relations (Consolidation) Act 1992, s.188 including giving all appropriate notices.

E11	Complying with, exercising and performing powers and functions of the Authority as an employer under the Trade Union and Labour Relations (Consolidation) Act 1992.
E12	Giving notice of redundancy, make redundancy payments, serve counter notices and written statements of redundancy calculations under Employment Rights Act 1996.
E13	Exercising any powers in respect of statutory sick, parental, incapacity or industrial injuries pay under The Social Security Administration Act 1992, Social Security Contributions and Benefits Act 1982 or in relation to the reserve forces under the Reserve Forces (Safeguard of Employment) Act 1985 and Reserve Forces Act 1996.
E14	Giving effect to a governing body's decision in respect of the remuneration and other terms of employment of school teachers and any pay and conditions orders made by the Secretary of State in accordance with any guideline issued under Education Act 2002.
E15	Applying for and giving notices or information in respect of any attachment of earnings orders made in relation to any debtor who is an employee of the Council under Attachment of Earnings Act 1971.
E16	Approving applications for specific staff monitoring where warranted under the Council's policy and in accordance with the Information Commissioners Code.
E17	Making recommendations to the relevant committees in respect of the Council's whistle blowing policy.

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>
F1	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, subject to restrictions and limits in the following powers:
F2	Prepare, propose and implement a Corporate Asset management Plan and Corporate Property Strategy for the Council's property assets.
F3	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.
F4	To undertake marketing of any Council property.
F5	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
F6	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.
F7	The disposal of any freehold or leasehold land where the capital value does not exceed the maximum amount delegated to officers in financial procedures.
F8	The disposal of any land or property subject to a statutory requirement to do so.
F9	The acquisition of freehold or leasehold land where the capital value does not exceed the maximum amount delegated to officers in financial procedures.
F10	The disposal of assets other than land provided the best possible price is obtained.
F11	The disposal of assets other than land with no value (NB this does not extend to disposals at nil value/peppercorn where the asset has a value).
F12	Management, insurance and maintenance of all corporate property.
F13	Applying for planning permission in respect of Council owned land.
F14	Entering into planning and highway agreements in respect of Council owned land.
F15	Serving notices to quit, notices seeking possession and tenants notices; exercising any duty to compensate in respect of land matters or re-housing matters; enforcing covenants; serving notices relating to land and attendant procedures, and disposal of property left on land. Granting wayleaves and easements to and enter similar agreements with statutory undertakers and other

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>
	bodies, extinguish rights of statutory undertakes and pay compensation.
F16	Licensing of access works and demolition on Council owned land and property.
F17	To agree or request guarantee agreements, rent deposits, overriding leases, releases from covenants, to seek mortgagor's consent where required.
F18	To publish notice of intention to dispose of open space.
F19	To make applications to the court or tribunal and all attendant procedures upon matters relating to Council land.
F20	To carry out rent reviews or lease renewals.
F21	To negotiate all relevant terms including payment of professional fees in respect of the letting and management of commercial premises and implement all agreements.
F22	To exercise all powers and duties under the Landlord and Tenant Acts, this may be exercised by the Council as landlord or tenant.
F23	To propose alterations to the valuation list or raise objections to an proposed alterations or appeal against valuation decisions.
F24	To exercise all powers and duties of the Council as landowner in relation to Compulsory Purchase matters.
F25	To maintain the Council's list of Assets of Community Value and to determine applications for inclusion on that list and in respect of appeals and all attendant procedures.
F26	To maintain the Council's register of land held by public bodies.
F27	Management, maintenance, provision and hire of public halls and buildings owned/occupied by the Council, including provision of security services.
F28	To serve demands, place and enforce charges, appoint receivers or debt collection agencies, issue legal proceedings or any other enforcement or other action in relation to debts and interest thereon owed to the Council.
F29	To exercise all powers relating to Romford Market including granting and revoking licences and enforcing relevant byelaws (LBH).
F30	To exercise all powers and duties in relation to concessionary fares and similar schemes, including the taxicard scheme and to issue minibuses and other permits to appropriate organisations (LBH).
F31	Following notification to relevant ward members, to vary but not extend existing

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>
	agreements for mobile phone masts at school sites in circumstances where installations are to be upgraded and lower emissions will result and to grant Landlord's consent (LBH).
F32	To ensure compliance with the Council's Carbon Reduction Commitment Energy Efficiency Scheme (LBN).

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**GOVERNANCE COMMITTEE  
1 July 2015**

**Subject Heading:**

**Proposed amendment to the Council Procedure Rules for the scope of Motions to Full Council**

**CMT Lead:**

**Andrew Blake-Herbert**

**Report Author and contact details:**

Andrew Beesley  
Committee Administration & (Interim)  
Member Services Manager  
01708 432437  
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**Policy context:**

Council Procedure Rules, Council Constitution.

**Financial summary:**

There are no costs associated with this report

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

- |  |                                     |
|--|-------------------------------------|
| Havering will be clean and its environment will be cared for | <input type="checkbox"/>            |
| People will be safe, in their homes and in the community     | <input type="checkbox"/>            |
| Residents will be proud to live in Havering                  | <input checked="" type="checkbox"/> |

**SUMMARY**

In light of recent events, the Committee is invited to consider proposed amendments to the procedure rules for the scope of motions submitted for consideration at meetings of Full Council. In drafting the proposed revised wording, account has been taken of the existing provision within the Council's Constitution and that of all other London Boroughs (except for Enfield and the City which were not available at time of reporting).

<b>RECOMMENDATIONS</b>
------------------------

It is recommended to Council:

1. That Council Procedure Rule 11.4 of the Council's Constitution be revised the read the following:

**11.4 Scope**

*(a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.*

*(b) The Monitoring Officer may reject a Motion if it:*

*i. is not about a matter for which the local authority has a responsibility or which affects the borough;*

*ii. is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive;*

*iii. is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;*

*iv. requires the disclosure of confidential or exempt information;*

*v. seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints.*

*c). Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.*

*(d) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.*

2. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposal be agreed by Council.



**REPORT DETAIL**

In accordance with the Local Governance Act 1972, the rules concerning the submission of motions for consideration at meetings of Full Council are set out in Part 4, Sections 11, 12 and 14 (Council Procedure Rules) of the Council's Constitution. Council Procedure Rule 11.4 sets out specifically the scope for which the wording of motions can be accepted or rejected.

Following events at a recent meeting of Full Council, it is recommended that Council Procedure Rule 11.4 be amended to ensure that complaints which are made against a Councillor or a Council Officer and which are therefore subject to separate procedures, are rejected as a matter of course. The revised wording recommended in this report seeks to do that. In addition, it is proposed that the authority to reject such motions be delegated to the Council's Monitoring Officer.

To assist Members, attached at Appendix A is a detailed breakdown of the associated procedure rules from other London Boroughs. Members will note that the revised wording proposed in the report provides consistency with that of some other London Boroughs.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

There are no immediate financial implications arising from this report.

**Legal implications and risks:**

There are no legislative requirements in respect of motions and the Council has the discretion to make whatever rules it wishes in the interests of good governance. There are no immediate legal implications arising from this report.

**Human Resources implications and risks:**

There are no immediate human resources implications arising from this report other than for the Monitoring Officer to make the revisions to the Council's Constitution should the recommendations be adopted.

**Equalities implications and risks:**

There are no immediate equalities implications arising from this report.

**BACKGROUND PAPERS**

None

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**APPENDIX A**  
**London Borough**

<b>Barking &amp; Dagenham</b>	A notice of motion must relate to a matter which affects the Council or its area and must relate to a matter in respect of which the Council has a relevant function.
<b>Barnet</b>	Motions must consist of comments or requests addressed to the Council. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents. Motions may not promote a policy initiative which has been rejected or negate a policy initiative that has been agreed by the Council or its Committees in the 6 months before the meeting.
<b>Bexley</b>	Constitution unavailable- currently being updated
<b>Brent</b>	Does not define the scope- just states a maximum of 3 Motions per meeting
<b>Bromley</b>	Every motion shall be relevant to a matter in which the Council has powers or duties or which affects the Borough. The Mayor shall, if a need arises, give a ruling on the relevance of motions
<b>Camden</b>	Motions must be about matters for which the Council has a responsibility or which affect the Borough.
<b>Croydon</b>	If any Motion is considered to be not in order it shall be submitted to the Mayor for consideration. If the Mayor considers that the Motion is out of order, the Member responsible for proposing the Motion shall be informed.
<b>Ealing</b>	(a) Motions must be about some matter over which the Council has powers or duties or which directly or indirectly affects the borough and/or the people living in it and/or on which the member properly considers the council should express its view. (b) In the event of dispute as to whether or not a motion falls within the scope of the above, the matter shall be resolved by an ordinary vote.
<b>Greenwich</b>	Every Motion must be relevant to some matter for which the Council has responsibility or which affects the Borough or its inhabitants.
<b>Hackney</b>	The Monitoring Officer may reject a Motion if it: i. is not about a matter for which the local authority has a responsibility or which affects the borough; ii. is defamatory, frivolous or offensive; iii. is substantially the same as a motion which has been put at a meeting of Full Council in the past six months; iv. requires the disclosure of confidential or exempt information; v. seeks to pursue or further a complaint against the Council where other channels already exist for the determination of complaints
<b>Hammersmith &amp; Fulham</b>	Motions must be relevant to matters affecting the lives of people living and working in the Borough
<b>Haringey</b>	Motions must be about matters for which the Council has a responsibility or which affect the well-being of Haringey.
<b>Harrow</b>	The Mayor may in consultation with the Monitoring Officer, rule out of order motions which in his or her opinion: 1. would risk defamation of an individual or are frivolous or offensive; 2. do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Harrow or 3. would require the disclosure of confidential or exempt information or 4. are substantially the same motion which has been put at any meeting of the Council in the last six months.
<b>Hillingdon</b>	Motions must be about matters for which the Council has a responsibility or which affect the Borough.
<b>Hounslow</b>	Motions must be about matters for which the Council has a responsibility or which affect the Borough.
<b>Islington</b>	Not available
<b>Kensington &amp; Chelsea</b>	1. No Motion shall be moved to the same effect as any other motion that has been negated within the preceding six months 2. No Member of the Council shall make a motion or move an amendment to a motion that would have the effect of increasing expenditure of the Council except in the form of reference to Cabinet 3. Every notice of motion or amendment shall be relevant to some question over which the Council has power or to some question that directly and explicitly affects the Borough.
<b>Kingston upon Thames</b>	Every Motion shall be relevant to some matter in which the Council has powers or duties or which affects the Royal Borough

<b>Lambeth</b>	<p>Motions must:</p> <ul style="list-style-type: none"> <li>· Be about matters for which the Council has a responsibility or which significantly affects the area</li> <li>· Be about a single issue.</li> </ul> <p>Motions must not be defamatory, frivolous, offensive or otherwise out of order (as defined by the Director of Governance and Democracy).</p>
<b>Lewisham</b>	<p>Every Motion must be relevant to some matter in the Council's powers and duties or which specifically affects the Borough.</p>
<b>Merton</b>	<p>Motions must be about matters for which the Council has a responsibility or which affect Merton, as determined by the Chief Executive.</p>
<b>Newham</b>	<p>Motions must be about matters for which the Council has a responsibility or which affect the Borough. The Chair of Council may, on advice from the Chief Executive, refuse a motion which is illegal, scurrilous, improper or out of order.</p>
<b>Redbridge</b>	<p>A proposed motion to an ordinary meeting is only in order if it is either relevant to the functions of the Council or relates to a national or local matter that has a significant impact on the Borough.</p>
<b>Richmond upon Thames</b>	<p>Motions must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should either address Council duties directly or call for action in cases where the Council has general responsibilities. Motions should be about a single discrete issue and not be in the opinion of the Proper Officer defamatory, frivolous, offensive or otherwise out of order. No motion shall exceed 75 words in length.</p>
<b>Southwark</b>	<p>Motions must be about matters for which the Council has powers or duties or which affect Southwark. Motions or amendments to motions shall not relate to an investigation by (whether completed or not) or ruling of the standards committee or sub committee insofar as the motion or amendment relates to the behaviour or conduct of an individual member or members.</p>
<b>Sutton</b>	<p>Every Motion must be relevant to some matter in the Council's powers and duties or which specifically affects the Borough.</p>
<b>Tower Hamlets</b>	<p>Motions must be about matters for which the Council has a responsibility or which affect the area.</p>
<b>Waltham Forest</b>	<p>Motions must be about matters for which the Council has statutory responsibility and that affect the community</p>
<b>Wandsworth</b>	<p>Every notice of motion shall be relevant to some question over which the Council has power or which affects the administration of the Borough or the interests of the people of the Borough as rate payers or council tax payers.</p>
<b>Westminster</b>	<p>The Head of Legal and Democratic Services may disallow any motion that he considers to be frivolous or derogatory to the dignity of the Council.</p>

**GOVERNANCE COMMITTEE**  
**1 JULY 2015**

**Subject Heading:**

**MONITORING OFFICER NO 06**  
**AMENDMENTS TO THE**  
**CONSTITUTION**

**Report Author and contact details:**

**Graham White**, Interim Director Legal & Governance & Monitoring Officer

**Policy context:**

Monitoring Officer Amendments to the Constitution

**Financial summary:**

These changes are purely procedural and have no specific financial implications

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

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

**SUMMARY**

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

**RECOMMENDATIONS**

That this report be noted.

**REPORT DETAIL**

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

The amendments pick up legislative changes, a change in title following a restructure and typographical errors.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:** None

**Legal implications and risks:**

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution in given situations and these amendments are pursuant to and in accordance with those powers. There are no legal implications arising from this report.

**Human Resources implications and risks:** None

**Equalities implications and risks:** None

**BACKGROUND PAPERS**

None

## **SUBJECT: AMENDMENTS TO CONSTITUTION**

**Notification No. 6**

**Date 1 July 2015**

### **Notification of amendments to the constitution**

#### **Amendments made by the Monitoring Officer**

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

<b>Part and article/ section</b>	<b>Page ref</b>	<b>Substance of amendment / amended wording</b>	<b>Reason for amendment</b>
Part 4, Rules of Procedure (Staff Employment Procedure Rules)		6: The Council must in accordance with Part 3 of the National Health Service Act 2006, as amended by Section 30 of the Health and Social Care Act 2012, jointly with the Secretary of State, appoint an individual to have responsibility for all local authorities public health functions, including any conferred by regulation. The individual is to be an officer of the local authority, and is to be known as the Director of Public Health. The appointment of the Director of Public Health shall be made by the Advisory Appointments Committee	Conform with legislation
Article 12 (Appendix)		Advisory Appointments Committee (for the appointment of the Director of Public Health):  3 Councillors (from the Appointments Sub-Committee), 2 council officers (Chief Executive, Group Director for Children, Adults & Housing), 2 representatives from the Barking, Havering and Redbridge University Trust, 2 representatives from the Clinical Commissioning Group, 1 representative from Public Health England (with delegated powers to exercise the Secretary of State's functions)	

