



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 13 November 2024</b>	<b>Appointments Centre, Rooms 7 and 8 Town Hall, Main Road, Romford</b>
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Members 12: Quorum 5

### COUNCILLORS:

#### **Conservative Group (3)**

Keith Prince  
Joshua Chapman  
Nisha Patel

#### **Labour Group (2)**

Keith Darvill  
Mandy Anderson

#### **Residents' Association Independent Group (1)**

John Tyler

#### **Havering Residents' Group (5)**

Ray Morgon (Chairman)  
Gillian Ford (Vice-Chair)  
Stephanie Nunn  
Barry Mugglestone  
Reg Whitney

#### **East Havering Residents Group (1)**

Martin Goode

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**For information about the meeting please contact:  
Anthony Clements tel: 01708 433065  
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***Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.***

***Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.***

### **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

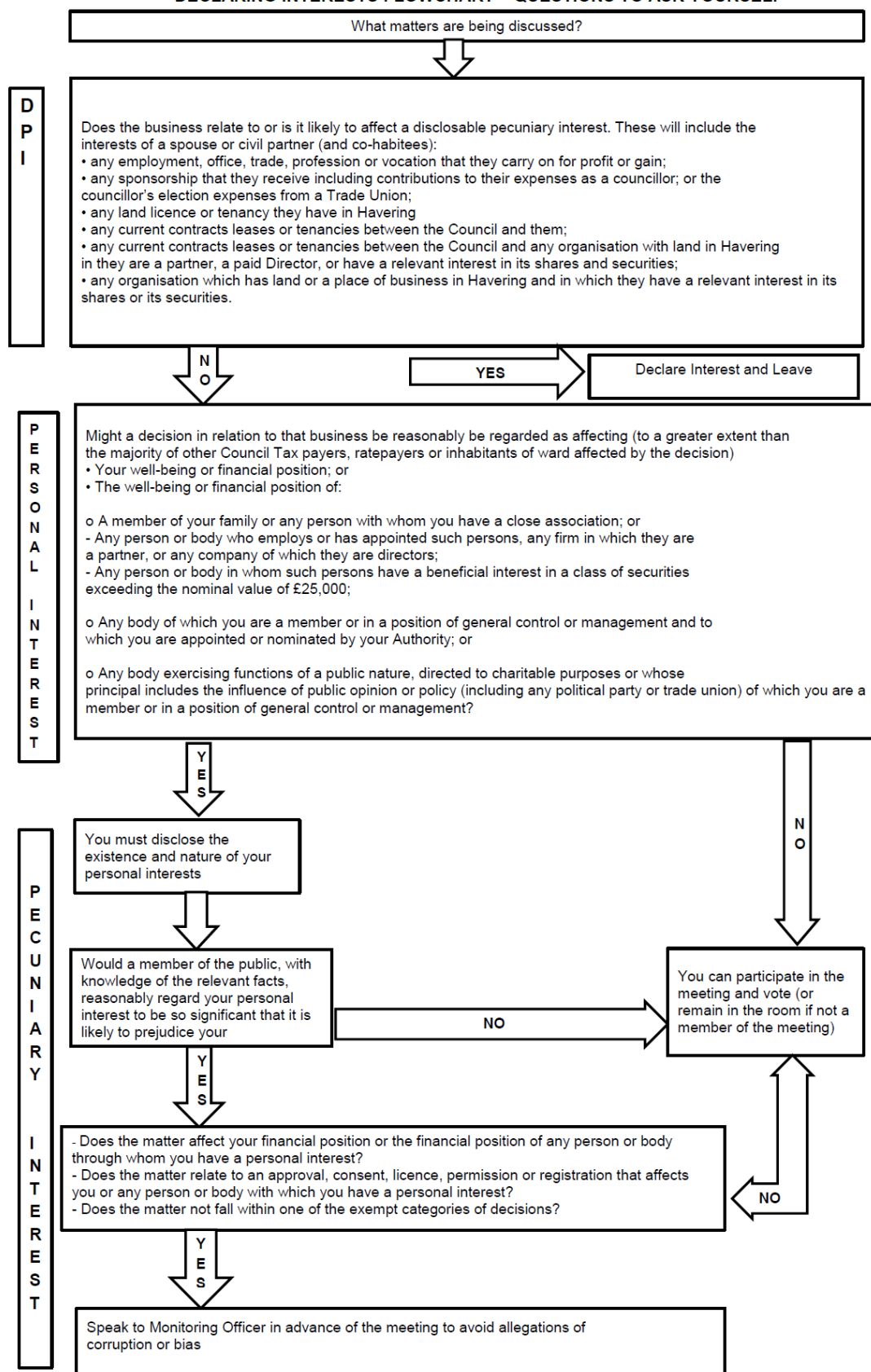
Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.



**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

Apologies have been received from Councillor Gillian Ford.

To receive any other apologies for absence.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in any item at any time prior to the consideration of the matter.*

### **4 MINUTES (Pages 5 - 14)**

To approve as a correct record the minutes of the Committee held on 5 June 2024 (attached) and to authorise the Chairman to sign them.

### **5 APPOINTMENTS TO OTHER ORGANISATIONS 2024/25 (Pages 15 - 18)**

Report attached.

### **6 POLLING DISTRICT AND POLING PLACE REVIEW (Pages 19 - 38)**

Report and appendices attached.

### **7 CONSTITUTIONAL REVIEW - FURTHER CHANGES (Pages 39 - 160)**

Report and appendices attached.

**Zena Smith**  
**Head of Committee and**  
**Election Services**

**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Town Hall, Main Road, Romford  
5 June 2024 (7.30 - 8.52 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Keith Prince and Joshua Chapman
<b>Havering Residents' Group</b>	Ray Morgon (Chairman), Gillian Ford (Vice-Chair), Barry Mugglestone, Stephanie Nunn and Reg Whitney
<b>Labour Group</b>	Keith Darvill and Matthew Stanton
<b>East Havering Residents Group</b>	Martin Goode
<b>Residents Association Independent Group</b>	John Tyler

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Apologies were received from Councillors Mandy Anderson (Matthew Stanton substituting) and Tim Ryan.

**2 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**3 APPOINTMENTS TO OTHER ORGANISATIONS 2024/25**

**Executive Appointments**

The Executive Appointments as shown in Appendix 1 to these minutes were recommended by the Committee to be made by the Leader.

**Non-Executive Appointments**

It was noted that the Veolia ES Cleanaway Havering Riverside Trust had now ceased operations.

Two Members (Councillors Trevor McKeever and John Wood) had expressed interest in being nominated to the Havering Theatre Trust and would be attending interviews with the Havering Theatre Trust Board on 7 June.

Interest had been received from Councillors Jane Keane and Matt Stanton in joining the Lucas Play Charity Nominative Trustees. It was noted that there remained one vacancy on the Standing Advisory Council for Religious Education.

It was noted that the Leader would announce a replacement Cabinet Lead for Climate Change in due course.

The Non-Executive Appointments as shown in Appendix 2 to these minutes were agreed by the Committee.

Other recommendations agreed:

1. Where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may authorise the Chair of the meeting to exercise a proxy vote.
2. The Council's voting rights at the General Assembly of the Local Government Association be exercised by the Leader of the Council (5 votes, or his respective nominee in the event he is unable to vote in person).

#### **4 MAYORAL HANDBOOK AND PROCEDURES MANUAL**

Officers advised that a comprehensive Mayoral procedures manual had been developed to support and guide the Mayor. This followed the guidelines of the National Association of Civic Officers as well best practice in neighbouring boroughs.

The Monitoring Officer recommended that a clause should be inserted that the Constitution would prevail should any areas of the handbook clash with the requirements of the Constitution. Issues around Mayoral powers would be included in the ongoing Constitution review.

It was agreed that the detailed duties of Mayoral support staff should not be included in the handbook. Any future changes to the handbook could be agreed at Governance Committee and would not need to go back to full Council. It was suggested that the handbook could be reviewed at the end of each Mayoral term.

Councillor Nunn had made suggestions on areas such as personal safety of the Mayor. She felt that the Mayor should see all incoming correspondence and officers agreed that this could be added. It was confirmed that the Mayor did have access to the Mayoral in-box. Councillor Nunn did not though feel it was necessary for a panel to screen Mayoral invitations. It was agreed that the reference to the panel should be removed but that any invitations outside the normal criteria should be referred to the Leader, in consultation with the Chief Executive and Monitoring Officer. It was also agreed that a list of events attended by the Mayor (though not invitations turned down) should be published on the Council's website in order that the type of events attended by the Mayor was transparent to all parties.

It was noted that a panel had been proposed to lead on criteria for the Mayor's civic awards. Scoring criteria was included in the handbook but this area could be looked at in more detail at the Constitution Working Party if necessary.

Officers would investigate with audit colleagues if the time taken to obtain the total of monies raised for the Mayor's Charity could be reduced. It was noted however that part of the delay was due to the need to obtain clearance from the Charity Commission and this could be made clearer in the handbook. The Monitoring Officer would check with the Strategic Director for Resources if guidance rules put any limit on the timetable for disclosure.

It was **AGREED** that the above changes should be added to the handbook and a revised version be circulated to the Committee via e-mail. Subject to this being done, the Committee approved the Mayoral Handbook.

## **5 COUNCILLOR COMPLAINTS - ANNUAL UPDATE**

In the interests of transparency, the Monitoring Officer had brought to the Committee a report on recent complaints made about Councillors. This included anonymised details of complaints.

There had been sixteen complaints about Councillors received in the period 31 December 2022 to 31 March 2024. Eight of these had been made by residents and eight by other Councillors. The Monitoring Officer felt that this total was slightly more than would usually be expected.

The Monitoring Officer and colleagues sought to be objective and apolitical when dealing with complaint investigations. It was noted that the complaint made on 11 July 2023 was against a Political Group rather than an individual Councillor.

It was suggested that training could be offered to Councillors to clarify the threshold for complaints and what could be considered vexatious. This could be carried out as a Member Briefing.

The Monitoring Officer advised that the Member Social Media Protocol was due to be considered by Council in July. This would be followed up with Member training on this area. Members felt this was important training to attend. There had been little issue with staff complaints about Members with staff being open about any concerns about Member behaviour and often still wanting to show good faith in Councillors. The Monitoring Officer would also discuss this area with HR and Trade Union representatives. The Cabinet did also meet privately with Trade Unions.

Group Leaders would be advised in some cases if one of their Members was complained about, particularly if this was a regular occurrence.

The Committee noted the report.

## **6 CONSTITUTIONAL REVIEW - UPDATE**

The Monitoring Officer confirmed that an update report on this area would come to Governance Committee on a regular basis. The Constitution was now being reviewed and minor changes tidied up from page 1. In the current year the contract procurement and planning procedure rules would be reviewed.

It was noted that section 2.01 (page 65) needed to reflect that there were now only 2 Councillors in some wards and that there were other criteria to hold the office of Councillor, in addition to those listed. Additionally, on page 70, section 4.03 (c) needed to reflect that the Mayor was not the returning officer for all parliamentary constituencies. The Monitoring Officer would clarify the wording on when the Mayor was to act as returning officer. References to the Leader's Forward Plan and the capitalisation of Aldermen and Freemen in the Constitution would also be reviewed.

The Committee noted the report.

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**Chairman**

## PPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2024/25

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
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**Capital Letters- 1**

Cabinet Member for Housing Need – ***Cllr Natasha Summers***

**CEME (Centre for Engineering & Manufacturing Excellence) - 1**

Strategic Director of Place

**East London Waste Authority - 2**

Cabinet Member for Environment and Cabinet Member for Finance –  
***Cllr Barry Mugglestone*** and ***Cllr Chris Wilkins***

**East London Waste Authority Board (officer)**

Director of Environment  
Assistant Director of Environment

**London Councils**  
(Leaders' Committee)

Representative (1): Leader of the Council – ***Cllr Ray Morgon***  
Deputy: (1) Deputy Leader of the Council – ***Cllr Gillian Ford***

**Transport & Environment Committee**

Representative (1): ***Cllr Barry Mugglestone***  
Deputies (up to 4): ***Cllr Graham Williamson, Cllr Paul McGeary***

**Appointments to other organisations, 2024/25**

Grants Committee

Representative (1): ***Cllr Gillian Ford***

Deputy (up to 4): ***Cllr Oscar Ford, Cllr Natasha Summers***

Pensions CIV (Sectorial Joint Committee)

Representative (1): Chairman of Pensions Committee – ***Cllr Mandy Anderson***

Deputy (up to 2): Vice Chair of Pensions Committee – ***Cllr Stephanie Nunn***

Greater London Employment Forum

Representative (1): ***Cllr Ray Morgon***

Deputy Representative (1): ***Cllr Graham Williamson***

Local London Inter Authority

Representative: Leader of the Council – ***Cllr Ray Morgon***

Deputy: Deputy Leader of the Council – ***Cllr Gillian Ford***

*Agreed by  
Executive Decision  
on 04/05/2023*

Newable (formerly Greater London Enterprise Limited ) -1

***Cllr Graham Williamson***

London Riverside (BID) Ltd

Representative (1): Cabinet Member for Regeneration - ***Cllr Graham Williamson***

Thames Freeport Governance Board

Leader of the Council – ***Cllr Ray Morgon***



## Appointments to other Organisations 2024/25

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-2	<b>Cabinet Member for Children &amp; Young People – Cllr Oscar Ford and Cllr Joshua Chapman</b>	
Children's Executive Board	<b>Cabinet Member for Children &amp; Young People – Oscar Ford</b>	
Coopers Company & Coborn Educational Foundation -1	<b>Cllr Christopher Wilkins</b>	
Havering Chamber of Commerce and Industry	<b>Cabinet Member for Regeneration- Cllr Graham Williamson</b>	
Havering Community Safety Partnership – 2	<b>Cabinet Member for Environment – Cllr Barry Mugglestone &amp; the Chief Executive – Andrew Blake-Herbert</b>	
Havering Joint Forum - 6	<b>Leader of the Council – Cllr Ray Morgon Deputy Leader of the Council – Cllr Gillian Ford Leader of the Opposition Group – Cllr Keith Prince Cllr Keith Darvill Cllr Martin Goode Cllr John Tyler</b>	
<i>Havering Local Board (formerly Havering Sixth Form College &amp; Havering College of Further and Higher Education)- 1</i>	<b>Cllr Keith Darvill (until October 2024)</b>	<i>Proposed to be removed as Council appointments at the end of term of office</i>
Havering Theatre Trust	<b>Vacancy (expressions of interest from Cllr Wood and Cllr McKeever) Cllr Paul Middleton</b>	<i>Cllr Middleton appointed by Council on 17.1.24</i>

## Appointments to other Organisations 2024/25

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
<i>Hornchurch Housing Trust (Nomination Trustees) - 1</i>	<b>Mr John Mylod (until February 2026)</b>  <b>Mr Roger Evans and Mr Peter Salisbury (until February 2025)</b>	<i>Under the Trust's new Constitution, only one Council representative is required. This is currently Mr John Mylod. As other appointments expire, they will not be replaced. Proposed to be removed as Council appointments at the end of term of office</i>
Local Government Association General Assembly - 4	<b>Leader of the Council – Cllr Ray Morgon</b> <b>Councillor Gillian Ford</b> <b>Councillor Keith Darvill</b> <b>Councillor Keith Prince</b>	<i>Appointed at Annual Council on 24<sup>th</sup> May, 2023</i>
Local Government Information Unit - 1	<b>Leader of the Council- Cllr Ray Morgon</b>	
London Road Safety Council - 2	<b>Cabinet Member for Environment – Cllr Barry Mugglestone and Cllr Jane Keane</b>	
London Youth Games-1	<b>Cabinet Member for Adults &amp; Wellbeing – Cllr Gillian Ford</b>	
<i>Lucas Children's Play Charity Nominative Trustees – 2</i>	<b>Councillor Jane Keane</b> <b>Councillor Matthew Stanton</b>	
NELFT NHS Council of Governors	<b>Cllr Jacqueline McArdle (until July 2026)</b>	Appointed 21.03.24
North East London NHS Foundation Trust – 1	<b>Strategic Director of People – Barbara Nicholls</b>	
<i>Poyntz (a.k.a. Richard Poyntz's) and other charities</i>	<b>Cllr Jacqueline Williams (until March 2028)</b> <b>Vacancy (until March 2028)</b>	<i>Cllr Williams' appointment agreed at Council on 17.1.24</i>

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non-Executive Appointments)	COMMENTS AND NOTES
Reserve Forces & Cadets Association -1	<b>Champion for the Armed Forces- Cllr Barry Mugglestone</b>	
Romford Town Management Partnership	<b>Cabinet Member for Regeneration- Cllr Graham Williamson</b>	
<i>Romford Combined Charity</i> <u><i>Nominative Trustees</i></u> – 2	<b>Councillor Joshua Chapman (until 3.11.24)</b> <b>Mrs Wendy Brice Thompson and Councillor Jane Keane (until 3.11.26)</b> <b>Mr Melvin Wallace (until 3.11.27)</b>	Cllr Chapman's appointment agreed by Governance on 13 January 2021  Mr Wallace's appointment agreed by Chair's decision on 19 October 2023.
Safer Neighbourhood Board	<b>Cabinet Member for Environment – Cllr Barry Mugglestone</b>	
Standing Advisory Council for Religious Education (SACRE) - 5	<b>Vacancy</b> <b>Councillor Jacqueline McArdle</b> <b>Councillor Philip Ruck</b> <b>Councillor David Taylor</b> <b>Councillor Katharine Tumilty</b>	
Tenant Management Organisations - 3	<b>BETRA (Gooshays) – Councillor Paul McGeary</b> <b>DELTA (Squirrels Heath)- Ward Councillor –</b> <b>Councillor Keith Prince</b> <b>PETRA (St Andrews') – Councillor Bryan Vincent</b>	
<i>Wennington Quarry Community Liaison Committee- 1 (until May 2026)</i>	<b>Councillor Sarah Edwards</b>	Cllr Edwards appointed on 21.3.24

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**GOVERNANCE COMMITTEE**  
**7 November 2024**

**Subject Heading:**

**APPOINTMENTS TO OTHER  
ORGANISATIONS, 2024/25**

**SLT Lead:**

Gavin Milnthorpe  
Deputy Director, Legal Services  
01708 432838

**Report Author and contact details:**

Jacqui Barr  
Governance Officer  
jacqui.barr@onesource.co.uk  
01708 432439

**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**

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council X

SUMMARY

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

Since the executive governance arrangements were revised, responsibility for making some appointments has passed from this Committee to the Leader of the Council but the Constitution provides that in the case of non-executive appointments, it is for this Committee to make decisions

### **RECOMMENDATIONS**

That the Committee:

1. In respect of the Romford Combined Charities **APPOINT** either Councillor Paul McGeary or Councillor Viddy Persaud to the post of Nominative Trustee to serve until November 2028.

### **REPORT DETAIL**

#### **1. THE ROMFORD COMBINED CHARITY**

- 1.1 The Romford Combined Charity is a small, local charity that makes grants for the relief of poverty. It has seven Trustees: one *ex officio Chair*, the Vicar of St Edward's C of E Church, Romford; four nominative, appointed for four-year terms by the Council; and two co-optative, who are co-opted for five-year terms by the other five Trustees.
- 1.2 The term of office of Councillor Joshua Chapman will expire on 3 November 2024. Councillor Chapman has indicated that he does not wish to continue in his role as a Trustee. Councillor Chapman has been a Trustee of the Charity since November 2014 and the Committee would like to place on record its thanks to Councillor Chapman for his service in this role. It should be noted that Trustees need not be Members of the Council.
- 1.3 The remaining nominative Trustees are Mrs Wendy Brice-Thompson and Councillor Jane Keane (appointed until November 2026) and Councillor Melvin Wallace (appointed until November 2027).
- 1.4 Councillor Paul McGeary and Councillor Viddy Persaud have both expressed interest in the vacant position.

<b>IMPLICATIONS AND RISKS</b>
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**Financial implications and risks: None**

**Legal 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.

Members who sit on outside bodies will need to consider whether (a) they are required to register their interests with the Council and, where appropriate, declare the interests at meetings and (b) seek advice when they are potentially involved in Council decisions that may affect the outside body. As there is no remuneration for the appointments, they are very unlikely to be discloseable pecuniary interests. Trustee status means that the trustee must always act in the best interests of the trust. The Monitoring Officer is available to provide advice as and when necessary.

**Human Resources implications and risks:** There are none directly associated with this report.

**Equalities implications and risks:**

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

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## GOVERNANCE COMMITTEE

**Subject Heading:**

Polling District and Polling Place Review

**SLT Lead:**

Andrew Blake-Herbert

**Report Author and contact details:**

**Charlotte Byford**  
**National Management Trainee**  
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[Charlotte.byford@havering.gov.uk](mailto:Charlotte.byford@havering.gov.uk)

**Zena Smith**  
**Head of Committee and Election**  
**Services**  
**01708 431 585**  
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**Policy context:**

There are no direct resource implications.

**Financial summary:**

There are no direct resource implications.

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

People - Things that matter for residents -

Place - A great place to live, work and enjoy –

Resources - A well run Council that delivers for People and Place. - X

## **SUMMARY**

The London Borough of Havering has undertaken a review of all Polling Districts and Polling Places in accordance with the requirements of section 18C of the Representation of the People Act 1983 (as amended by section 17 of the Electoral Registration and Administration Act 2013 and the Elections Act 2022). This action fulfils the council's duty to conduct a compulsory polling district and polling places review in the period of 1 October 2023 until 31 January 2025.

The review includes both internal and external feedback. The Council held a Public Consultation from 12 August 2024 to 16 September 2024 (Timetable – Appendix A). As part of this consultation direct communication was also made with existing polling stations, Councillors, MP's and community groups, 18 responses were received.

Feedback from Presiding Officers and Polling Station Inspectors from both the GLA and the Parliamentary Elections held in 2024 has also been included and formed part of this review.

Following each election, officers will undertake a review and specifically look at any issues that have arisen in relation to Polling Stations. Relevant feedback has been considered whilst undertaking this review.

The aim of the review is to ensure that as far as possible polling places are accessible to all, and to review polling staff and elector feedback and to ensure that:-

- Polling places fall within the polling district wherever possible.
- Account is taken of justifiable complaints by electors, feedback from staff and any responses received from this consultation.

This report seeks to approve the proposed changes set out in the report and if agreed, these changes will be incorporated into the register published on 2 December 2024 and will be ratified at the Full Council meeting being held on 20<sup>th</sup> November.

## **RECOMMENDATIONS**

That Governance Committee endorse the changes to the Polling Place for Polling District EL4 (Elm Park Ward).

That the redrawing of the boundary for Polling District UP2 (Upminster Ward) are endorsed.

All other Polling districts and polling places remain unchanged.

If these recommendations are agreed that Full Council on 20<sup>th</sup> November approve the decision of the Governance Committee.

<b>REPORT DETAIL</b>
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Consultation was undertaken as follows:

- All elected representatives, political parties and relevant stakeholders were given notification of the review.
- Copies of the proposals were available for public inspection at all libraries in Havering, and the Town Hall.
- Direct Communication was sent to existing Polling Places and to Havering Community groups.
- The consultation appeared on the Councils Website and Calendar Brief throughout the period.

It is proposed that no changes are made to the existing polling districts and places in the following Wards:

Beam Park	Marshalls and Rise Park
Cranham	Mawneys
Emerson Park	Rainham and Wennington
Gooshays	Rush Green and Crowlands
Hacton	South Hornchurch
Harold Wood	Squirrels Heath
Havering Atte Bower	St Alban's
Heaton	St Andrews
Hylands and Harrow Lodge	St Edwards

A summary of all responses received to the public consultation can be found in Appendix B.

Feedback from Presiding Officers and/or Polling Station Inspectors has also been considered.

Responses to feedback received are listed below:

**Cranham Ward - CM2**

Two responses were received via the public consultation regarding the distance some electors had to walk to Upminster Methodist Church. There are no suitable alternatives within the current Polling Districts. Consideration was also given to the redrawing Polling District lines however this would not result in alternative premises becoming available.

**Elm Park Ward - EL4**

After careful consideration it is recommended that the Polling Place for Polling District EL4 be changed from Bretons Community Hall to Scargill Infant School. It is felt that this change would allow for more accessibility to voters and prevent them from having to cross the A125 to reach their Polling Place.

Polling staff feedback provided in the GLA and Parliamentary Elections 2024 indicates that Bretons Social Hall is not sufficiently accessible to all voters. Within the accessibility checklist of the polling Station logbook, it was noted that the walk from the car park to the Polling Station is long and uneven, and insufficient outdoor lighting at the venue made the walk even more challenging. The Presiding Officer reported that voters complained of their difficulty crossing Rainham Road (A125), and of the lack of public transport to the venue.

The EL4 polling district map (Appendix C) clearly indicates the division between Elm Park's residential area and Bretons Social Hall by Rainham Road. To mitigate the impact this poses to electorate accessibility; it was necessary to consider all other potential venues for Polling Places within the District. The potential alternative venues identified were: St. Alban's Catholic Primary School (RM12 5LN) and Scargill Infant School (RM13 7PL). Although the Review Rationale orders that use of schools be avoided where suitable alternative premises are available, the Polling District Review has ascertained that there are no other suitable alternative venues. Our recommendation is thus motivated by the Council's legal duty to provide accessible services.

Scargill Infant School is recommended as the replacement Polling Station for Bretons Social Hall on account of its comparative proximity to the residential area of the district (as shown on Appendix D). It is the favourable option as electors are neither required to cross a busy A road in order to access it, nor traverse an uneven pathway. There is a zebra crossing leading directly to the site on Mungo Park Road, and as the school has previously been used as a Polling Place, it fulfils the suitable accessibility requirements such as provision of parking (including disabled parking) and access to ramps. The school has offered the use of their Main Hall as a Polling Station.

### **Gooshays Ward - GS3**

A more suitable entry point into the station at Mead School has been negotiated allowing for easier access and some designated parking has been made available. A staffing review will be carried out prior to the next election to assess staffing requirements, which should eliminate any queuing situation.

### **Harold Wood - HW4**

The current allocated Polling Place for electors in HW4 is St Peter's Church, Gubbins Lane. In the Public Consultation, a respondent complained of the insufficient parking area around and space within the Polling place. They requested for the Station to be relocated to Harold Wood Neighbourhood Centre. Two alternative venues were identified: The Hub and Harold Wood Neighbourhood Centre. The Hub was discovered to be unsuitable as its meeting rooms aren't spacious enough to serve as a polling station, and the Harold Wood Neighbourhood Centre is unable to be hired due to contractual commitments.

It is, therefore, recommended that the Polling Place for Harold Wood continues to be St Peter's Church, Gubbins Lane.

**Mawneys - MN2**

A response was received via the public consultation regarding the distance some electors had to walk to Collier Row Parish Hall and Catholic Club. There are no suitable alternatives within the current Polling Districts. Consideration was also given to the redrawing Polling District lines however this would not result in alternative premises becoming available. The suggestion of Rise Park Academy and Havering Road Methodist Church both fall outside of Mawneys wards, so are therefore unsuitable.

**Mawneys - MN4**

A response was received via the public consultation regarding the distance some electors had to walk to the Church of the Good Shepherd. There are no suitable alternatives within the current Polling Districts. Consideration was also given to the redrawing Polling District lines however this would not result in alternative premises becoming available.

**Rainham and Wennington Ward - RW4**

A full review was undertaken in 2021 to review all polling places with a view to reducing the number of schools used as Polling Stations, whilst the use of schools dropped significantly, it was not possible to find an alternative for Brady Primary school. The use of schools as polling stations is kept under review, an alternative provision is always the preferred option, and will remain so.

**St Albans Ward - AL2**

Although parking is not a specific requirement when considerations are being made, part of our checklist process is to enquire about parking and negotiate some spaces for electors on Polling Day. Some limited parking is available at Romford Evangelical Church.

**St Edwards Ward - SE1**

This change took place as part of the Ward Boundary review. St Johns Hall is no longer within St Edwards Ward. There is no alternative suitable venue within this polling district.

**Upminster Ward - UP2**

Recommendations were submitted for the redrawing of the polling district boundary along Brookdale Avenue and Brookdale Close. The current boundary runs down the middle of the road (as shown on Appendix E) and the recommendation is for the boundary to go behind the properties and bring all electors into UP2 (as shown on Appendix F). The entrance to the current polling station: Gwillcoo Hall, is located on Brookdale Avenue.

### **Upminster Ward - UP6**

A response was received via the public consultation regarding the distance some electors had to walk to Corbets Tey School. There are no suitable alternatives within the current Polling Districts. Consideration was also given to the redrawing Polling District lines however this would not result in alternative premises becoming available. A full review was taken in 2021 to review all polling places with a view to reducing the number of schools used as Polling Stations, whilst the use of schools dropped significantly, it was not possible to find an alternative for Corbets Tey School. The use of schools as polling stations is kept under review, an alternative provision is always the preferred option, and will remain so.

### **The Review Rationale**

To ensure all electors have reasonable facilities for voting, and as far as possible polling places are accessible to all electors.

Where current polling districts can continue as the major part of the new districts, and there are sensible reasons for continuing with existing arrangements, then this principle has been followed.

Suitable existing polling stations be used where possible.

To consider natural boundaries for example railway lines, major roads and rivers.

Polling places fall within the Polling District wherever possible

The use of schools be avoided where suitable alternative premises are available.

### **Background Information**

Under the provisions within the Electoral Registration and Administration Act 2013, the previous statutory review was undertaken in 2019.

A further interim review of all Polling Stations was taken in January 2021, as a consequence of the Covid Pandemic. These arrangements were implemented for the GLA election in May 2021 and resulted in the number of schools being used as Polling Stations significantly reduced. A full assessment of venues based on risk assessments, suitability, ownership and availability was undertaken Borough wide as part of this process.

The Local Government Boundary Commission reviewed all the Ward boundaries in Havering 2021 with a subsequent review of Polling Districts and location of Polling Places/Stations taken and implemented for the Local Elections held on Thursday 5 May 2022 mirroring the changes to the ward boundaries.

The Parliamentary Boundary Review has also taken place with changes incorporated within the current Polling places and districts scheme.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:** Any increase in the amount of polling stations would incur additional costs in terms of building hire, equipment and polling station staff. The cost incurred from using Council maintained buildings is limited to covering heating, lighting and cleaning costs. These costs are met by the Council only when used for Council elections or by-elections.

**Legal implications and risks:** The Representation of the People Act 1983 section 18D requires that local authorities designate the polling places within the Parliamentary Constituencies. Under the Representation of the People Act 1983, Returning Officers have the right to use certain public buildings (including schools that receive public funds) for use as polling stations at elections.

**Human Resources implications and risks:** None.

**Equalities implications and risks:** The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

It has been reviewed to ensure that all eligible electors can access a polling station, and Staff receive equalities training as part of the mandatory Polling Staff training for each election.

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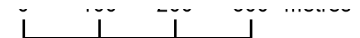
<b>Review of polling districts and places 2024</b>	
Publication of Notice of Polling District and Polling Place Review	Thursday 1 August 2024
Commencement of Consultation Period	Monday 12 August 2024
Consultation Period	5 Weeks
Close of Consultation Period	Monday 16 September 2024
Report to Governance Committee	Wednesday 13 November 2024
Report to Full Council	Wednesday 20 November 2024
Publication of Council's conclusions and decisions	No later than Thursday 28 November 2024
Publication of Revised Register of Electors on new polling districts and polling places	Monday 2 December 2024

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## Appendix B

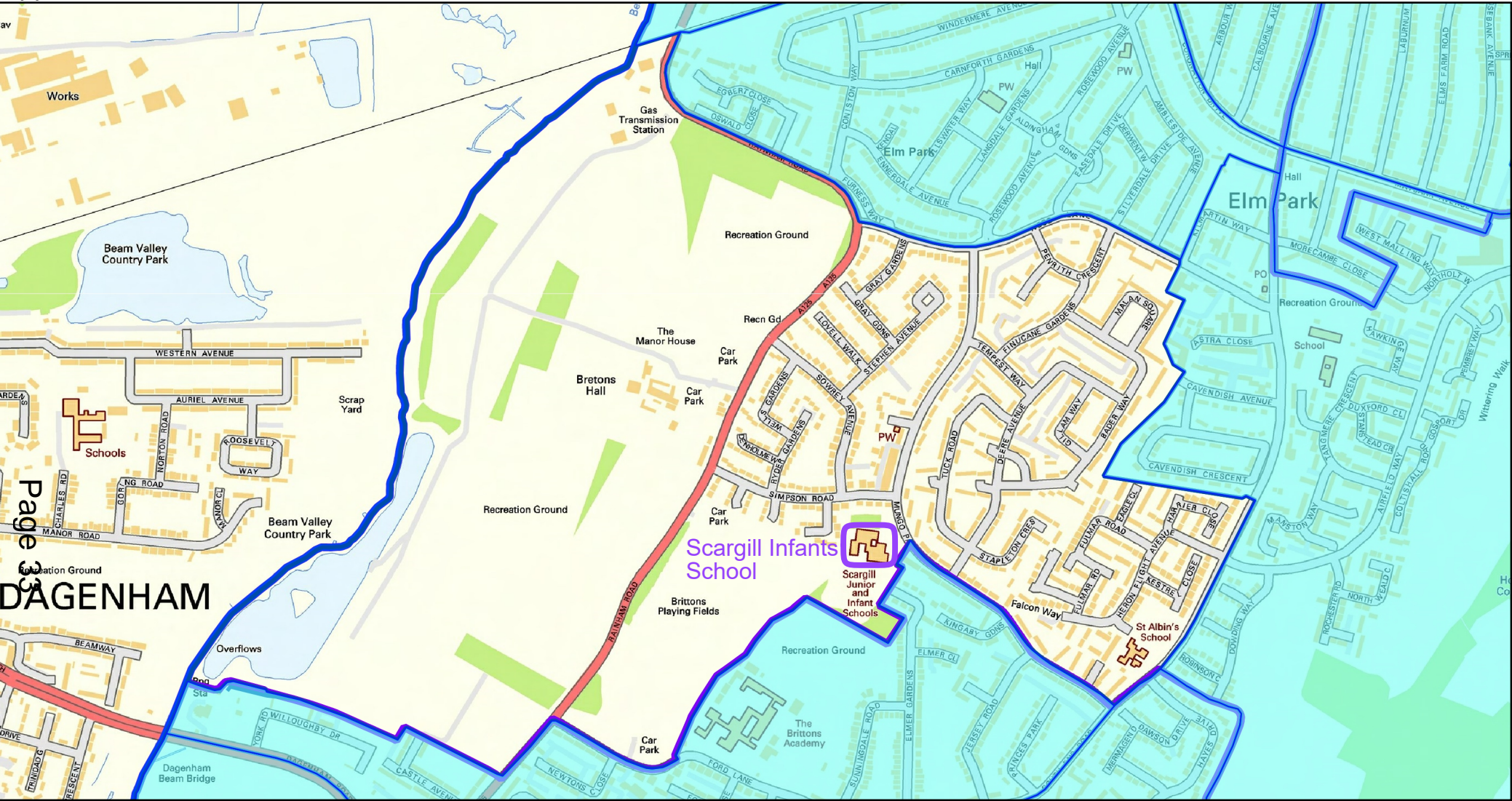
Ward / Polling District	Public Consultation Comments	Alternative Polling Stations Explored
Cranham - CM2	2 respondents happy with voting arrangements. Upminster Methodist Church: request to reconsider as too far from Benet's Road - not suitable walking distance or on direct bus route.	Options explored: 1) Double station in Scout Hall (waiting for response) 2) Upminster Rugby Football Club 3) Upminster Masonic Hall
Elm Park - EL4	1 respondent happy with voting arrangements.	Options explored: 1) St Alban's Catholic Primary School 2) Scargill Infant School
Gooshays - GS3	Mead School: Polling station moved from church in Petersfield Avenue to School. unsuitable for disabled voters: hard to park, slope difficult to traverse, long queues.	No need to explore other options as issues with Mead School have been resolved by Zena Smith.
Harold Wood	St Peters Church: Request to move station from location in Gubbins Lane to Harold Wood Community Centre due to insufficient parking area/space. Harold Wood Primary School: 2 complaints. Closing school on polling days means having to source alternative childcare, recommendation to use community halls e.g. Church Hall, Harold Wood Neighborhood Centre, Harold Wood Memorial Hall. Complaint of disruption to routine of children with additional needs.	No suitable alternatives. Options explored: 1) Harold Wood Neighbourhood Centre (not available as must remain open as a nursery on polling days) 2) Harold Wood Neighbourhood Bar Club (not available as contracted out for club use 4:30pm onwards) 3) The Hub (venue too small)
Mawneys - MN2	Complaint about Collier Row Parish Hall and Catholic Club: Hillfoot Road Polling Station was Havering Road Methodist Church, request to review and change to Rise Park Academy.	
Mawneys - MN4	Church of the Good Shepherd: inaccessible for elderly from Mashiters Hill (15-20min walk away). General complaint about closing schools to use as polling station.	
Rainham & Wennington - RW4	Brady Primary School: complaint about disruption to education from using school, request to consider other venues e.g. hall, local church hall, library.	
Rush Green and Crowlands - RGC2	1 respondent citing good transport links, parking, amenities.	N/A
St Albans - AL2	Romford Evangelical Church Hall - lack of parking on one side however deemed satisfactory overall. Some concerns that both polling stations are in east, but no better alternatives.	N/A deemed satisfactory overall.
St Andrews	1 respondent happy with voting arrangements.	N/A
St Edwards - SE1	Yew Tree Lodge: changed from St Johns Hall in Pretoria Road. Complaint of distance or difficulty getting there.	
Upminster - UP6	Corbets Tey: complaints about limited access to school, safeguarding issues with external visitors, disruption to learning for special needs students.	No need to explore other options as issues with access resolved by Zena.



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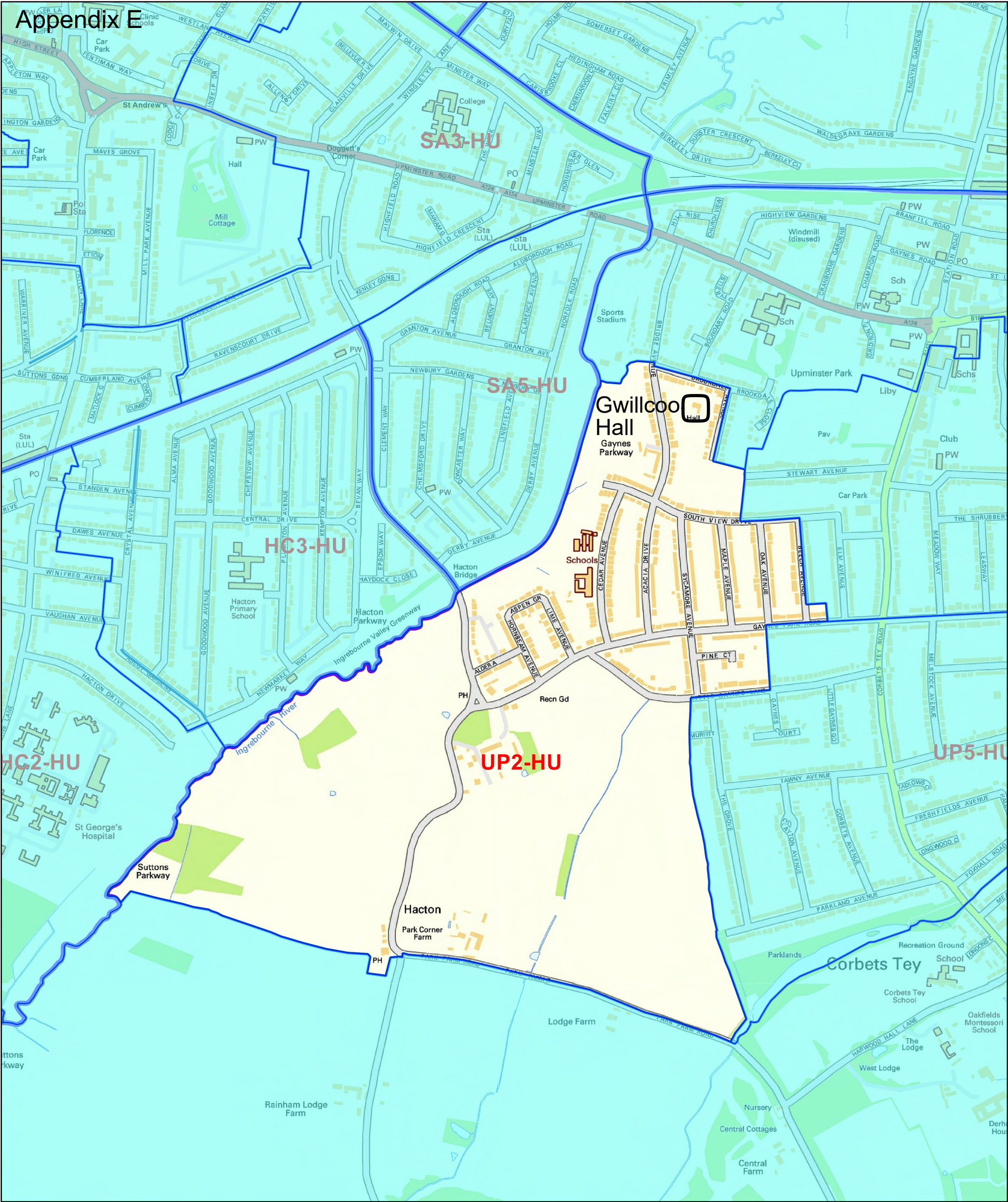





Elm Park - EL4 - Proposed Polling Station	TQ5188984803
	Scale: 1:10000 Date: 04 November 2024 Size: A4 


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Upminster - Current UP2 Boundaries	TQ5501185891	
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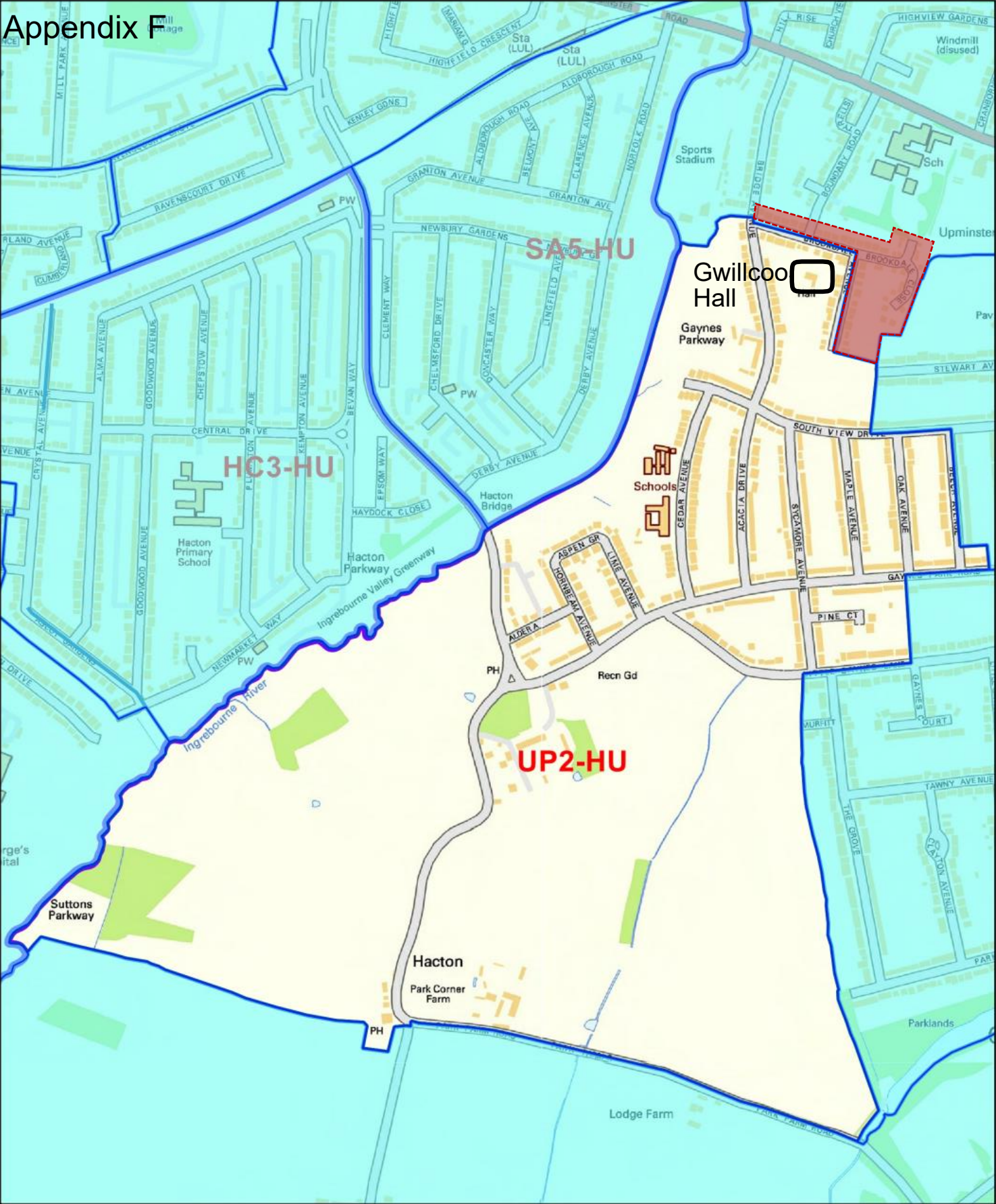
© Crown copyright and database rights 2024 Ordnance Survey AC0000815231  Ordnance Survey The National Land & Property Gazetteer NATIONAL STREET Licensd Partner	Scale: 1:8250 Date: 04 November 2024 
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Appendix F



<p>Upminster - Proposed UP2 Boundaries</p>	<p>TQ5492385788</p> <div data-bbox="1460 1848 1524 1937"><p>N</p></div>
<div data-bbox="252 1982 596 2067"></div>	<p>Scale: 1:9000</p> <p>Date: 04 November 2024</p> <div data-bbox="1235 1982 1465 2040"><p>0 50 100 150 metres</p></div>
<div data-bbox="89 2112 379 2181"></div>	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p> <p>Page 37</p> <p>© Crown copyright and database rights 2024 Ordnance Survey AC0000815231</p>

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**GOVERNANCE COMMITTEE**  
**13 November 2024**

**Subject Heading:**

**CONSTITUTIONAL REVIEW –  
FURTHER CHANGES**

**ELT Lead:**

Gavin Milnthorpe  
Deputy Director, Legal Services  
01708 432838

**Report Author and contact details:**

Gavin Milnthorpe  
Gavin.milnthorpe@havering.gov.uk

**Policy context:**

A well run Council that delivers for People  
and Place.

**Financial summary:**

There are no financial implications arising  
from this report.

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

**SUMMARY**

1. Governance Committee (“GC”) is aware that the Council’s constitution is currently being updated on a piecemeal basis.
2. GC has previously considered and approved a range of proposed changes. Further updates are summarised in this paper.

## RECOMMENDATIONS

3. GC is asked to consider the revised constitution, as attached to this report and to recommend that it be submitted to Full Council (“FC”) for approval and adoption, subject to consideration of any changes as suggested by GC.

## REPORT DETAIL

4. Some constitutional changes, including to the scheme of delegations (the “Scheme”), came into force as of 1 April 2024. It was always anticipated that issues with the revised Scheme would become apparent once the Scheme was in operational use.
5. The Monitoring Officer (“MO”) has been compiling those comments and suggestions and has addressed the following issues within the revised draft.
  - a. The ability to grant lease extensions within both the People & Place directorates has been clarified.
  - b. Consultations. The current Scheme does not include the ability to launch a consultation. This is now included.
  - c. Deputyship. A specific reference to the Localism Act has been added for clarity.
  - d. The statutory roles of Director of Public Health, Director of Adult Social Services and the Director of Children’s Services have been separated out from the Strategic Director roles within the Scheme.
  - e. The ability to approve write offs is specifically for Cabinet rather than Full Council. This was not clear within the previous version of the Constitution.
  - f. The ability to appoint an independent member to Audit Committee has been added.
6. Alongside the further revisions above, the MO has reviewed the constitution from page 1 to page 212 (parts 1-3).
7. Parts 1 and 2 of the constitution contain no real substantive changes. The changes are mainly cosmetic for the sakes of consistency and ease of reading. However, some changes to note are as follows:
  - a. The MO has moved all definitions to the front of the document.

- b. Article 8 has been updated to reflect the new target operating model structure.
  - c. The appendix to Part 2 contains an updated list of the Council's committees and membership thereof.
- 8. Part 3 of the constitution has been updated. The changes to the powers of Full Council ("FC") are largely cosmetic.
  - 9. Some changes have been made to the functions delegated to general council committees. This has been an attempt to reflect what each committee actually does rather than any reallocation of responsibilities by the MO.
  - 10. The Executive functions show numerous changes, reflecting changes made elsewhere. Of particular note is the increase in threshold for contract awards, now being £2m for Cabinet rather than £1m.
  - 11. The disposal of surplus property protocol has been significantly revised.

## **IMPLICATIONS AND RISKS**

### **Equalities implications and Risks**

- 12. None.

### **Legal implications and Risks**

- 13. A key role for GC is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended, in order better to achieve the purposes set out in Article 1, including setting the framework within which the Council operates, enabling the Council to provide clear leadership to the community and providing an effective means of holding decision-makers to public account.
- 14. Changes to the constitution will be approved by FC only after consideration of the proposals by GC.
- 15. It is the MO's responsibility to maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public. The proposals set in the report are intended to meet these requirements.

### **Financial implications and risks:**

- 16. There are no financial implications arising from the contents of this report.

### **Human Resources implications and risks:**

17. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

**Environmental and climate change implications and risks**

18. None.

**BACKGROUND PAPERS**

Governance Committee reports and decisions from 26 September 2023 and 24 March 2024.

A live version of the updated Constitution can be found here:

<https://onesourceict.sharepoint.com/:f:/r/sites/ConstitutionReview95/Shared%20Documents/General/Review%20documents%202024-09-27?csf=1&web=1&e=fQ8UpF>

Comments and / or proposed changes can be made directly on to the document.



COUNCIL CONSTITUTION  
Version updated [     ] 2024

Part 1	SUMMARY OF THE CONSTITUTION	Pages 1-4
Part 2	ARTICLES OF THE CONSTITUTION	
Part 3	RESPONSIBILITY FOR FUNCTIONS	
Part 4	RULES OF PROCEDURE	
Part 5	CODES AND PROTOCOLS	
Part 6	MEMBERS' ALLOWANCES	
Part 7	MANAGEMENT STRUCTURE CHART	

The following definitions are used in this Constitution.

<b>Annual Council</b>	the meeting of Full Council [ ].
<b>Borough</b>	the geographical area known as the London Borough of Havering.
<b>Cabinet</b>	the executive decision making body of the Council comprising the Leader and the Cabinet Members.
<b>Cabinet Member</b>	the individual member of the Cabinet to whom the Leader has assigned a portfolio or otherwise delegated authority to act in relation to that matter.
<b>Chair</b>	the designated chair of any committee or sub-committee of the Council.
<b>Chief Executive</b>	the Chief Executive of the Council (and any reference to the Head of Paid Service within this Scheme or the constitution shall be a reference to the Chief Executive).
<b>Chief Officers</b>	the Chief Executive, the Strategic Directors, <u>the Director of Public Health</u> , the Director of Children's Services, the Director of Adult Social Services and the Monitoring Officer.
<b>Code of Conduct</b>	the code of conduct for Members found at part 5 of this constitution.
<b>Committee</b>	Any committee, sub-committee or board of the Council.
<b>Council</b>	the council of the London Borough of Havering
<b>Councillors</b>	elected councillors of the Council (and a reference to a <b>Member</b> shall be construed as being a reference to a Councillor). Any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to attend the committee or sub-committee on which they sit and may have voting rights).
<b>CPR</b>	The contract procedure rules as set out in part 4.4 of this constitution.
<b>Deputy Chief Officers</b>	Officers who for all or most of their duties report directly to or are directly accountable to a Chief Officer.
<b>Deputy Leader</b>	the Councillor appointed by the Leader to be his / her deputy.
<b>Executive</b>	the Leader and Cabinet together.
<b>Forward Plan</b>	A document containing details of the key decisions likely to be made by the Council for the four month period following publication of the Forward Plan.
<b>Full Council</b>	a meeting of the full membership of the Council.
<b>Governance Committee</b>	the governance committee as appointed by Full Council.
<b>Group Leaders</b>	the nominated leaders of any political grouping within Full Council from time to time.
<b>Honorary Award</b>	[ ]
<b>Joint Committee</b>	Those committees listed at paragraph 2.8 of Part 3.2 of the constitution.
<b>Leader</b>	the Leader of the Council.

<b>Local Plan</b>	
<b>Mayor</b>	the first citizen of the Borough as elected by Full Council from year to year.
<b>Monitoring Officer</b>	the designated monitoring officer of the Council.
<b>Officers</b>	officers / members of staff of the Council
<b>Ombudsman</b>	the relevant ombudsman responsibility for the oversight of specific Council functions, including the Local Government and Social Care Ombudsman and the Housing Ombudsman.
<b>Policy Framework</b>	means the following plans and strategies (which are statutory, except where shown otherwise): <ul style="list-style-type: none"> <li>• Documents that together make up the Development Framework</li> <li>• Licensing and Gambling Authority Policy Statement</li> <li>• Youth Justice Plan</li> <li>• Corporate Plan (non-statutory)</li> <li>• Crime and Disorder Reduction Partnership Strategy</li> <li>• A plan or strategy for the control of the authority's borrowing, investments or capital expenditure</li> </ul>
<b>Proper Officer</b>	[ ]
<b>Scheme</b>	this scheme of delegations.
<b>Strategic Directors</b>	the Strategic Directors of Resources, Place and People collectively (any reference to a Strategic Director should be construed accordingly.)
<b>Statutory Officers</b>	Those posts as detailed in Article 8, 8.01(c).
<b>Town Hall</b>	the main offices of the Council at Town Hall, Main Road, Romford, RM1 3BB

~~Throughout this document, according to context, “The Council” means either:~~

- ~~• the 55 Members of the Council (“Councillors”) meeting together in full Council or~~
- ~~• the statutory body administering local government in the London Borough of Havering~~

This document is produced in accordance with the requirements of the Local Government Act 2000 (Constitutions) (England) Direction 2000.

## **1. The Council’s constitution**

The ~~London Borough of Havering~~Council has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are properly made and are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been decided by the Council itself.

The constitution is divided into 12 articles which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## **2. What’s in the constitution?**

Article 1 of the constitution commits the Council to deliver its priorities under the corporate plan, and to provide clear community leadership in partnership with local people, partners, businesses and others with a stake in the ~~well-being~~wellbeing of the ~~London Borough of Havering~~. The rest deal with:

- (a) Members of the Council (Article 2)
- (b) Citizens and the Council (Article 3)
- (c) The Council and the Mayor (Article 4)
- (d) The Executive – Leader of the Council and Cabinet (Article 5)
- (e) Overview and Scrutiny (Article 6)
- ~~(e)~~ Joint arrangements (Article 7)
- ~~(f)~~ Staff (Article 8)
- ~~(g)~~ Decision making (Article 9)
- ~~(h)~~ Finance, contracts and legal matters (Article 10)

(~~h~~i) Review and revision of the constitution (Article 11)

(~~h~~k) Suspension, interpretation and publication of the constitution (Article 12).

### 3. How the Council operates

Councillors are democratically accountable to residents of their electoral ward. The overriding duty of ~~councillors~~Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to comply with a code of conduct to ensure high standards in the way they undertake their duties.

All ~~councillors~~Councillors meet together as the Full Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies, and set the budget each year. The Council elects a Leader, who then appoints a Deputy Leader and between two and eight other members who together with the Leader of the Council form the Cabinet. The Leader and Cabinet are responsible for implementing the policies decided by the Council within the budget. Functions of the Cabinet and individual Cabinet ~~members~~Members are decided by the Leader. The Council is required by law also to appoint Overview and Scrutiny Committees to assist in policy formulation and to hold the Cabinet to account for its performance.

### 4 How decisions are made

The Executive is accountable for most day-to-day decisions. The Executive is made up of the Leader and the Cabinet. The Leader is elected by the Council and is responsible for arranging for the exercise of all executive functions. The Leader appoints the Cabinet. When major decisions are to be discussed or made, these are published in the ~~Leader's~~ Forward Plan. If these major decisions are to be taken at a meeting of the Executive, the meeting will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council ~~as a whole~~ to decide.

While most decisions are taken by the Executive (i.e. by or on behalf of the Cabinet or an individual Cabinet member), some important decisions are also taken by the ~~full~~Full Council, or by its committees and sub-committees.

### 5. Overview and Scrutiny

There are ~~six~~two Overview and Scrutiny Committees, known as sub-committees which support the work of the Overview and Scrutiny Board, the Executive and the Council as a whole. They have statutory powers to report and make recommendations which advise the

Executive and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Sub-Committees also monitor the decisions of the Executive. The Overview and Scrutiny Board can “call-in” a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Full Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Board also deal with Councillor Calls for Action and sub-committees have power to scrutinise a number of partner agencies in relation to matters concerning the National Health Service and crime and disorder.

## **6. Health and Wellbeing Board**

The Council’s Health and Wellbeing Board is a committee that includes NHS representatives as well as councillors and officers from the Council. Havering’s local Healthwatch organisation is also represented. The Board works towards ensuring people in Havering have services of the highest quality which promote their health and wellbeing and to narrow inequalities and improve outcomes for local residents.

## **7. Other Committees**

The Council also appoints a number of other committees to undertake functions on its behalf that cannot be undertaken by the Executive. ~~These include the Regulatory Services Committee (which deals with planning issues), the Audit Committee and the Pensions Committee.~~

## **8. The Council’s staff**

The Council has staff to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the Council.

## **9. Citizens’ rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, while others depend on the Council’s own processes. ~~The local Citizens’ Advice Bureau can advise on individuals’ legal rights.~~

Citizens have the right to:

- (a) vote at local elections if they are registered
- (b) contact their local councillor about any matters of concern to them

- (c) obtain a copy of the constitution
- (d) attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- (e) petition to request a referendum on a mayoral form of Executive
- (f) find out, from the ~~Leader's~~ Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or staff, and when
- (g) attend meetings of the Executive where key decisions are being discussed or decided except where, for example, personal or confidential matters are being discussed
- (h) see reports and background papers except those containing personal or confidential information, and any record of decisions made by the Full Council and Executive
- (i) complain to the Council about any aspect of the ~~B~~orough's services using the Council's formal complaints systems
- (j) complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints process
- (k) complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's code of conduct, and
- (l) inspect the Council's accounts and make their views known to the external auditor.
- (m) Inspect the Register of Members' Interests

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they may have additional rights. These are not covered in this constitution.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend meetings is available.

## Article 1: The constitution

### 1.01 Purpose of the Constitution

The purpose of the constitution is to set the frameworks within which the Council operates and in particular to:

- 1 enable the Council to provide clear leadership to the community in partnership with citizens, partners, businesses and other organisations
- 2 support the active involvement of citizens in the process of local authority decision-making
- 3 help ~~councillors~~ Councillors represent their constituents more effectively
- 4 enable decisions to be taken efficiently and effectively
- 5 create a powerful and effective means of holding decision-makers to public account
- 6 ensure that no person will review or scrutinise a decision in which he or she was directly involved
- 7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
- 8 provide a means of improving the delivery of services to the community.

### 1.02 Interpretation and review of the constitution

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in Article 11.

### 1.03 Definitions

~~For the purposes of this constitution:~~

~~(a) Where appropriate, any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to attend the committee or sub-committee on which they sit and may have voting rights).~~



~~(b) The following staff are Chief Officers:~~

- ~~1. Head of Paid Service (i.e. the Chief Executive)~~
- ~~2. Director of Children's Services (appointed under s.18 Education Act 2004) (i.e. the Director of Children's Services)~~
- ~~3. Director of Adult Social Services (appointed under s.6(A1) Local Authority Social Services Act 1970) (i.e. the Director of Adults and Health)~~
- ~~4. the s.151 Officer (i.e. the Chief Operating Officer)~~
- ~~5. Director of Public Health~~
- ~~6. Any person who for most of their duties (other than clerical or administrative) reports directly to the Head of Paid Service or directly to the Council or a committee or sub-committee of the Council.~~

~~Those in categories 1 – 5 are statutory chief officers, those in category 6 are non-statutory chief officers.~~

~~(c) Deputy Chief Officers are staff who for all or most of their duties report directly to or are directly accountable to a Chief Officer.~~

~~(d) SLT Directors are the Directors of Adult Social Services, Children's Services, Neighbourhoods, the Chief Operating Officer and the oneSource Managing Director~~

~~(e) Second Tier Managers are senior managers reporting to an SLT Director~~

~~(f) Third Tier Managers are senior managers reporting to a Second Tier Manager~~

~~(g) "Policy Framework" means the following plans and strategies (which are statutory, except where shown otherwise):~~

~~Documents that together make up the Development Framework~~

~~Licensing and Gambling Authority Policy Statement~~

~~Youth Justice Plan~~

~~Corporate Plan (non-statutory)~~

~~Crime and Disorder Reduction Partnership Strategy~~

~~A plan or strategy for the control of the authority's borrowing, investments or capital expenditure~~

~~(h) "Budget" includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. For the purpose of the Budget Framework Procedure Rules and the Policy Framework Procedure Rules, the budget shall not include reserves and balances.~~

~~(i) "Housing land transfer" means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.~~

## **Article 2: Members of the Council**

### **2.01 Composition and eligibility**

The Council comprises 55 members, otherwise called ~~councillors~~Councillors. ~~Two / Three~~three ~~councillors~~Councillors are elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Only registered voters of the ~~London~~-Borough-~~of Havering~~ or those living or working there are eligible to hold the office of councillor.

The regular election of councillors is held on the first Thursday in May every fourth year from 2002. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

Vacancies in the office of Councillor are filled by a by-election; those elected at a by-election hold office until the fourth day after the date of the next regular election.

### **2.02 Roles and functions of all councillors**

#### **(a) Key roles**

All ~~councillors~~Councillors will:

- (i) collectively be the ultimate policy-makers;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making; participate in the governance and management of the Council
- (iii) effectively represent the interests of their constituents, fairly, impartially and without unlawful discrimination;
- (iv) maintain the highest standards of conduct and ethics.

#### **(b) Rights and duties**

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence

to anyone other than a ~~councillor~~ Councillor or ~~member of staff~~ Officer entitled to know it.

- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this constitution.

#### **(c) Champions**

Council has established six positions to act as and be a Champion:

- (i) Champion for the Armed Forces
- (ii) Champion for Equalities and Diversity
- (iii) Champion for Historic Environment
- (iv) Champion for the Over Fifties
- (v) Champion for the Voluntary Sector Compact
- (vi) Champion for the Young People

Such appointments are made at Annual Council.

In relation to the issues for which they are responsible, the Champions shall be required to report annually to Council, shall have the right to report to Council or to Cabinet at any ordinary meeting and may be questioned at an ordinary meeting of the Council by any member.

### **2.03 Conduct**

Councillors will at all times observe the Members’ Code of Conduct, the Protocol on Member/Officers Relations, the Protocol on Probity in Planning matters and the Protocol on Gifts and Hospitality set out in Part 5 of this constitution.

### **2.04 Allowances**

Councillors are entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this constitution.

## **Article 3: Citizens and the Council**

### **3.01 Citizens' rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this constitution.

#### **(a) Voting and petitions**

Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected mayor.

#### **(b) Information**

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and its committees except any part where confidential or exempt information is likely to be disclosed
- (ii) find out from the Forward Plan what key decisions will be taken by the Executive (or Officers), and when
- (iii) see reports and background papers, and any records of decisions made by the Council and the Executive except any part which includes confidential or exempt information
- (iv) inspect the Council's accounts and make their views known to the external auditor.

#### **(c) Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme
- (ii) the Ombudsman
- (iii) the Monitoring Officer if they consider that a Member has acted in breach of the Code of Conduct.

### **3.02 Participation**

Overview and Scrutiny Sub-Committees and other committees may invite Citizens to:

- (a) contribute to their investigations
- (b) speak at their meetings.

#### Strategic Planning and Planning Committees

Public rights in respect of participation at the Strategic Planning Committee and the Planning Committee are set out in the Planning Procedure Rules in Part 4 of this Constitution.

**Article 4: ~~The Full~~ Council and the Mayor**

**4.01 Functions of ~~the Full~~ Council**

Only ~~the Full~~ Council will exercise the following functions:

- (a) adopting and changing the constitution
- (b) approving or adopting the ~~P~~policy ~~framework~~Framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the ~~Access to Information Procedure~~Decision Making Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the ~~P~~policy ~~framework~~Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the ~~policy~~Policy framework Framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area, conferring the honorary freedom of the borough or appointing honorary aldermen / alderwomen
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal ~~Bills~~bills
- (j) the decision to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption of the ~~members-c~~Code of conductConduct
- (m) approving the annual pay policy statement
- (n) ~~Resolution~~resolution to make a change in governance arrangements

- (o) all local choice functions set out in Part 3 of this constitution which ~~the Full~~ Council decides should be undertaken by itself rather than the Executive
- (p) all other matters which, by law, must be reserved to Full Council.

#### **4.02 Council meetings**

There are four types of Council meeting:

- (a) annual meetings
- (b) ordinary meetings
- (c) council tax and budget setting meetings
- (d) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this constitution.

#### **4.03 Role and function of the Mayor**

The Mayor is elected at the Annual ~~Meeting of the~~ Council from among its members. The Mayor is the civic and ceremonial head of the Council. The Mayor appoints the Deputy Mayor.

The Mayor and, in his or her absence, the Deputy Mayor (in the case of (e) and (f) if the Deputy Mayor is chosen by the meeting in accordance with Council Procedure Rule rule 2 (a)) will have the following roles and functions:

- (a) To uphold and promote the purposes of the constitution and, when ~~Chairing~~ chairing the Full Council meeting, to interpret the constitution when necessary
- (b) To promote public interest in the Council's activities.
- (c) To be the Returning Officer for the parliamentary constituencies within the Borough.
- (d) To attend civic and ceremonial functions
- (e) To preside over meetings of ~~the Full~~ Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. ~~[In the case of an equality of votes, then, as the Chairman of the meeting, the Mayor has a second or casting vote.]~~



- (f) As Chair~~man~~ of the meeting, to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which ~~members~~ Members who are not on the Cabinet are able to hold the Cabinet to account.

#### **4.04 Committees of the Council**

~~The Full~~ Council will appoint committees and sub-committees, with the membership arrangements shown in the Table appended to this Part 2. The full functions of each are set out in Part 3 of this constitution.

~~The Full~~ Council is required – with a few exceptions – to make appointments to Committees in accordance with the principles of political balance. The number of Members' seats on each ~~Committee~~ committee shown in the table may be varied by resolution of ~~the Full~~ Council in order to achieve political balance.

#### **4.05 Responsibility for functions**

~~The Full~~ Council will maintain the tables in Part 3 of this constitution, which set out the responsibilities for those functions of the Council that are not the responsibility of the Executive

## **Article 5: The Executive – Leader of the Council and Cabinet**

### **5.01 Role**

The Leader is responsible for arranging for the exercise of all executive functions.

### **5.02 Leader of the Council**

The Council will elect a Councillor to the position of Leader of the Council. The Leader will hold office for a term of four years from the Annual Council meeting until the day on which the next post-election Annual Council meeting is held or until:

- he or she resigns from the office, or
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a councillor, or
- he or she is removed from office by resolution of ~~the Full~~ Council.

### **5.03 Cabinet**

The Leader will appoint a Cabinet, which will consist of between two and nine councillors, one of whom will be Deputy Leader. If the Leader appoints or removes a member of the Cabinet he or she shall notify the Proper Officer of the appointment or removal

### **5.04 Deputy Leader**

The Leader is required to appoint a Deputy Leader who shall hold office until the end of the term of office of the Leader or until:

- he or she resigns from office
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a ~~councillor~~ Councillor, or
- he or she is removed from office by the Leader

Where a vacancy occurs in the office of Deputy Leader the Leader must appoint another person in his place.

The Deputy Leader must act in the Leader's place if at any time the Leader is unable to act or the office of Leader is vacant.

### **5.05 Other Cabinet members**

Other Cabinet members shall hold office until:

- they resign from office, or
- they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension), or
- they are no longer ~~councillors~~Councillors, or
- they are removed from office by the Leader ~~of the Council~~.

If for any reason the Leader or Deputy Leader are unable to act or the office(s) is vacant then the Cabinet Members collectively must act in the Leader's place or must arrange for a member of the Cabinet to act in his /her place.

#### **5.06 Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this constitution.

#### **5.07 Allocation of portfolios and executive functions**

The portfolios and functions of individual Cabinet ~~members~~Members will be allocated by the Leader ~~of the Council~~.

The Leader will give notice in writing to the ~~proper~~Proper officerOfficer, and maintain a list, setting out which individual members of the Cabinet, committees of the Cabinet, staff or joint arrangements are responsible for the exercise of particular executive functions.

## **Article 6: Overview & Scrutiny**

### **6.01 Areas of responsibility**

~~The Full~~ Council will appoint an Overview and Scrutiny Board to discharge, together with Overview and Scrutiny -Committees (known as subcommittees), the functions conferred by section 21 of the Local Government Act 2000 (or regulations made under section 32 of the Local Government Act 2000), the National Health Service Act 2006, the Police & Criminal Justice Act 2006 and the Local Government & Public Involvement in Health Act 2007 and any other relevant legislation from time to time.

### **6.02 Overview & Scrutiny activities**

Section 21 of the Local Government Act 2000 sets out the powers and functions of the Overview and Scrutiny Board and Sub-Committees, which are dealt with more fully in **Part 3, section 1.4**.

Overview and Scrutiny Sub-Committees must report annually to the Overview and Scrutiny Board on their workings and make recommendations for future work programmes and amended working methods if appropriate. The Board is required to report annually to ~~full~~ Full Council.

### **6.03 Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Sub-Committees and the Overview and Scrutiny Board will conduct their proceedings in accordance with the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution.

### **6.04 Joint scrutiny of health service**

The Health Overview & Scrutiny Sub-Committee is authorised pursuant to Regulation 28 of the Local Authority (Public Health, Health, Wellbeing and Health Scrutiny) Regulations 2013 to establish together with the Health Overview & Scrutiny Committees or equivalent of one or more other local authorities a Joint Overview & Scrutiny committee.

Any such joint overview & scrutiny committee shall have such terms of reference, and shall exist for so long, as the appointing Overview & Scrutiny Committees may agree.

## Article 7: Joint arrangements

### 7.01 Joint arrangements for the exercise of functions

- (a) The Council may establish joint arrangements with one or more local authorities for the exercise of non-executive functions, ~~or to advise the participating authorities.~~ Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader may appoint only Cabinet ~~members~~ Members to a joint committee and those ~~members~~ Members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint non-executive ~~members~~ Members to a joint committee that has functions for part only of the ~~borough~~ Borough, provided that the part in question is smaller than two-fifths of the ~~borough~~ Borough by area or population. In such cases, the Leader may appoint to the joint committee any ~~councillor~~ Councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) The Leader may appoint non-executive ~~members~~ Members to a joint committee where the joint committee is discharging functions in relation to 5 or more authorities. The political balance requirements do not apply to such appointments.

## Article 8: Staff

### 8.01 Management structure

#### (a) General

The Council may engage such ~~staff-Officers~~ as it considers necessary to carry out its functions.

#### (b) ~~Senior-Executive~~ Leadership Team ("~~ELT~~")

The Chief Executive shall determine which Officers shall comprise ELT from time to time. As at the date of this document, ELT comprises of the Chief Executive and the Strategic Directors.

~~The Council will engage persons for the following posts which will form the Senior Leadership Team:~~

- ~~• Chief Executive~~
- ~~• Director of Adults and Health~~
- ~~• Director of Children's Services~~
- ~~• Director of Neighbourhoods~~
- ~~• Chief Operating Officer~~
- ~~• oneSource Managing Director~~

~~Their duties and areas of responsibility will be as set out below and in Part 3 of this constitution. The Directors of Adults and Health, Children's Services and Neighbourhoods, the Chief Operating Officer and the oneSource Director are together referred to as SLT Directors in this constitution.~~

~~Delegations to the Managing Director of oneSource (also referred to as the Head of Shared Service) staff are also contained in the oneSource Scheme of Delegation.~~

#### (c) Statutory Officers

The Council ~~will~~has designatedd the following statutory posts as at the date of this document:

<u>POST</u>	<u>STATUTORY DESIGNATION</u>
Chief Executive	Head of Paid Service
Deputy Director for Legal and Governance	Monitoring Officer

<del>Chief Operating Officer</del> <u>Strategic Director of Resources</u>	<del>Responsible officer under s</del> Section 151 <del>of the Local Government Act 1972 (Chief Finance Officer)</del>
<del>Director of Adults and Health</del> <u>Strategic Director of People</u>	Director of Adult Social Services
Director of <del>Children's Services</del> <u>Living Well</u>	Director of Children's Services
<del>Head of Democratic Services</del> <u>Assistant Director of Insight, Policy and Strategy</u>	Scrutiny Officer
Director of Public Health	Director of Public Health

## 8.02 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Council will provide the Monitoring Officer and the ~~Chief Finance Officer~~Strategic Director of Resources with such staff, accommodation and other resources as are in those officers' opinion sufficient to allow their duties to be performed.

## 8.03 Other staff

- (a) The ~~Head of Paid Service~~Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of staff. This description is set out in Part 7 of this constitution.
- (b) The recruitment, selection and dismissal of staff will comply with the Staff Employment Procedure Rules set out in Part 4 of this constitution
- (c) Staff will comply with the Staff Code of Conduct and the Protocol on Member/Staff Relations set out in Part 5 of this constitution

## **Article 9: Decision making**

### **9.01 Responsibility for decision making**

The Council and/or the Leader, as appropriate, will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this constitution.

### **9.02 Principles**

All decisions will be made:

- (a) proportionately (meaning that the action must be proportionate to the desired outcome)
- (b) after due consultation and the taking of professional advice
- (c) with respect for human rights as set out in the Human Rights Act 1998 and having regard to the ~~council's~~ Council's public sector equality duty.
- (d) with the presumption in favour of openness
- (e) with clarity of aims and desired outcomes
- (f) after due consideration for the interests of residents and other stakeholders, and
- (g) in accordance with the Policy Framework.

Decisions will be recorded in an appropriate manner. The record of executive decisions will provide an explanation of the options considered in making the decision and will give the reasons for the decision.

### **9.03 Executive Decisions**

“Executive decisions” are those that are required to be taken by the Leader or in accordance with delegations agreed by the Leader to Cabinet, to individual members of the Cabinet or to specific ~~officers~~ Officers.

Decisions made by the Health and Wellbeing Board are also Executive Decisions as this is a statutory executive committee.

### **9.04 Non Executive Decisions**



Decisions that are not executive decisions shall be taken by ~~the Full~~ Council, by a Committee to which Full Council has delegated power to act on its behalf, or by specific ~~officers~~ Officers to whom powers have been delegated. In reaching such decisions, ~~officers~~ Officers to whom powers have been delegated may consult the Chair~~man~~ of the relevant Committee where to do so is expedient, and shall do so where an earlier decision so requires.

#### **9.05 Referral of decision making to higher authority**

An individual or body to whom power to make a decision has been delegated may decline to make that decision and refer it for decision by the relevant Committee, Cabinet Member, the Leader or by Full Council as appropriate.

Decisions of the Health and Wellbeing Board cannot be referred to other parts of the Council, i.e. Cabinet, where the statutory decision making power rests solely with the Board.

Decisions of The Strategic Planning Committee and the Planning Committee cannot be referred to another body (except officers), ~~including to the Council~~.

#### **9.06 Decision making**

Subject to paragraph 9.07 below

- (a) ~~the Full~~ Council meetings will follow the Council Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (b) the Executive will follow the Executive Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (c) the Overview and Scrutiny Board and Sub-Committees will follow the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (d) The Strategic ~~planning~~ Planning Committee and the Planning Committee will additionally follow the Planning Procedure Rules set out in Part 4 of this constitution.
- (d) other Council Committees and Sub-Committees will follow those parts of the Committee Procedure Rules set out in Part 4 of this constitution as apply to them.

#### **9.07 Decision making by Council bodies acting as tribunals**

Quasi-judicial decisions of ~~the Full~~ Council, Cabinet, Committee or an ~~Officer~~ shall be taken in accordance with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## 9.08 Party Whip

There shall be no ~~Party-party Whip-whip~~ at meetings of:

- the Strategic Planning Committee and the Planning Committee when determining planning matters;
- Overview & Scrutiny Board and Sub-Committee;
- ~~the Adjudication & Review Sub-Governance~~ Committee when it is conducting an investigation of hearing into the conduct of a Member;
- the Licensing Committee when it is determining licences and conducting hearings; and
- any other ~~committees-Committees~~ where the ~~committee-Committee~~ meets to determine applications, hearings, appointments or acts in any quasi-judicial matter.

The ~~Party-party Whip-whip~~ is understood to mean any instructions given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote, or the application or threat to apply any sanctions by the group in respect of that Councillor should they speak or vote in any particular manner.

## **Article 10: Finance, contracts and legal matters**

### **10.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this constitution.

### **10.02 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this constitution.

### **10.03 Legal proceedings**

Any legal proceedings shall be instituted or conducted in accordance with the delegations granted to the Monitoring Officer at Part 3 of this constitution.

~~The Director of Legal and Governance is authorised to institute, defend or participate in, conduct or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/ she considers that such action is necessary to protect the Council's interests. The institution, defence, participation in, conduct or settlement any legal proceedings may be undertaken by any SLT Director or Second Tier Manager where authorised by the Director of Legal and Governance, subject to any conditions which he or she may impose.~~

### **10.04 Authentication of documents**

Authentication of documents shall be in accordance with the Contracts Procedure Rules set out in Part 4 of this constitution.

~~Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal and Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.~~

~~Contracts with a total value of over £150,000 must be made under the common seal of the Council in accordance with rule 17.2 of the Contract Procedure Rules unless the Director of Legal and Governance approves otherwise. Contracts under £150,000 will usually be signed by the Chief Executive or the appropriate SLT Director, Director of Legal and Governance or Second Tier Manager in accordance with rule 17.2 of the Contract Procedure Rules but may be executed under seal where this is deemed appropriate in accordance with rule 17.3.~~

### **10.05 Common seal of the Council**

The common seal of the Council may be affixed in accordance with the provisions of the Contracts Procedure Rules set out in Part 4 of this constitution.

~~The common seal of the Council may be affixed to any document on the authority of any either of the Chief Executive, a SLT Director, the Director of Legal and Governance, the Deputy Director of Legal and Governance, a Principal or Senior Lawyer.~~

~~The seal shall be attested by that individual and an entry of every sealing of a document shall be made and consecutively numbered in a register to be provided for the purpose and shall be signed by the person who has attested the seal~~

## **Article 11: Review and revision of the constitution**

### **11.01 Duty to monitor and review the constitution**

The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

#### **Protocol for monitoring and review of constitution**

A key role for the Governance Committee is to be aware of the strengths and weaknesses of the constitution adopted by ~~the Full~~ Council, and to make recommendations for ways in which it could be amended in order to better ~~to~~ achieve the purposes set out in Article 1. In undertaking this task the Governance Committee may:

- observe meetings of different parts of the ~~member~~ Member structure
- undertake an audit trail of a sample of decisions
- record and analyse issues raised by ~~members~~ Members, ~~staff~~ Officers, the public and other relevant stakeholders, and
- compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### **11.02 Changes to the constitution**

#### **(a) Approval**

Changes to the constitution will be approved by ~~the f~~ Full Council only after consideration of the proposal by the Governance Committee.

#### **(b) Change from a Leader form of executive to alternative arrangements or vice versa**

Where the Executive proposes to change the governance model of the Council, ~~The the~~ Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

#### **(c) Delegated powers of the Monitoring Officer**

The Monitoring Officer shall have power to:

- amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure

- insert recommendations made pursuant to a written report agreed by Full Council
- clarify the ~~Constitution~~constitution, make non-contentious amendments, insert obvious omissions or to comply with any accepted recommendations made by ~~the Audit Commission, and/or~~ any ~~other~~ government appointed inspection regime (on giving five working days' notice to Group Leaders and the ~~other Members of the~~ Governance Committee).

If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.

## **Article 12: Suspension, interpretation and publication of the constitution**

### **12.01 Suspension of the constitution**

#### **(a) Limit to suspension**

The articles of this constitution may not be suspended. The rules specified below may be suspended by ~~the full~~ Council to the extent permitted within those rules and the law.

#### **(b) Procedure to suspend**

A motion to suspend any rule(s) will not be moved without notice unless at least one half of the whole number of ~~councillors~~ Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in Article 1.

#### **(c) Rules capable of suspension**

The following rules may be suspended:

- (i) all of the Council Procedure Rules set out in Part 4 of this constitution except ~~rules 15.1, 16.1, 16.2~~ for those specified therein as not being capable of suspension.
- (ii) all of the Committee Meeting Procedure Rules set out in Part 4 of this constitution except for those specified therein as not being capable of suspension ~~rule 6.~~

### **12.02 Interpretation**

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

### **12.03 Publication**

- (a) The Monitoring Officer will make a printed copy of this constitution available for ~~members~~ Members ~~of the Council.~~
- (b) The Monitoring Officer will ensure that a copy is available for inspection at the Town Hall, and can be purchased by members of the local press and the public on payment of a reasonable fee.

## Appendix

Committee	Number of members
<del>Adjudication and Review Committee</del>	<del>8 Councillors, of whom no more than one may be an Executive Member; there is also a pool of Independent Persons who may advise specific Hearings Panels</del>
Appointments Sub-Committee	6 Councillors at least one of whom must be an <del>n-Executive</del> <u>Cabinet</u> Member.
Audit Committee	6 Councillors <u>together with one independent member recommended to Audit Committee by the Council's Head of Audit.</u>
<del>Children &amp; Learning Overview and Scrutiny Sub-Committee</del>	<del>8 Councillors, together with two statutorily co-opted and three voluntarily co-opted Members with voting rights, and three non-voting staff representatives</del>
<del>Crime &amp; Disorder Sub-Committee</del>	<del>6 Councillors; the Committee has statutory authority to co-opt certain individuals as required.</del>
<del>Environment Overview and Scrutiny Sub-Committee</del>	<del>6 Councillors</del>
Governance Committee	12 Councillors, at least one of whom must be a <del>n-Executive</del> <u>Cabinet</u> Member
Health & Wellbeing Board	Four Councillors Four Council Officers (Chief Executive, Director of Public Health, Director, <del>of</del> Adult <u>Social</u> Services and Director, <del>of</del> Children's Services) Four representatives of Havering Clinical Commissioning Group One member from Barking, Havering and Redbridge University Hospitals' NHS Trust (BHRUT) One member from North East London NHS Foundation Trust (NELFT) One member from NHS England One member from Healthwatch Havering with voting rights
Health Overview and Scrutiny Sub-Committee	6 Councillors
<u>Joint Health Overview and Scrutiny Sub-Committee</u>	
<del>Highways Advisory Committee</del>	<del>8 Councillors</del>
<del>Individuals Overview and Scrutiny Sub-Committee</del>	<del>7 Councillors.</del>



Licensing Committee	11 Councillors.
<u>Licensing Sub-Committee</u>	<u>6 Councillors.</u>
<u>Local London Joint Committee</u>	
<del>Havering</del> Local Pension Board	To be determined in accordance with the Local Government Pension Scheme Regulations 2013, not being a body constituted under section 101 of the Local Government Act 1972.
<u>OneSource Joint Committee</u>	
Overview and Scrutiny Board	16 Councillors
Pensions Committee	7 Councillors, one co-opted Member and two non-voting observers.
<u>People Overview and Scrutiny Sub-Committee</u>	
<u>Places Overview and Scrutiny Sub-Committee</u>	
Planning Committee	8 Councillors of whom there should always be at least one Councillor in each Ward who is not a member of Strategic Planning Committee or Planning Committee to ensure that there will always be a Councillor with whom residents will be able to discuss planning matters.
Strategic Planning Committee	8 Councillors of whom there should always be at least one Councillor in each Ward who is not a member of Strategic Planning Committee or Planning Committee to ensure that there will always be a Councillor with whom residents will be able to discuss planning matters.
<del>Towns and Communities Overview and Scrutiny Sub-Committee</del>	<del>9 Councillors</del>

**Notes for later inclusion:**

- 2.02 (a) Key roles  
(b) Rights and duties

Should these be added to a composite Part 5, showing rights and duties of Councillors, including code of conduct?

OR – should we extend 4.1 (Access to Info) to cover members of the public and councillors in separate sections.

Champion for Standards to be removed.

Need to re-order part 4, so that FC comes first, followed by Executive and Committees. And before that, need to add in some Decision Making Rules which will cover the FP and urgency provisions.

CPR – need to ensure authentication and sealing sections cover everything contained within Art.10.

Add Committee annexes to Part 3?

## PART 3 RESPONSIBILITY FOR FUNCTIONS

### 3.1 FULL COUNCIL

#### 1.1 Functions exercised by ~~full~~ Full Council alone

Only ~~the Full~~ Council will exercise the following functions:

- (a) adopting ~~or amending~~ the constitution
- (b) approving ~~or~~, adopting ~~or amending~~ the ~~policy~~ Policy framework Framework, the budget and any application to the ~~Secretary~~ secretary of ~~State~~ state in respect of any housing land transfer
- (c) subject to the urgency procedure contained in **the Access to Information Procedure Rules in Part 4** of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the ~~policy~~ Policy framework Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the ~~policy~~ Policy framework Framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for ~~any committees~~ Committee, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area, ~~or~~ conferring ~~the an honorary~~ Honorary freedom of the borough ~~or appointing honorary aldermen~~ Award;
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal ~~Bills~~ bills
- (j) ~~the decision~~ to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption ~~or amendment~~ of the ~~members' c~~ Code of ~~conduct~~ Conduct
- (m) approving the annual pay policy statement
- (n) ~~Resolution to make~~ making a change ~~in to the Council's~~ governance arrangements

- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which ~~the~~ Full Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Full Council.

### 1-23.2 FUNCTIONS DELEGATED TO GENERAL COUNCIL COMMITTEES ~~Functions delegated to general council committees~~

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

Reference is made to the following functions:

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

Council committee	Functions
<u>Audit</u>	<p><u>Internal control</u></p> <ul style="list-style-type: none"> <li>• To consider and monitor the adequacy and effectiveness of the <del>authority’s</del> <u>Council’s</u> risk management and internal control environment and to make recommendations to <del>full-Full</del> Council where necessary.</li> </ul> <p><u>External audit</u></p> <ul style="list-style-type: none"> <li>• To monitor the adequacy and effectiveness of the <del>External-external</del> <u>Audit audit Service-service</u> and respond to its findings Internal audit</li> <li>• To support <del>the</del> Officers with their delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit</li> <li>• To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager</li> <li>• To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding the committee’s responsibilities to monitor corporate governance matters generally.</li> <li>• To monitor proactive fraud and corruption arrangements</li> </ul> <p><u>Whistleblowing Policy and Procedure</u></p> <ul style="list-style-type: none"> <li>• <u>To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet.</u></li> </ul> <p><u>Regulatory and investigatory Powers Act 2000</u></p> <ul style="list-style-type: none"> <li>• <u>whisTo review the Council’s use of the Regulation of Investigatory Powers Act 2000 and the Council’s policy at least once every year and to make recommendations for changes to the policy</u></li> </ul>

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<u>Governance</u>	<p><u>Monitoring constitution</u></p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> <li>• To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect</li> <li>• To make recommendations to the Council about amending the constitution</li> <li>• To monitor and review the Members’ Allowance Scheme and make recommendations to Council</li> <li>• To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations</li> </ul> <p><u>Staff disciplinary, capability and grievance procedures</u></p> <ul style="list-style-type: none"> <li>• Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee.</li> <li>• Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager</li> <li>• Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by “Havering Grade” staff.</li> </ul> <p><u>Appointments and dismissals</u></p> <ul style="list-style-type: none"> <li>• To make recommendations to Council about appointing and dismissing the Head of Paid Service.</li> <li>• To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution.</li> <li>• Where necessary to establish a panel to consider and determine any allegation under the Council’s disciplinary or capability procedures against the Head of Paid service, a SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager.</li> <li>• To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: (a) to any office (other than an office in which he is employed by the authority) in the authority’s gift (b) as the authority’s representative to any body other than the authority or to any committee or sub-committee of such a body and to revoke any such appointment (see Part 3, section 5: local choice functions)</li> <li>• To approve delegated arrangements for such appointments</li> <li>• To interview candidates for independent member positions and to make recommendations to Council about the appointment of independent members</li> </ul>
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	<p><u>Terms and conditions and general employment matters</u></p> <ul style="list-style-type: none"> <li>• To determine matters relating to the Council’s responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees.</li> <li>• To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers.</li> </ul> <p><u>Member Conduct</u></p> <ul style="list-style-type: none"> <li>• To promote and maintain high standards of conduct by the members and co-opted members of the authority</li> <li>• To assist members and co-opted members of the authority to observe the authority’s code of conduct</li> <li>• To advise the authority on the adoption or revision of a code of conduct</li> </ul> <p>(An Assessment Panel, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</p> <p><u>Guidelines for members in dealing with staff</u></p> <ul style="list-style-type: none"> <li>• To advise the authority on the adoption or revision of the Guidelines on members dealing with staff.</li> </ul> <p><u>Protocol on probity in planning</u></p> <ul style="list-style-type: none"> <li>• To advise the authority on the adoption or revision of the Protocol on Probity in Planning.</li> </ul> <p><u>Whistleblowing Policy and Procedure</u></p> <ul style="list-style-type: none"> <li>• <del>To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet.</del></li> </ul> <p><u>Member support</u></p> <ul style="list-style-type: none"> <li>• To oversee matters related to the facilities available to support members</li> </ul> <p><u>Regulatory and investigatory Powers Act 2000</u></p> <ul style="list-style-type: none"> <li>• <del>To review the Council’s use of the Regulation of Investigatory Powers Act 2000 and the Council’s policy at least once every year and to make recommendations for changes to the policy</del></li> </ul> <p><u>Miscellaneous</u></p> <ul style="list-style-type: none"> <li>• To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority’s Executive (group EA</li> </ul>
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	<p>functions)</p> <p><u>Appeals and complaints</u></p> <ul style="list-style-type: none"> <li>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) –see Hearings Panel</li> </ul> <p><u>Admission and exclusion of pupils</u></p> <ul style="list-style-type: none"> <li>To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals)</li> <li>To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies)</li> </ul> <p>Governing bodies</p> <ul style="list-style-type: none"> <li>To hear appeals from teachers about early retirement decisions by governing bodies.</li> </ul> <p>Members' conduct</p> <ul style="list-style-type: none"> <li>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code has been breached.</li> </ul>
<u>Pensions</u>	<p><u>Pension fund</u></p> <ul style="list-style-type: none"> <li>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</li> </ul> <p><u>Advisers and investment managers</u></p> <ul style="list-style-type: none"> <li>Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters.</li> <li>To appoint and review the performance of advisers and investment managers for pension fund investments.</li> </ul> <p><u>Other Non-executive matters</u></p> <ul style="list-style-type: none"> <li>To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.</li> </ul>
<u>Planning</u>	<u>Planning</u>



	<ul style="list-style-type: none"> <li>• To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; except where they are referable to the Strategic Planning Committee.</li> <li>• To determine any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion.</li> </ul> <p><u>Health and safety</u></p> <ul style="list-style-type: none"> <li>• To carry out functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</li> </ul> <p><u>Highways use and regulation</u></p> <ul style="list-style-type: none"> <li>• To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority’s or to staff.</li> </ul>
<u>Strategic Planning</u>	<ul style="list-style-type: none"> <li>• To receive presentations in the pre-application or pre-determination stage.</li> <li>• To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee.</li> <li>• Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee</li> </ul>

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## 2 Executive functions

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

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

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

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

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

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

### 2.1 General functions of Cabinet

#### Policy matters

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

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

#### Other matters

- (g) To allocate and control financial and land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives.
- ~~(h)~~ To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the Council and to have responsibility for land and property used for operational purposes, ~~in principle~~, ~~Disposals and acquisitions of land, buildings or other property interest in excess of £41,000,000 shall be reserved to Cabinet. (with the Lead Member or of the Council having authority to agree the 'in-principle' disposal of land etc., below that sum between the sum of £1-2 million)~~
- ~~(i)~~(h) To exercise control over the Council's revenue and capital budgets (including the housing revenue account).
- ~~(j)~~ To exercise control over all human resource matters including the number and type of staff, payroll and pensions, equalities issues, occupational health and safety and organisational development (subject to the Council's policies and procedures) except for staff appointments and dismissals and other non-executive functions.
- ~~(k)~~(i) To oversee and take responsibility for effective joint work with partner agencies.
- ~~(l)~~(j) To approve funding for voluntary organisations.
- ~~(m)~~(k) To affiliate with and appoint representatives to outside bodies, where these are not specifically identified elsewhere in this constitution.
- ~~(n)~~(l) To consider whether the Council should give evidence before a parliamentary select committee, royal commission, Government committee or similar body.
- ~~(m)~~ To undertake those functions assigned to the Cabinet under Part 3, section 5: local choice functions.
- ~~(a)~~ To award all contracts above a total contract value of ~~propose above~~ ~~£2million~~ ~~£10,000,000~~ ~~£2,000,000 and above.~~

~~(a)(b)~~ To approve applications for the submission of bids for grants and other financial assistance which require the provision of additional finance or match funding or are likely to lead to residual costs or implications for the Council or where the amount of the grant application exceeds £500,000 and to accept such funding when granted.

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

## 2.2. Corporate functions of Cabinet

### Finance

(a) To take decisions on all matters relating to the Council's finances including but not exclusively:

- (i) budgetary control
- (ii) establishing long and short term capital and revenue programmes for all areas of service and allocations of both capital and revenue expenditure to other services
- (iii) financial planning
- (iv) operational management of insurance arrangements
- (v) budget revisions
- (vi) considering the annual estimates of revenue expenditure and income and the Treasury Policy Statement and make recommendations to the Council on the setting of the council tax
- (vii) virements £1 million or more on the advice of the S151 Officer Strategic Director of Resources.

~~(viii) virements between services over £250,000 and up to and including £999,999~~

### Treasury management strategy

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

### Resource management

(c) To exercise the Council's functions relating to the use of the Council's resources and, where these are not non-executive functions, human resources. Such functions include:

- (i) corporate human resources policies and procedures

~~(ii) e-government and customer access~~

- ~~(iii) — responsibility for the Council's health and safety policies as an employer~~
- ~~(iv) — Council's Employment Relations framework~~
- ~~(v) — overall responsibility for properties held for investment purposes~~
- ~~(vi) — corporate purchasing policies and procedures~~
- ~~(vii)(ii) — corporate communication strategies~~
- ~~(viii) — overall responsibility for the management and maintenance of the Council's office accommodation and corporate assets~~
- ~~(ix)(iii) — emergency planning and civil defence.~~

## 2.3 Education functions of Cabinet

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

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

## 2.4 Quality of life functions of Cabinet

### Environment

- (a) To exercise the Council's functions in relation to environmental matters including the formulation of the Council's policies for referral to [Full](#) Council where appropriate and their co-ordination and implementation. Such functions include (but are not limited to) the following except to the extent that they are non-executive functions:
  - (i) town planning
  - (ii) environmental health
  - (iii) highway engineering
  - (iv) public health
  - (v) building control
  - (vi) consumer protection and licensing
  - (vii) traffic management and parking control
  - (viii) transport planning

- (ix) waste and energy management
- (x) cemeteries
- (xi) managing the transport fleet.

(b) To encourage and promote the environmentally sustainable development and regeneration of the ~~borough~~ Borough and the health of the population through its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.

~~(c) To adopt or amend Interim consider proposed Planning planning Guidance guidance for the borough-Borough and the development of the Local Plan to approve planning briefs and guidance for the development of sites in the borough and conservation area statements.~~

~~(d)(c)~~

~~(e) To respond to consultation exercises or notices of intent by external authorities where they relate to strategic issues pertaining to planning control.~~

## Housing

~~(f)(d)~~ To approve the Council's exercise the Council's functions in relation to housing and homelessness strategies including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include, but are not limited to, the following:

- (i) assessing housing need, demand and supply and developing appropriate strategies, including specific strategies for groups in need
- (ii) managing and maintaining all land and property held for the Council's housing functions, other than that land and property the management of which has been delegated to Homes in Havering.
- (iii) assessing and setting rents and other charges
- (iv) setting and varying charges for the use of garages, car parking spaces and other facilities on the Council's housing estates
- (v) making and rescinding compulsory purchase order resolutions under the relevant housing legislation
- (vi) keeping under review issues affecting non-public housing tenures in accordance with the Council's housing strategy, in pursuance with the Council's duties under current legislation
- ~~(vii) taking responsibility for all matters relating to housing associations except the appointment of Members~~

## Leisure and cultural services

~~(g)(e) To exercise~~ Agree the Council's ~~strategy functions~~ in relation to leisure services, including the formulation and co-ordination of policies and their co-ordination and implementation. Such functions include (but are not limited to) the following:

- (i) library and information services
- (ii) arts and museum services
- (iii) providing and maintaining leisure facilities for children and young persons
- (iv) providing facilities for sports
- (v) developing tourism opportunities and provision of tourism services
- (vi) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial grounds.

(g) To develop strategic policies for the provision of co-ordinated, accessible and quality leisure services that reflect the multi-ethnic, social and cultural diversity of those who live, work and study within the borough.

(h) To plan the provision of leisure facilities whether provided by the Council or others.

## Social care and health

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

- (i) all matters within Schedule 1 of the Local Authority Social Services Act 1970 and, in particular, functions in relation to child protection, children in need, community care and mental health provision
- (ii) all matters relating to the National Health Services, including the consideration and review of NHS policies in so far as they affect the borough and in particular to have responsibility for joint care planning and liaison with the appropriate health authorities.
- (iii) All matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Service Act 200~~6~~<sup>3</sup>, the Health and Social Care Act 2012 and



any subsequent legislation (but excluding functions that are the statutory responsibility of the Health and Wellbeing Board.)

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

Each ~~individual~~ Cabinet ~~member~~Member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet ~~member~~Member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet ~~member~~Member to do so. Matters delegated to individual Cabinet ~~members~~Members under this section give them individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the ~~individual~~ Cabinet ~~member~~Member.

(a) To monitor the budgets and the performance of the services allocated by the Leader.

~~(b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:~~

~~(i) the Government (including White and Green papers)~~

~~(ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodies~~

~~where those papers affect the services allocated.~~

~~(c)~~(b) To agree an appropriate response by ~~members of staff~~Officers to issues raised in respect of allocated services

~~(d)~~(c) To determine priorities in conjunction with the relevant ~~member of~~SLTChief Officer (within the policy framework and budget).

~~(e)~~(d) To make suggestions for policy initiatives (within the budget and/or policy frameworks) and for amendments to the budget and/or policy framework, for agreement by the Cabinet and Full Council.

~~(f)~~(e) To recommend to the Cabinet a response to reports from the Overview and Scrutiny Board and relevant Sub-Committees in respect of the allocated services.

~~(g)~~(f) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

~~(h)~~(g) To approve the commencement of the tender process, to award contracts, agree extensions of contract terms ~~and awards/extensions of Consortia contracts, where the value of such matter is between £1 and £2 million of a value above £5,000,000 and up to £10,000,000 and contracts where external funding is guaranteed and there is no longer term financial commitment to the Council.~~ (Note: Pension Committee

**Commented [JB1]:** @Gavin- reminder to delete (f) and re-number accordingly. Waivers to be approved by Strategic Director of Resources and 14.1 of the CPR's to be re-worded

*has powers to invite tenders and award contracts for investment matters within their terms of reference)*

- ~~(i)~~(h) To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made.
- ~~(j)~~(i) To consider and recommend plans in respect of the portfolio allocated.
- ~~(k)~~(j) To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate.
- ~~(l)~~(k) To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community.
- ~~(m)~~(l) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Finance Procedure Rules set out in Part 4 of this constitution.
- ~~(n)~~(m) To consider reports on contract overspends and to report to Cabinet as necessary.
- ~~(o)~~(n) To consult any advisory bodies as directed by the Cabinet
- ~~(p)~~ To agree the demolition of housing stock in appropriate cases
- ~~(q)~~(o) To agree minor matters and urgent or routine policy matters
- ~~(r)~~ To approve supplementary planning guidance and policies.
- ~~(s)~~(p) To consider recommendations relating to highways and traffic schemes and to make decisions relating to them.
- ~~(q)~~ To approve the 'in principle' decision of the Council disposing of or acquiring an interest in property or land where the disposal or acquisition receipt is ~~not considered likely to exceed~~ between £1,000,000 and £42,000,000.
- ~~(r)~~
- ~~(t)~~(s)
- ~~(u)~~ To approve individual virements within a service above £250,000 up to and including £999,999.
- ~~(v)~~(t) To approve virements within services where resources are available or where they are not but the virement is below the identified threshold.
- ~~(w)~~ To approve all virements between services over £250,000.
- ~~(x)~~(u) To approve all in year changes to both fees and charges.
- ~~(y)~~(v) To determine allocations from the contingency.

~~(z) To consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.~~

~~(aa) To authorise expenditure of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund above the level delegated to the Assistant Director Development. Is this still needed?~~

~~-(bb) To approve all Community Safety Partnership Strategies arising under the Crime and Disorder Act or other related legislation.~~

~~(cc) The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are Executive functions and provided due notice of the exact terms of the delegation and the name of the Cabinet Member is lodged with the Proper Officer.~~

## 2.6 Portfolios to be assigned to individual Cabinet members

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

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

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

## 2.7 Health and Wellbeing Board

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

### **Duty to encourage integrated working**

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

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

### **Other Functions**

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

### **Discharge of Functions**

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

### **Supply of Information**

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

### **Health Protection Forum [is this still needed?](#)**

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

## 2.8 Joint working delegations

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

- (a) London Councils
- (b) Shared Services Joint Committee (oneSource)
- (c) ~~Add in provisions for the~~ Integrated Care Board

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

### (a) London Councils Committees

#### London Councils Leaders Committee

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

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

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

London Councils have the following other committees:

#### Transport and Environment Committee

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

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

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

#### **Housing Forum**

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

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

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

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

~~(e) — assisting member boroughs with publicity on housing functions~~

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

### **The London Grants Committee**

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

Its functions are:

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

### **(b) OneSource Joint Committee**

This is a committee of this Council ~~and~~ the London Borough of Newham ~~and the London Borough of Bexley~~, with a membership of ~~2~~ 3 councillors from the executive of Havering and Newham Councils ~~and one from Bexley Council~~.

The committee's functions are to control and co-ordinate the back-office functions of both Councils, in the case of Havering these will be:

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

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

## **2.9 Delegation of Functions to another Local Authority**

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



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

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

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**PART 3.3      SCHEME OF DELEGATIONS**  
**FUNCTIONS DELEGATED TO OFFICERS**

Definitions used in this Part 3.3.

~~Cabinet the executive of the Council (and any reference to the Executive shall be construed accordingly.)~~

~~Cabinet Member the individual member of the Cabinet to whom the Leader has assigned a portfolio or otherwise delegated authority to act in relation to that matter.~~

~~Chair the designated chair of any committee or sub-committee of the Council.~~

~~Chief Executive the Chief Executive of the Council (and any reference to the Head of Paid Service within this Scheme or the constitution shall be a reference to the Chief Executive).~~

~~Chief Officers the Chief Executive, the Strategic Directors, the Director of Children's Services, the Director of Adult Social Services and the Monitoring Officer.~~

~~Full Council a meeting of the full membership of the Council.~~

~~Leader the Leader of the Council.~~

~~Monitoring Officer the designated monitoring officer of the Council.~~

~~Officers officers / members of staff of the Council~~

~~Scheme this scheme of delegations.~~

~~Strategic Directors the Strategic Directors of Resources, Place and People collectively (any reference to a Strategic Director should be construed accordingly.)~~

~~NB~~

Any reference to the s.151 officer or the Chief Operating Officer in this constitution or Scheme shall be reference to the Strategic Director of Resources.

**Scheme 3.3.1**  
**General Provisions**

**1. Power of delegation**

- 1.1 The Council has made the following arrangements for the discharge of executive and non-executive functions by its Officers under the Local Government Act 1972 and the Local Government Act 2000 (or any other legislation as specifically referred to).
- 1.2 The executive powers, duties and functions are exercised on behalf of the Leader.
- 1.3 The absence of any specific delegation from this Part 3.3 shall not be taken as implying an absence of authority. The Chief Officers may exercise all powers within their respective area of responsibility unless specifically reserved to another person or body according to Part 3 of the constitution.

**2. Limitations**

- 2.1 Officers shall exercise powers under this Scheme in compliance with:
  - (a) the rules of procedure set out in Part 4 of this constitution;
  - (b) corporate policies and strategies including the budget ~~and the policy~~ ~~Policy framework-Framework~~ and any governance requirements as specified by the Monitoring Officer;
  - (c) any additional conditions imposed either by the Council or by statute or any statutory code of practice.
- 2.2 The exercise by Officers of the powers delegated under this Scheme involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.

**3. Consultation / non-exercise of delegation**

- 3.1 An Officer exercising any delegated power under this Scheme may consult with the Leader, with the relevant Cabinet Member or with the Chair of the relevant committee, as appropriate, when the Officer considers such consultation is necessary or appropriate in light of the decision required.
- 3.2 An Officer may decline to exercise their powers and may refer any matter within a delegation or authorisation to them to the Leader, the Cabinet, the relevant Cabinet Member or to an appropriate ~~Council~~ ~~Committee~~ ~~or sub-committee~~ for decision provided that the matter is within the delegated powers and duties of whom or to which it is referred.

**4. Transfer of functions**

- 4.1 Where the name of a post is changed or the functions of a post are transferred to another post the delegated powers which attach to the old post / function shall also transfer to the other / new post.

#### 5. Sub-delegations

- 5.1 The Chief Officers may delegate any of the powers listed in this part to another Officer, in so far as is legally permissible. Such delegation will specify whether the Officer is permitted to make further sub-delegations. Any such delegation or sub-delegation must be:

- (a) recorded in writing; and
- (b) lodged with the Monitoring Officer who will keep a public record of all such delegations.

Any such delegation / sub-delegation will become valid only when these conditions are complied with.

- 5.2 Notwithstanding any sub-delegation, a Chief Officer may exercise all the powers delegated to them personally and those powers sub-delegated where circumstances require and so far as legally permissible.

#### 6. Conflict of interests

- 6.1 Every Officer shall comply with the provisions as to the management of conflicts of interest as set out in paragraph 5 of the ~~Contract Procedure Rules~~CPR and paragraphs 13 and 16 of the Executive Procedure Rules.
- 6.2 Where a Chief Officer (except for the Monitoring Officer) is unable to act due to a conflict of interest one of the other Chief Officers shall be authorised to exercise the relevant delegation. Where the Monitoring Officer is unable to act due to a conflict of interest the Deputy Monitoring Officer shall be authorised to exercise the relevant delegation.

**Scheme 3.3.2**  
**Powers of the Chief Executive**

**1. General**

- 1.1 To act as the Council's Head of Paid Service pursuant to s.4 of the Local Government and Housing Act 1989.
- 1.2 To exercise overall corporate management and operational responsibility of the Council (including overall management responsibility for all Officers).

**2. Staffing**

- 2.1 The Chief Executive, as Head of Paid Service may, where appropriate, report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of staff required for the discharge of functions and the organisation of staff.
- 2.2 To have authority over all other Officers of the Council so far as is necessary for the efficient management and execution of the Council's business, functions and services except where Officers are exercising specific responsibilities imposed upon them by statute. This shall include the right to allocate, reallocate and direct all Officers as the Chief Executive shall deem necessary.
- 2.3 To exercise the powers delegated to any Officer pursuant to this Scheme (so far as the law allows).
- 2.4 To exercise the power to enter into agreement with other local authorities for the placing of the services of officers from one local authority, at the disposal of the other in accordance with Section 113, Local Government Act 1972 as amended.

**3. Emergency**

- 3.1 To carry out the functions of the Council for civil aid and emergency planning and to take any action, including incurring expenditure, in connection with an emergency or a disaster in the ~~borough~~Borough, and to report back to the Council at the earliest practical opportunity.
- 3.2 In cases of urgency or emergency, to take any decision on behalf of the Council after consultation with the Leader.
- 3.3 To discharge those functions under s.138(1) of the Local Government Act 1972.

**4. Elections**

- 4.1 To discharge the functions of the Electoral Registration Officer and be responsible for elections

5. Other functions

- 5.1 To undertake those functions assigned to the Chief Executive (if any) under:
- (a) Part 3, section 4 of this constitution: (functions not to be the responsibility of an authority's Executive).
  - (b) Part 3, section 5 of this constitution: (local choice functions).
  - (c) Part 3, section 6, of this constitution: (Proper Officer functions)

6. Miscellaneous

- 6.1 To exercise the power on behalf of the Council to consent to a dispersal order under the Anti-Social Behaviour Act 2003 and to be a consultee for the purpose of a closure notice under the Anti-Social Behaviour Act 2003.
- 6.2 To be responsible for the Council's responsibilities and obligations under Health and Safety legislation.

7. Note

- 7.1 The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.
- 7.2 For the avoidance of doubt, the Chief Executive is authorised to determine anything which is not covered by this Scheme.
- 7.3 In the absence of the Chief Executive the functions of the Chief Executive (including those of the Head of Paid Service) shall be undertaken by one of the Chief Officers as directed by the Leader.

### Scheme 3.3.3

#### Powers common to all Strategic Directors

NB. These general delegations / powers should only be used (and quoted in executive decision reports) where no more specific power exists below.

##### 1. General

- 1.1 To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate, in accordance with applicable Council policies and procedures.

##### 2. Expenditure

- 2.1 To incur expenditure for their allocated directorate within the revenue and capital budgets as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.

**Commented [JB1]:** Do we need to add a specific power for variation of contracts?

##### 3. Statutory consent / notices

- 3.1 To apply for statutory consent (e.g., planning permission) relevant to their directorate and to serve statutory notices except where reserved to the Council, Cabinet or any ~~committee~~ Committee of the Council.

##### 4. Contracts

- 4.1 To approve commencement of a tendering process for all contracts below a total contract value £1,000,000.
- 4.2 To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3.
- 4.3 To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.

##### 5. Grants

- 5.1 To apply for, accept and thereafter spend / allocate any grant funding connected with their directorate provided that any match funding or residual liabilities can be met from the existing budget of the directorate. For the avoidance of doubt this delegation shall allow the acceptance of any grant offered / allocated to the Council without any application.
- 5.2 Where any match funding or residual liabilities cannot be met from the existing budget of the directorate, the consent of the Strategic Director of Resources must be obtained but



provided that shall only be entitled to authorise such match funding or residual liabilities up to a value of £1,000,000 and further provided that they can be met within the Council's budgetary framework.

- 5.3 Where any match funding or residual liabilities cannot be met from the existing budget of the directorate, any application / acceptance of grant funding where match funding or residual liabilities exceeds £1,000,000, and which is within the Council's budgetary framework, must be approved by Cabinet.

#### 6. Consultations

- 6.1 To respond to consultations in relation to any matter affecting their directorate.

6.2 To launch / commission any consultation (statutory or otherwise) in relation to any matter affecting their directorate.

#### 7. Human Resources (general)

- 7.1 To exercise overall responsibility within their areas for human resource matters including, but not limited to, discipline, suspension, dismissal, retirement, capability, leave entitlement, salary adjustments, honoraria, and increments subject to compliance with all applicable Council policies and procedures.
- 7.2 To restructure their directorates (including the power to create, delete and amend posts) within existing service budgets and/or if budgetary provision is already made in the budget subject to compliance with all applicable Council policies and procedures (including any organisational change process in place from time to time).

#### 8. Legal

- 8.1 To instruct the Monitoring Officer / Director of Law & Governance to institute legal proceedings or to serve notice in connection with any matter affecting their Directorate but provided that the Monitoring Officer / Director of Law & Governance shall not be obliged to act in the event that they consider the instruction not to be in the best interests of the Council and / or contrary to law.

#### Scheme 3.3.4

##### Specific powers of the Strategic Director of People

The Strategic Director of People has overall responsibility for the following Services subject to the specific statutory responsibilities set out in Article 2.8 of this constitution and the delegations set out elsewhere in the Scheme [\(in particular 3.3.4a\)](#):

- Adults Social Care,
- Children's Services,
- Safeguarding,
- Health,
- Housing,
- Culture,
- Leisure.

##### 1. Ageing Well

- 1.1 ~~To act as the Council's Statutory Director of Adult Social Services except where the Council (by way of its Chief Executive or otherwise) has appointed another Officer to act as the Director of Adult Social Services.~~
- 1.2 To exercise the powers / functions and to carry out the duties of the Council [\(except where such powers / functions are reserved to the Director of Adult Social Services\)](#) under all relevant adult social services legislation including (but not limited to) The Local Authority Social Services Act 1970, the National Health Services Act 2006, the Care Act 2014, the Mental Health Act 1983, the Mental Health Act 2007, the Nationality Immigration and Asylum Act 2002 and any other applicable legislation as introduced by central government from time to time. [This delegation shall include the ability to exercise any general legislative powers \(such as are found in the Localism Act 2011\) in pursuance of adult social services functions.](#)
- 1.3 The delegation above shall apply to all adult care requirements, including but not limited to, learning disability, physical disability, mental health, community care and deputyship.
- 1.4 To exercise the Council's duties pursuant to the Data Protection Act 1998, Data Protection Act 2000 and associated Regulations as far as they apply to the Caldicott Guardian provisions.
- 1.5 To take charges against interests in property in accordance with the following legislation: section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations. To release charges taken (pursuant to the following legislation: section 22 of the Health and Social Services and Social Security Adjudication Act 1983 and associated Regulations; section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations) against interests in property.

- 1.6 To make any such arrangements for joint working or shared delivery / funding with the NHS as shall be deemed necessary in the interests of the Council or the residents of the borough.

## 2. Living Well

- 2.1 To exercise the powers / functions and to carry out the duties of the Council under all relevant housing legislation including (but not limited to) the Housing Act 1996 and any other applicable legislation as introduced by central government from time to time.
- 2.2 The delegation above shall apply to all housing requirements, including but not limited to, homelessness, adaptations, relocations, temporary accommodation, right to buy, housing allocation and housing strategy. The delegation shall also include the right to grant, accept, extend, surrender or otherwise deal with any leasehold interests.
- 2.3 To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the agreed criteria and the contribution not exceeding £1,000 or such other sum as may from time to time be fixed by the Council.
- 2.4 To exercise all the rights and responsibilities of the Council in its role as landlord, such as issuing consents, assessing compensation, etc.

## 3. Starting Well

### *Children's Services*

- ~~3.1 The Director of Starting Well is appointed to act as the Council's Statutory Director of Children's Services except where the Council (by way of its Chief Executive or otherwise) has appointed another Officer to act as the Director of Children's Services.~~
- 3.2 To exercise the powers / functions and to carry out the duties of the Council (except where such powers are reserved to the Director of Children's Services and where such powers may be exercised as a matter of law) under all relevant child care and education legislation including (but not limited to) The Children Act 1989, The Children (Leaving Care) Act 2000, The Special Educational Needs and Disability Act 2001, The Adoption and Children Act 2002, The Nationality Immigration and Asylum Act 2002, The Children Act 2004, , the Education Act 2005, The Education and Skills Act 2008, The Children and Young Persons Act 2008, , The Education Act 2011, and The Children and Families Act 2014 and any other applicable legislation as introduced by central government from time to time.
- 3.3 For the avoidance of doubt the delegation above shall apply to all child care and educational requirements, including but not limited to, children in care, school governors, care packages, fostering and care leavers, pupil welfare, child employment, school organisation, school funding, staffing & governance, health and safety in schools, student eligibility, collective worship, exclusions, special educational needs, transport and catering.

### *Music*

3.4 To manage, supervise and control the Havering Music School.

Scheme 3.3.4a

Specific powers of the Director of Adult Social Services

To exercise all rights and functions reserved to the Director of Adult Social Services by statute on behalf of the Council.

The Director of Adult Social Services shall be entitled to exercise those powers detailed at 3.3.3 above but provided that such functions shall only be exercised in respect of areas directly affecting Adult Social Services.

Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

**Commented [JB2]:** Is the financial limit correct? Should it be less than £1million?

Scheme 3.3.4b

Specific powers of the Director of Children's Services

To exercise all rights and functions reserved to the Director of Children's Services by statute on behalf of the Council.

The Director of Children's Services shall be entitled to exercise those powers detailed at 3.3.3 above but provided that such functions shall only be exercised in respect of areas directly affecting Children's Services.

Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

**Commented [JB3]:** As above re; financial threshold

Scheme 3.3.4b

Specific powers of the Director of Public Health

To exercise all rights and functions reserved to the Director of Public Health by statute on behalf of the Council.

3.1 To take responsibility for all the Council's public health functions.

3.2 To oversee all services relating to the public health function.

3.3 To provide information and advice on public health matters.

3.4 To provide services and facilities designed to promote healthy living.

3.5 To provide services and facilities for the prevention of illnesses.

3.6 The exercise of the local authority function in the National Health Service Act 2006 as amended.

3.7 To authorise Patient Group Directions on behalf of the Council

The Director of Public Health shall be entitled to exercise those powers detailed at 3.3.3 above but provided that such functions shall only be exercised in respect of areas directly affecting Public Health.

Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

**Commented [JB4]:** As above regarding financial threshold

### Scheme 3.3.5

#### Specific powers of the Strategic Director of Place

The Strategic Director of Place has overall responsibility for the following Services subject to the specific statutory responsibilities set out in Article 2.8 of this constitution and the delegations set out elsewhere in the Scheme:

- Housing Operations, corporate landlord function
- Regeneration,
- Asset Management,
- Property,
- Planning,
- Protection & Enforcement,
- Environmental Functions.
- Services that shape the physical nature of the borough:
  - o Travel and building planning
  - o Developer engagement and regeneration
  - o Delivery of clear and safe public realm
  - o Housing provision in the borough
  - o Social housing delivery
  - o Regulatory Services
  - o Licensing

#### 1. Environment

##### *Highways and traffic management*

- 1.1 To exercise the Council's powers and duties arising under the Road Traffic Regulation Act 1984, New Roads and Streetworks Act 1991 and Traffic Management Act 2004.
- 1.2 Other than in those matters delegated to the Leader or Cabinet Member to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980.
- 1.3 To determine requests from individuals and voluntary, national and commercial organisations to use the public highway.



- 1.4 To exercise all powers related to the creation and dedication of public highways and adoption of highways as maintainable at public expense.
- 1.5 To authorise the issue, amendment or suspension of temporary traffic orders, experimental traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.
- 1.6 To determine the provision, positioning and layout of road signs and other street furniture.
- 1.7 To authorise the making of and consultation on Orders under Section 21 of the Town and Police Clauses Act 1847.
- 1.8 To arrange for the removal and disposal of untaxed, abandoned and other nuisance vehicles and the prosecution of vehicle owners under the Refuse Disposal (Amenity) Act 1978, the Road Traffic Regulation Act 1984, Part 2 of the Clean Neighbourhoods and Environment Act 2005, the Removal and Disposal Regulations 1986, the London Local Authorities Act 1990 (as amended), the Vehicle Excise and Registration Act 1994, the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 and other relevant legislation arising therefrom.
- 1.9 To exercise the Council's powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport for London Act 2003.

#### *Trees and verges*

- 1.10 To manage all highway trees, grass verges, shrub beds and seasonal plantings and to take appropriate action where necessary.
- 1.11 To determine the making of Tree Preservation Orders and applications for the topping, lopping and felling of trees where the trees are covered by a Tree Preservation Order; to confirm or revoke Tree Preservation Orders; to waive the requirements to replace trees where appropriate; to serve Tree Replacement Notices where necessary.
- 1.12 To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1976 in respect of complaints regarding dangerous trees posing an imminent risk to persons or property or causing damage to property. (Informative: powers in (i) & (j) area also held by the Assistant Director Development)

#### *Nuisance and enforcement*

- 1.13 To exercise the Council's powers and duties relating to litter and shopping trolleys arising from the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environmental Protection Act 2005.
- 1.14 To exercise all powers and duties arising under Parts 2, 3, 4, 5 and 6 of the Clean Neighbourhoods and Environmental Act 2005
- 1.15 To exercise the Council's powers and duties relating to graffiti and flyposting in Part 4 of the Clean Neighbourhoods and Environment Act 1990, Part 6 of the Anti-Social Behaviour Act

2003 and Part 8 of the Town & Country Planning Act 1990; and to serve notices related to these offences and issues. (Informative: the powers under Section 117 of the Town & Country Planning Act are also held by the Assistant Director Planning)

- 1.16 To exercise power under Section 78 of the Public Health Act 1936 to clean private courtyards and passages and to recover the costs from the occupiers of any building which fronts or abuts the court or yard in relevant proportions.

#### *Waste*

- 1.17 To manage arrangements for collecting and enforcement of domestic, non-domestic and special waste including powers under parts 2, 3 and 4 of the Environmental Protection Act 1990 and parts 3 and 5 of the Clean Neighbourhoods and Environment Act 1990.
- 1.18 To authorise the issue of any notice or prosecution in relation to waste collection and disposal including notices under parts 2, 3 and 4 of the Environmental Protection Act 1990, Part 3 of the Clean Neighbourhoods and Environment Act 2005, Section 6 of the Refuse Disposal (Amenity) Act 1978, section 78 of the Public Health Act 1936, Part 8, Chapter 2 of the Town and Country Planning Act 1990 Section 4 of the Prevention of Damage by Pests Act 1949, section 34 of the Public Health Act 1961, the Environmental Protection (Duty of Care) Regulations 1991, the Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003, and the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 and other relevant legislation arising therefrom.

#### *Miscellaneous*

- 1.19 To exercise the Council's powers in relation to providing public conveniences.
- 1.20 To exercise the Council's powers to require information under
- (a) Section 16 Local Authorities (Miscellaneous Provisions) Act 1976.
  - (b) Section 17 GLC (General Powers) Act 1972.
  - (c) Section 26 London Local Authorities Act 2004 (as amended by London Local Authorities Act 2007)
  - (d) Section 71 of the Environmental Protection Act 1990.
  - (e) Section 108 of the Environment Act 1995.
- NB: the power at (a) to (c) are also held by a number of other Officers.
- 1.21 To exercise all of the Council's powers under the Reservoirs Act 1975.
- 1.22 To undertake those functions assigned under:
- (a) Part 3, section 4 of this constitution; functions not to be the responsibility of an authority's Executive.
  - (b) Part 3, section 5 of this constitution: local choice functions.

## 2. Planning

- 2.1 To exercise all powers and functions on behalf of the Council and to meet all obligations imposed upon the Council pursuant to any planning legislation, except where such powers, functions and obligations are reserved to the Council or its committees.

## 3. Building Control

- 3.1 To exercise the powers and duties of the Council including determining applications and serving and enforcing notices and prosecuting offences under the following enactments:
- (a) The Building Act 1984 and the Building Regulations 2000 and associated legislation
  - (b) The Safety at Sports Ground Act 1975
  - (c) The Fire Safety and Safety of Places of Sports Act 1987
  - (d) The London Building Acts and building control matters in the Local Government Act 2000.
- 3.2 To exercise all appointing officer functions under section 10 of the Party Wall Act 1996.
- 3.3 To exercise the powers contained within Section 29 and 32 of the Local Government (Miscellaneous Provisions) Act 1982 (protection of buildings and power of entry)

## 4. Public Protection

- 4.1 To enforce the enactments set out in Appendix A of this part of the Constitution and
- 4.2 To undertake those functions assigned under;
- (a) Part 3, Section 4 of this Constitution; functions not to be the responsibility of an authority's Executive.
  - (b) Part 3, Section 5 of this Constitution, local choice functions

## 5. Trading standards

- 5.1 To exercise the powers and duties of the Council on matters relating to trading standards, consumer protection and metrology including:
- (a) making such test purchases of goods and services as may be expedient for effective enforcement.
  - (b) exercising and enforcing appropriate enactments listed in Appendix A of this Part of the Constitution, including any regulation made under those enactments.

NB This function must be exercised subject to the Monitoring officer authorising the Institution and conduct of any legal proceedings except in such circumstances where a potential defendant is being held at a police station and the custody charging the individual. In such exceptional circumstances the power to charge the offender is limited to the [Trading Standards Operations Divisional Manager and Trading Standards Fair Trading

Divisional Manager]. This procedure will only be used when dealing with itinerant persons where charging by way of summons would not be effective.

## 6. Licensing

- 6.1 To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges.
- 6.2 To enforce the enactments set out in Appendices A, Part 3, Section 3 of this Constitution, headed licensing and registration of premises or persons.
- 6.3 To authenticate on the Council's behalf any notice, certificate or other document required to be issued in relation to the enactments in Appendix A of this Part of the constitution, subject to the matter being referred to the Planning Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.
- 6.4 To license and register those matters/premises and/or persons listed in Appendix A of this Part of the Constitution where applicable.
- 6.5 To determine the grant and renewal of street trading licences and to enforce the terms of these licences.
- 6.6 To determine applications for consents for the use of loudspeakers in streets under the Noise and Statutory Nuisance Act 1993 and to enforce the terms of these consents.

## 7. Parks and environment

- 7.1 To manage and control parks, open spaces and recreation and pleasure grounds including enforcing relevant byelaws; to organise musical festivals, band contests and sports festivals and to make security arrangements. To include determining applications for circuses with performing dogs and horses to take place on council-owned land in parks or open spaces.

## 8. Property

- 8.1 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, security and use, reviews, acquisitions and disposals (**freehold and leasehold**), and commercial estate management.
- 8.2 To exercise powers over the 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.

- 8.3 Subject to the availability of finance to be responsible for any alternation or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- 8.4 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.
- 8.5 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.
- 8.6 To dispose of any property or asset of the Council provided that the value of the property or asset is less than £1,000,000. The delegation is subject to the following requirements:
- (a) complying with the Code of Practice on the Disposal of Surplus Property
  - (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.
  - (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Strategic Director of Resources, before the transaction is concluded.
  - (d) complying with relevant Council policy on property transactions
  - (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid
- 8.7 concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Monitoring Officer or the S151 Officer, where there is insufficient time or opportunity to obtain a Member decision
- 8.8 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.
- 8.9 To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.
- 8.10 To name, rename, number and renumber streets and premises
- 8.11 To maintain the register of highways that are maintainable at public expense.
- 8.12 To purchases assets, land and property on behalf of the Council provided that the value of the land, property or asset is less than £1,000,000. Any land, property or asset of £1,000,000 or above shall require the authorisation of Cabinet.
- 8.13 To grant, accept, extend, surrender or otherwise deal with any leasehold interest pursuant to any authority connected with the Housing Revenue Account including but not limited to the Leasehold Reform, Housing and Urban Development Act 1993 and thereafter

to exercise all the rights and responsibilities of the Council in its role as landlord, such as issuing consents, assessing compensation, etc.

### **Scheme 3.3.6**

#### **Specific powers of the Strategic Director of Resources**

The Strategic Director of Resources has within their area of responsibility all functions relating to:

- Finance,
- Customer Services,
- Human Resources and Organisational Development,
- ICT,
- Library Service,
- Registrars and Bereavement Service,
- Public Health and Transactional Services.
- OneSource oversight

#### **1. Finance**

- 1.1 To act as the Council's s.151 officer.
- 1.2 After consulting with the Head of Paid Service and the Monitoring Officer, to report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully (this is a statutory function).
- 1.3 To make such arrangements as are necessary to control and regulate the expenditure and income of the Council including the exercise of borrowing powers and treasury management powers (this is a statutory function).
- 1.4 To advise whether decisions of the Executive or staff are in accordance with the budget framework in consultation with the Head of Paid Service and the Monitoring Officer, where appropriate.
- 1.5 To undertake all other financial matters arising within the Council, subject to the following requirements:
  - (a) Authority to incur expenditure being approved or sanctioned by the Council or the Cabinet.
  - (b) Powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice.
  - (c) All matters being within accepted accounting practice and standards and within statutory requirements.
  - (d) Any necessary reference to the Council's external Auditors.

- (e) 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.
  - (f) Reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.
- 1.6 To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.
  - 1.7 To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.
  - 1.8 To approve the Financial Procedure Rules and any amendments to them.
  - 1.9 To implement approved fees, charges, rents etc. and to ensure that proper arrangements exist for their collection.
  - 1.10 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.
  - 1.11 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 and to review and, if necessary, amend the limits above on an annual basis, following discussion with the Council's insurers.
  - 1.12 To write off sums which are irrecoverable provided that all write-offs are reported to ~~the Council~~ Cabinet.
  - 1.13 To make or enter into leasing arrangements for vehicles, plant and equipment.
  - 1.14 In consultation with the relevant SLT Member, to authorise virements.
  - 1.15 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.
  - 1.16 To advise on, co-ordinate and manage all payroll functions on behalf of the Council.
  - 1.17 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.
  - 1.18 To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.
  - 1.19 To act as statutory officer pursuant to the collection of council tax and commercial rates.

#### *Pensions*



- 1.20 To administer the Council's pension fund.
- 1.21 To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions.

## 2. Miscellaneous

- 2.1 To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau ~~and / or the Disclosure and Barring Service.~~
- 2.2 To administer the issuing of concessionary travel permits for elderly people to eligible persons.

## 3. Public Health

### 3.1 To oversee the Council's public health responsibilities in conjunction with the Director of Public Health.

~~3.1 To take responsibility for all the Council's public health functions.~~

~~3.2 To oversee all services relating to the public health function.~~

~~3.3 To provide information and advice on public health matters.~~

~~3.4 To provide services and facilities designed to promote healthy living.~~

~~3.5 To provide services and facilities for the prevention of illnesses.~~

~~3.6 The exercise of the local authority function in the National Health Service Act 2006 as amended.~~

~~3.7 To authorise Patient Group Directions on behalf of the Council~~

## 4. Human Resources and Organisational Development

- 4.1 To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
- 4.2 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.
- 4.3 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.
- 4.4 Subject to appointments, dismissals, assimilation and redundancies for Directors and above being authorised by Appointments Committee, or decided in accordance with any delegations made by that committee, to implement the procedure for any senior management realignment or restructuring in accordance with the Council's policies and procedures.

- 4.5 In consultation with the Monitoring Officer to amend HR policies where necessary in consequence of legislation, organisational or other changes that have no adverse effect.
- 4.6 To act on and make decisions as a pensions panel consisting of the Director of Finance, Monitoring Officer and Director of Human Resources & Organisational Development (or their nominated deputies) for the purposes of:
  - (a) Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Scheme
  - (b) To grant discretionary payments to retiring employees in accordance with the Council's approved policy.
- 4.7 To implement the Council's early retirement, retirement and redundancy policies in consultation with the Monitoring Officer.
- 4.8 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.
- 4.9 To authorise the making of ex gratia payments to individuals where the Ombudsman has recommended that such payment be made in local settlement of a complaint.
- 4.10 To grant gifts for long service up to the limit specified from time to time by the Head of Finance.
- 4.11 To approve the arrangements for members' training and development.
- 4.12 To approve proposals for the payment of allowances in accordance with the Council's Injury Allowances Scheme.
- 4.13 To grant car and season loans to eligible staff.
- 4.14 To approve payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.

### **Scheme 3.3.7**

#### **Monitoring Officer (and Deputy Director of Legal Services)**

##### **1. STATUTORY**

- 1.1 To act as the Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.

##### **2. GOVERNANCE**

- 2.1 To prepare, approve and issue or serve all legal documentation (including statutory notices and licences) on behalf of the Council.
- 2.2 To commence, progress and defend (as appropriate) all legal proceedings on behalf of the Council in any court or tribunal.
- 2.3 To sign, serve, advertise and receive notices and documents (including requisitions) on behalf of the Council in relation to any formal or legal procedures.
- 2.4 To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- 2.5 To sign or endorse any documents on behalf of the borough as required from time to time.
- 2.6 To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or any Strategic Director and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- 2.7 In consultation with the Strategic Director of Resources 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.
- 2.8 To arrange for the administration of all statutory appeals.
- 2.9 To authorise appropriately qualified Council staff to represent the Council and to conduct legal proceedings in any Court or Tribunal.
- 2.10 To undertake those functions assigned to the Monitoring officer under:
- (a) Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
  - (b) Part 3, Section 5 of this Constitution: local choice functions
  - (c) Part 3, Section 6 of this constitution: Proper Officer function
- 2.11 To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act
- 2.12 To develop and implement the Council's information governance policies and protocols.

- 2.13 To approve arrangements for members' training.
- 2.14 The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.
- 2.15 To maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public.
- 2.16 To make changes to the Constitution pursuant to Article 11 of the Constitution.
- 2.17 After consulting with the Chief Executive and the Strategic Director of Resources, to report to the full Council or to the Cabinet in relation to any function if:
  - (a) he or she considers that any proposal, decision or omission would give rise to unlawfulness, or
  - (b) where a Local Commissioner has conducted an investigation to the proposal, decision or omission concerned, any proposal, decision or omission has given rise to maladministration.

Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 2.18 To consider any complaint made against a Councillor in accordance with the Code of Conduct for Members and the procedure for dealing with complaints against Members as contained within this Constitution at Section 5.1 and 5.2.
- 2.19 To ensure that executive decisions, together with the reasons for those decisions and relevant staff reports and background papers are made publicly available as soon as possible.
- 2.20 To advise whether decisions of the Executive or officers are in accordance with the policy framework in consultation with the Chief Executive and the Strategic Director of Resources, where appropriate.
- 2.21 To give undertakings on behalf of the Council.
- 2.22 To authorise and attest to the Seal of the Council in accordance with Article 10 in Part 2 of Constitution.

### 3. HEAD OF COMMITTEE AND ELECTION SERVICES

- 3.1 To undertake all the administrative procedures for Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for hearings, the selection of members or independent persons to consider specific cases, the arrangement of panels and dates and the appointment of Chairs of panels.
- 3.2 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.

- 3.3 In consultation with Cabinet Members, Group Leaders and the Chairs of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting)
- 3.4 To exercise general use and hire of the Council Chamber 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
- 3.5 Undertake those functions assigned under: (i) Part 3, Section 6 of this constitution: Proper Officer functions

*Election Services Manager*

- 3.6 To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

4. FUNCTIONS OF THE SCRUTINY OFFICER

- 4.1 To promote the role of the authority's Overview and Scrutiny Board or Sub-Committees;
- 4.2 To provide support to the authority's Overview and Scrutiny Board or Sub-Committees and the members of that committee or those committees;
- 4.3 To provide support and guidance to –
  - (a) members of the authority,
  - (b) members of the executive of the authority, and
  - (c) officers of the authority, in relation to the functions of the authority's Overview and Scrutiny Board or Sub-Committees.

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## Appendix B

### Code of practice: disposal of ~~surplus~~ property

This appendix sets out the code of practice for the disposal of ~~surplus~~ property. The ~~he~~ Strategic Director of Place is required to comply with this code when ~~exercising the functions delegated in Part 3.3.5 of this constitution~~ seeking to dispose of property (and where the Strategic Director of Place is recommending to either a Cabinet Member or Cabinet to approve the disposal of property).

This code of practice applies to freehold and leasehold disposals.

#### **Member authority**

~~Disposal of surplus property will be dealt with through the Cabinet or in accordance with other authorised arrangements for decisions in place at the time.~~

~~Any report requesting a decision will incorporate the views and advice of the Strategic Director of Resource and the Monitoring Officer.~~

#### **Method of disposal**

The Strategic Director of Place shall determine the method by which ~~surplus~~ property should be disposed of. This method should require the open invitation of competitive bids, unless the Cabinet has already agreed an alternative method of disposal or the Strategic Director of Place decides, in consultation with the applicable Cabinet Member that an alternative method of disposal would be appropriate. Examples of possible exceptions include:

- (a) sale to a sitting tenant
- (b) sale to adjoining owner
- (c) sale of an access which would enable a purchaser to release development value locked up in backland
- (d) sale of a part-interest in a property where amalgamation of interests could enable substantial "marriage value" to be realised
- (e) sale to a party offering other benefits to the Council, such as a housing association.

These examples are given on the basis that the Strategic Director of Place considers that negotiations with one party would produce a higher figure or other benefits than competition, and that the best interests of the Council would be served by allowing such exceptions.

1. Where land is disposed of by auction, it will be subject to a reserve price agreed between the Strategic Director of Place and the auctioneer.

Any pre-auction bid shall be accepted only upon the recommendation of the auctioneer.

2. Where land is disposed of by public tender, the Council's standing orders relating to tenders and contracts will be applied as appropriate.

- ~~3. During any negotiations being conducted in accordance with paragraph 3, any other offer received from a third party or parties before exchange of contracts shall be considered and dealt with on its merits either with a report to members or in accordance with the scheme of delegation. Any offer which, on the evidence available, is considered to be incomplete,~~

~~insubstantial or in any other way defective, mischievous or frivolous shall be rejected. Any offer which, on the evidence available, does appear to:~~

- ~~(a) offer benefits substantially in excess of those currently being negotiated, and~~
- ~~(b) be capable of substantiation in a reasonable time scale shall be the subject of further consideration in accordance with this code and the scheme of delegation. If appropriate a report of a protocol shall be made to members. The substance of the offer (which in most cases will be the monetary amount of the offer) shall then be made known to the party with whom the Council is already conducting negotiations, and that action shall be communicated to the party making the late offer.~~

#### **Consultation with external valuer**

- ~~4. At the discretion of the Strategic Director of Place, the District Valuer or other external specialist or external valuer will be consulted whenever required on important matters of principle, or valuation "practice".~~

#### **Valuation**

- 5. Terms will not be finalised without the benefit of a current valuation. Every valuation by the Strategic Director of Place shall state the date beyond which it is not to be regarded as valid without further certification by him or her.
- 6. The general presumption is that all transactions will be in accordance with section 123 of the Local Government Act 1972 and disposal will not be at the consideration less than the best that can reasonably be obtained. The General Disposal Consent 2003 provides a framework for local authorities to agree a disposal at less than best consideration in certain circumstances. This is dealt with in paragraph 7.

#### **Negotiations**

- ~~6. In concluding negotiations for a land transaction above a capital sum of £500,000, two members of staff should be present, one of whom should be the Strategic Director of Place or their representative. Within three working days of the meeting, a file note recording the discussion should be placed on the relevant file. The requirement shall not apply in respect of the ancillary terms of a proposed property transaction, where the price has already been established through competitive marketing.~~

#### **Transactions at less than market value**

- 7. Approval must be obtained from ~~or on behalf of the~~ Cabinet to all disposals ~~or lettings~~ (freehold or leasehold) which are proposed to be less than open market value, unless there is already a defined subsidy policy in place which has been agreed by ~~members~~ Full Council or Cabinet for the type of transaction proposed. When ~~members are~~ Cabinet is invited to consider the principle or details of a below market value transaction, the unrestricted value of the property shall be reported so that the level of subsidy is apparent when a decision is taken.
- 8. The council has powers derived from the Housing Act 1985 to dispose of land to Registered Social Landlords at less than open market value. Other cases would be dealt with under the terms of the ~~local~~ Local Government Act 1972: General Disposal Consent (England) 2003.



9. ~~The General Consent 2003 allows authorities to exercise local discretion on proceeding with undervalue property disposals, providing the amount of undervalue is not more than £2 million and the local authority considers disposal is likely to contribute to the achievement of the Local Government Act 2000 objectives and will help secure the promotion or improvement of the economic, social or environmental well being of its area. A proposed transaction at an undervalue in excess of £2 million will also require ODPM consent.~~

~~The Council must be able to substantiate that it has acted reasonably in agreeing an undervalue transaction; that there was an appropriate decision making process and that regard has been had to general fiduciary obligations.~~

~~Decision must be robust and defensible and the monetary or benefit assessment of impacts will require detailed individual assessment in every case.~~

~~The Council's Cabinet at its meeting of 29th September 2004 agreed a decisionmaking process chart that should be addressed in all cases. Not all elements will be required in each case but a substantial number will feature in any assessment.~~

#### ~~Decision-Making Process Chart for Undervalue Transactions~~

~~• Identify Strategic Policy Link — Relate to Well-Being Powers (Community Strategy/ Quality of Life Indicators/ Other Corporately adopted Plans)~~

~~• Identify Aims/ Inputs/ Outputs/ Outcomes~~

~~• Identify the benefit~~

~~• Set out the basis of assessment~~

~~• Provide sources of comparable evidence~~

~~• Can non-market benefits and impacts be evaluated? — if so, identify method of cost/ value-benefit applied~~

~~• State the monetary value arrived at or detail other assessments of worth relied upon~~

~~• Adopt assessment categories of~~

~~(n) Property Value~~

~~(o) Other Benefits capable of monetary assessment~~

~~(p) Benefits not capable of monetary assessment~~

~~• Where appropriate consider a comparison of benefits against the Capital~~

~~Prioritisation Assessment the Council would apply to its own schemes.~~

~~• Provide Valuations — Restricted and unrestricted — (Technical Appendix requirements)~~

~~• If property has not been competitively marketed, assess financial position of organisation/ person receiving subsidy — what is financial position of purchaser,~~

is subsidy required?

- Is the amount of undervalue proportional to benefit anticipated?
  - Are outputs/ outcomes proportional to inputs?
  - What would be the effect of less subsidy?
  - Is Value for Money being achieved?
  - Apply the 'Do Nothing' test — What would be the effect?
  - How can outcomes be secured in practice to justify subsidy (Claw-backs/ covenants/ grants)
  - Consider medium and longer term estate management considerations. Ensure the inclusion, as necessary, of additional terms that protect the Council's future property use options.
  - Is it possible to have a grant/ leasehold arrangement rather than an outright disposal?
  - Ensure Legal/ Finance review/ overview of final case data and business case
- Obtain Member authority to transaction of

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

The following functions are specified as functions that are not to be the responsibility of an authority's Executive by Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

## A. FUNCTIONS RELATING TO PLANNING

Function	Provision of Act or Statutory Instrument	Decision-making body
Functions relating to development plans	Part 2 of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004	<a href="#">Head of Planning The Strategic Director of Place</a> except where: <ul style="list-style-type: none"> <li>approval by the Executive is required for consultation on a Local Development Framework Document;</li> <li>approval by the Executive is required for adoption of a Supplementary Planning Document, the Local Development Scheme, the Statement of Community Involvement or the Authority's Monitoring Report;</li> <li>approval by Council is required for submission or adoption of a Development Plan Document</li> </ul>
Functions relating to control over development (including the assessment of environmental effects)	Part 3 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a> , except where: <ul style="list-style-type: none"> <li>an application for Planning Permission is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules</li> </ul>
Functions relating to planning enforcement	Part 7 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
Functions relating to special planning controls (e.g. trees, amenity land and advertisements)	Part 8 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to highways and planning	Part 10 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to statutory undertakers and planning	Part 11 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to Crown land and planning	Part 13 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to financial provisions for planning	Part 14 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to miscellaneous and general planning provisions (e.g. rights of entry)	Part 15 of the Town and Country Planning Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to listed buildings	Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a> , except where: <ul style="list-style-type: none"> <li>an application for Listed Building Consent is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules</li> </ul>
Functions relating to conservation areas	Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a> , except where: <ul style="list-style-type: none"> <li>approval of the Executive is required to designate a conservation area</li> </ul>
Functions relating to general matters relating to listed buildings and conservation areas (e.g. Crown land and rights of entry)	Part 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to controls over hazardous substances	Planning (Hazardous Substances) Act 1990	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to Certificates of Appropriate Alternative Development	Part 3 of the Land Compensation Act 1961	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to the control of advertisements, displays etc	Part 3 of the London Local Authorities Act 1995	<a href="#">Head of Planning The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
Functions relating to surveillance and covert human intelligence sources	Part II of the Regulation of Investigatory Powers Act 2000	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to the civil recovery of the proceeds etc of unlawful conduct	Part 5 of the Proceeds of Crime Act 2002	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to charging for discretionary services	Part 8 Chapter 1 of the Local Government Act 2003	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to Nationally Significant Infrastructure Projects	Parts 1 to 9 of the Planning Act 2008	<a href="#">Head of Planning The Strategic Director of Place</a>
Functions relating to the Community Infrastructure Levy	Part 11 of the Planning Act 2008	<a href="#">Head of Planning The Strategic Director of Place</a> , except where: <ul style="list-style-type: none"> <li>approval by Council is required to submit a draft charging schedule for examination, approve a charging schedule or withdraw a charging schedule</li> <li>approval by the Executive is required to consult on or adopt a new or amended Regulation 123 List</li> </ul>
Functions relating to Neighbourhood Planning	Part 6 Chapter 3 of the Localism Act 2011	<a href="#">Head of Planning The Strategic Director of Place</a> , except where: <ul style="list-style-type: none"> <li>approval by the Executive is required to authorise a Plan to be put to referendum or to agree that a Plan be Made</li> </ul>
Functions relating to self-build and custom house building	Part 1 Chapter 2 of the Housing and Planning Act 2016	<a href="#">Head of Planning The Strategic Director of Place</a> <sup>1</sup>

**B. LICENSING AND REGISTRATION FUNCTIONS (IN SO FAR AS NOT COVERED BY ANY OTHER PARAGRAPH OF THIS SCHEDULE).**

1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960	<a href="#">Assistant Director Environment</a> , <a href="#">the Public Protection Manager and any of the Public Protection Divisional Managers</a> <a href="#">The Strategic Director of Place</a> with reference to Licensing
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		Committee where the matter is contested
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers with reference as above</del> <u>The Strategic Director of Place</u> .
3. Power to license hackney carriages and private hire vehicles	<p><b>(a)</b> as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p><b>(b)</b> as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<i>Not applicable</i>
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>
5. Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order]	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
7. Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers- The Strategic Director of Place</del> with reference to Licensing Committee where the matter is contested <sub>1</sub>
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers- The Strategic Director of Place</del> with reference as above <sub>1</sub>
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 [as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order.]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers- The Strategic Director of Place</del> with reference as above <sub>1</sub>
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order.]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers- The Strategic Director of Place</del> with reference as above <sub>1</sub>
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by the article 5(2)(d) and (5) of the Gambling Act Order.]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers- The Strategic Director of Place</del> with reference as above <sub>1</sub>
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985	<i>Not applicable</i>
13. Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968	<i>Not applicable</i>
14. Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933, section	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part 1 of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	
14A. All functions relating to licensing under the Licensing Act 2003	Sections 5 to 8 of the Licensing Act 2003	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <u>The Strategic Director of Place:</u> Licensing Committee; Council as appropriate.
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <u>The Strategic Director of Place .</u>
14AB. Functions relating to exchange of information	Section 30 of the 2005 Act	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <u>The Strategic Director of Place .</u>
14AC. Functions relating to occasional use notices	Section 39 of the 2005 Act	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <u>The Strategic Director of Place .</u>
14B. Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act	Licensing Committee
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del>



Function	Provision of Act or Statutory Instrument	Decision-making body
		<a href="#">The Strategic Director of Place</a> ,
14CA Power to make order dis applying section 279 or 282 (1) of the 2005 At in relation to specified premises]	[Section 284 of the 2005 Act	<a href="#">Assistant Director Environment , Public Protection Manager</a> <a href="#">The Strategic Director of Place</a> Licensing Committee if referred by <a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	<a href="#">Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</a> <a href="#">The Strategic Director of Place</a> <a href="#">Director of Legal and Governance</a> <a href="#">Monitoring Officer</a> as appropriate
14E. Power to exchange information	Section 350 of the 2005 Act	<a href="#">Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</a> <a href="#">The Strategic Director of Place</a>
14F. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	<a href="#">Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</a> <a href="#">The Strategic Director of Place</a>  Licensing Committee if referred by <a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
14G Functions relating to the registration and regulation of small society lotteries	[Part 5 of Schedule 11 to the 2005 Act]	<a href="#">Assistant Director of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers</a> <a href="#">The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
15. Power to license sex shops, sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> , <a href="#">The Strategic Director of Place</a> with reference to Licensing Committee where the matter is contested
16. Power to license performances of hypnotism	The Hypnotism Act 1952	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a>
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> , <a href="#">The Strategic Director of Place</a>
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a>
19. Power to register door staff	Paragraph 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995	<i>Not applicable</i>
20. Power to license markets and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c.xii)	<del>Assistant Director Environment</del> <a href="#">The Strategic Director of Place</a> , with reference to Licensing Committee where the matter is contested
21. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.	
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	<i>Not applicable</i>
24. Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a> with reference to Licensing Committee where the matter is contested
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975	<del>Assistant Director Environment,</del> <a href="#">The Strategic Director of Place</a> with reference as above
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987	<del>Assistant Director Environment,</del> <a href="#">The Strategic Director of Place</a> with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971	<i>Not applicable</i>
29. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishment Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973; and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a>
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a>
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	<del>Assistant Director Environment of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
35. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	<del>Assistant Director of Education Services, The Strategic Director of People,</del> with reference as above
36. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)	<del>Chief Operating Officer and Registrars and Bereavement Services Manager, The Strategic Director of Resources</del>
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b ) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	<del>Director of Legal and Governance, The Monitoring Officer,</del> with reference as above
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)	<del>Director of Legal and Governance, The Monitoring Officer</del> with reference as above
39. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	<i>Not applicable</i>
40. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	<del>Assistant Director Environment,</del> <a href="#">The Strategic Director of Place</a>
42. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957	<i>Not applicable</i>
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998 (S.I. 1998/871).	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a>
46A. Power to grant permission for provision, etc, of services, amenities, recreation and refreshment facilities on highway, and related powers	Sections 115E, 115F and 115K of the Highways Act 1980	<del>Assistant Director Environment- The Strategic Director of Place</del> with reference to Licensing Committee where the matter is contested

Function	Provision of Act or Statutory Instrument	Decision-making body
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
[47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980]	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
48. Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
49. Power to authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
50. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
54 Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
55. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	<del>Assistant Director of Environment, The Strategic Director of Place</del> with reference as above
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	<del>Assistant Director of Environment, the Public Protection Manager and any of the Public Protection Divisional</del>

Function	Provision of Act or Statutory Instrument	Decision-making body
		<a href="#">Managers, The Strategic Director of Place</a> with reference as above
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a> with reference as above
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a> with reference as above
59. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a> with reference as above
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)	<del>The Public Protection Manager and any of the Public Protection Divisional Managers,</del> <a href="#">The Strategic Director of Place</a> with reference as above
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)	<i>Not applicable</i>
62. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998 (SI 1998/994)	<del>The Public Protection Manager and any of the Public Protection Divisional Managers, with reference as above</del> <a href="#">The Strategic Director of Place</a>



Function	Provision of Act or Statutory Instrument	Decision-making body
63. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
65. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
66. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
67. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
[69. Power to issue near beer licence	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)]	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
71. Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference as above
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	<del>Director of Legal and Governance</del> <a href="#">The Monitoring Officer</a>
73. Power to grant, vary or renew a scrap metal dealers site licence	Section 2&3 and Sch1 Scrap Metal Dealers Act 2013	<del>Assistant Director Environment; the Public Protection Divisional Manager; The Strategic Director of Place</del> with reference as above
74. Power to grant or vary a scrap metal collector's licence	Section 2&3 and Sch 2 Scrap Metal Dealers Act 2013	<del>Assistant Director Environment; the Public Protection Divisional Manager; The Strategic Director of Place</del> with reference as above
75. Power to revoke a scrap metal dealers or collectors licence	Section 4 Scrap Metal Dealers Act 2013	<del>Assistant Director Environment; the Public Protection Divisional Manager The Strategic Director of Place</del> with reference as above

**C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK**

Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer	Part I of the Health & Safety at Work etc. Act 1974	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers, The Strategic Director of Place</del> with reference to Licensing Committee where the matter is contested
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#### D. FUNCTIONS RELATING TO ELECTIONS

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983	Full Council
2. Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	Chief Executive
3. Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	<i>Not applicable</i>
4. Power to dissolve small parish councils	Section 10 of the Local Government Act 1972	<i>Not applicable</i>
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972	<i>Not applicable</i>
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Full Council
7. Duty to provide assistance at European Parliamentary elections	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002]	Chief Executive
8. Duty to divide constituency into polling districts	[Sections 18A and 18E of, and Schedule A1 to,] the Representation of the People Act 1983	Full Council
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Full Council
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	Chief Executive Returning Officer
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	Chief Executive
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	<i>Not applicable</i>
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Chief Executive
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	Chief Executive
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
16. Deleted from legislation		
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Full Council
18. Duty to consult on change of scheme for elections.	Sections 22(2), 38(2) and 40(2) of the 2007 Act	Full Council
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive
20. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act	Chief Executive
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	<i>Not applicable</i>
22 Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Full Council

#### E. FUNCTIONS RELATING TO NAME AND STATUS OF AREAS AND INDIVIDUALS

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	Full Council
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	<i>Not applicable</i>
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	Full Council
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972	<i>Not applicable</i>

#### EA: FUNCTIONS RELATING TO COMMUNITY GOVERNANCE

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Duties relating to community governance reviews	Section 79 of 2007 Act	Full Council
2. Functions relating to community governance petitions	Section 80, 83 to 85 of the 2007 Act	Governance Committee
3. Functions relating to terms of reference review	Sections 81(4) to (6)	Full Council

Function	Provision of Act or Statutory Instrument	Decision-making body
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Full Council
5 Functions relating to making recommendations	Sections 87 to 92 of the 2007 Act	Governance Committee
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Governance Committee
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	<a href="#">Head of Democratic Services</a> <a href="#">Head of Committee and Election Services</a>
8. Duty to send two copies of the order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act	<a href="#">Head of Democratic Services</a> <a href="#">Head of Committee and Election Services</a>
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Governance Committee

#### F. POWER TO MAKE, AMEND, REVOKE OR RE-ENACT BYLAWS

Power to make, amend, revoke or re-enact bylaws	Any provision of any enactment (including local Act), whenever passes, and section 14 of the Interpretation Act 1978	Full Council
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#### FA. FUNCTIONS RELATING TO SMOKE-FREE PREMISES ETC.

1. Duty to enforce Chapter 1 and regulations made under	Section 10(3) of the 2006 Act	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
2. Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to the 2006 Act	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
3. Functions relating to fixed penalty notices	Paragraph 13, 15 and 16 of Schedule 1 to the 2006 Act	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement Regulations 2006 (SI 2006.3368).]	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>

**G. POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS**

Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council
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## H. FUNCTIONS RELATING TO PENSIONS ETC

Function	Provision of Act or Statutory Instrument	Decision-making body
1. Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	Pensions Committee
[2. Functions under the Firefighter's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.]	[Sections 34 and 36 of the Fire and Rescue Services Act 2004	<i>Not applicable</i>

## I. MISCELLANEOUS FUNCTIONS

### Part I: functions relating to public rights of way

1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	Planning Committee
2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980	Planning Committee
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	<a href="#">Assistant Director Environment, The Strategic Director of Place</a>
4. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	Planning Committee
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	Planning Committee
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Planning Committee
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Planning Committee
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	Planning Committee
9. Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980	Planning Committee
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Planning Committee
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Planning Committee
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Planning Committee
13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Planning Committee



Function	Provision of Act or Statutory Instrument	Decision-making body
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Planning Committee
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Planning Committee
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Planning Committee
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Planning Committee
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Planning Committee
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Planning Committee
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Planning Committee
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Planning Committee
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Planning Committee
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
27. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	Planning Committee
28. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Planning Committee
29. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984	Planning Committee

Function	Provision of Act or Statutory Instrument	Decision-making body
30. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981	Planning Committee
30A. Power to authorise stopping up or diversion of the highway	Section 247 of the Town and Country Planning Act 1990	Planning Committee
31. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	Planning Committee
32. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Planning Committee
33. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Planning Committee
34. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Planning Committee

**Part II: other miscellaneous functions**

35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966	<i>Not applicable</i>
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Full Council
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> <li>• Full Council (appointment etc of Head of Paid Service)</li> <li>• Governance Committee or its Appointments Sub-Committee (appointment etc of SLT Directors, Monitoring Officer and Second Tier Managers Head of Paid Service, or the relevant SLT Director, Second Tier Managers on his or her behalf (appointment etc of all staff under Second Tier Managers</li> </ul>
38. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Full Council

Function	Provision of Act or Statutory Instrument	Decision-making body
39. Duty to make arrangements for proper administration of financial affairs etc	Section 151 of the Local Government Act 1972	<ul style="list-style-type: none"> <li>Appointments Committee (appointment of Chief Finance Officer)</li> <li>Chief Finance Officer (arrangements for proper administration of financial affairs)</li> </ul>
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	Full Council
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	<i>Not applicable</i>
42. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989	Full Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc	Section 5(1) of the Local Government and Housing Act 1989	<ul style="list-style-type: none"> <li>Appointments Committee (designating Monitoring Officer)</li> <li>Full Council (providing staff)</li> </ul>
44A. Duty to provide staff, etc. to person nominated by Monitoring Officer.	Section 82A(4) of the Local Government Act 2000	Council
44B. Powers relating to Overview and Scrutiny Sub-Committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]	Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	The Accounts and Audit Regulations 1996 (SI 1996 No. 590)	Audit Committee
46. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997 No. 1160)	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>
47. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999 No. 1892)	<a href="#">Assistant Director Environment</a> <a href="#">Head of StreetCare</a> <a href="#">The Strategic Director of Place</a>
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003	<a href="#">Assistant Director Environment</a> <a href="#">The Strategic Director of Place</a>

Function	Provision of Act or Statutory Instrument	Decision-making body
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	Council
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001.	
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	<del>Assistant Director Environment, the Public Protection Manager and any of the Public Protection Divisional Managers</del> <a href="#">The Strategic Director of Place</a> Licensing Committee if referred by the <del>Assistant Director of Environment</del> <a href="#">The Strategic Director of Place</a>
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	<del>Director of Legal and Governance</del> <a href="#">The Monitoring Officer</a>
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	<del>Director of Legal and Governance</del> <a href="#">The Monitoring Officer</a>
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	<del>Director of Legal and Governance</del> <a href="#">The Monitoring Officer</a>

## 5 Local choice functions

The following functions are specified as local choice functions in schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the regulations). Council has decided on how the functions should be exercised as shown

Function	Decision-making body
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the regulations	Cabinet
2. Determining an appeal against any decision made by or on behalf of the authority	Adjudication and Review Committee
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Adjudication and Review Committee
4. The making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Adjudication and Review Committee
5. The making of arrangements pursuant to Section 95(2) of the School Standards and Framework Act 1998 (Children to whom Section 87 applies): appeals by governing bodies	Adjudication and Review Committee
6. Any function relating to contaminated land	<del>Public Protection Manager</del> <a href="#">Strategic Director of Place</a>
7. Discharging any function relating to the control of pollution or the management of air quality	<del>Public Protection Manager</del> <a href="#">Strategic Director of Place</a>
8. Serving an abatement notice in respect of a statutory nuisance	<del>Public Protection Manager</del> <a href="#">Strategic Director of Place</a>
9. Passing a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	
10. Inspecting the authority's area to detect any statutory nuisance	<del>Public Protection Manager</del> <a href="#">Strategic Director of Place</a>
11. Investigating any complaint as to the existence of a statutory nuisance	<del>Public Protection Manager</del> <a href="#">Strategic Director of Place</a>
12. Obtaining information under section 330 of the Town and Country Planning Act 1990 about interests in land	<del>Public Protection Manager</del> <del>Assistant Director – Environment</del> <del>Assistant Director – Planning</del> <a href="#">Strategic Director of Place</a> Director of Legal and Governance <del>Head of StreetCare</del>
13. Obtaining particulars of persons interested in land under section 16 of the	<del>Assistant Director – Environment</del> <del>Assistant Director – Planning</del>

Function	Decision-making body
Local Government (Miscellaneous Provisions) Act 1976	Director of Legal and Governance <a href="#">Assistant Director of Economic Development</a> <a href="#">Strategic Director of Place</a>
14. Making agreements for the execution of highways works	<del>Head of StreetCare</del> Director of Legal and Governance <a href="#">Assistant Director Environment</a> <a href="#">Strategic Director of Place</a>
15. Appointing any individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: <ul style="list-style-type: none"> <li>the authority</li> <li>a joint committee of two or more authorities, or</li> </ul> (c) to any committee or sub-committee of such a body And the revocation of such appointment	Governance Committee
16. Making agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet
17. Functions under Sections 106, 110, 111 and 113 of the Local Government & Local Involvement in Health Act relating to local area agreements	[Sections 106,110 and 111] Cabinet [Section 113] <del>Chief Operating Officer</del> <a href="#">Assistant Director, Customer and Community Engagement.</a> <a href="#">Strategic Director of Resources</a>