



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm

Wednesday
12 February 2025

Town Hall, Main Road,
Romford

Members 12: Quorum 5

COUNCILLORS:

**Conservative Group
(3**

Keith Prince
Joshua Chapman
Nisha Patel

**Havering Residents' Group
(5**

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

**Labour Group
(2**

Keith Darvill
Mandy Anderson

**East Havering Residents Group
1**

Martin Goode

**Residents' Association Independent Group
1**

John Tyler

**For information about the meeting please contact:
Anthony Clements tel: 01708 433065
e-mail: anthony.clements@onesource.co.uk**

Please would all Members and officers attending ensure they sit in their allocated seats as this will enable correct identification of participants on the meeting webcast.

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:-

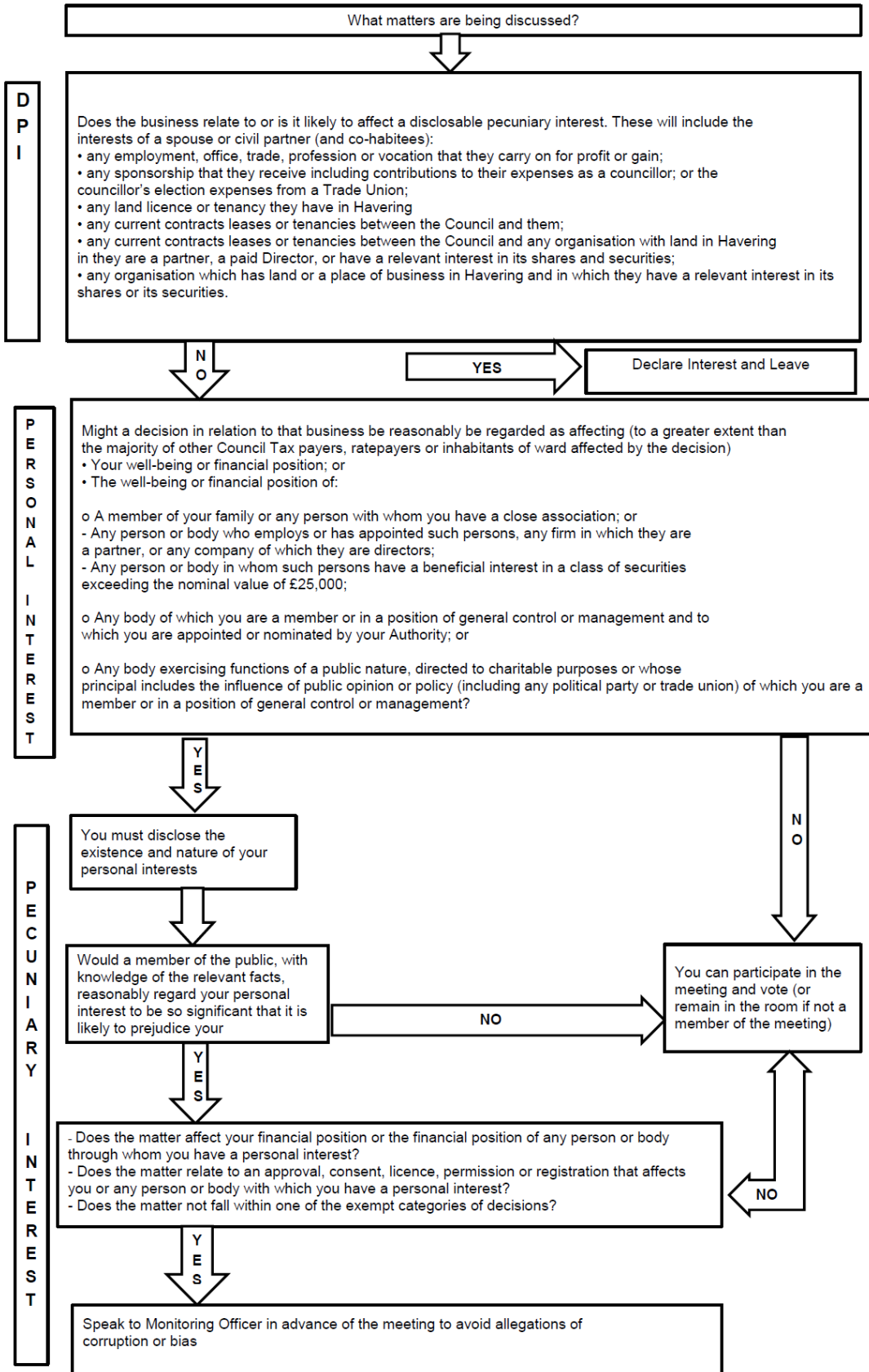
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, 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 CHAIR'S ANNOUNCEMENTS

The Chair 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

(If any) – receive.

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 - 8)

To approve as a correct record the minutes of the Committee held on **13 November 2024**, and to authorise the Chair to sign them.

5 PENSIONS COMMITTEE - STAFF MEMBER VOTING RIGHTS (Pages 9 - 14)

Report attached.

6 CHANGES TO CONSTITUTION (Pages 15 - 160)

Proposed amendments attached for approval by Committee and referral to full Council.

Zena Smith
Head of Committee and
Election Services

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
13 November 2024 (7.30 - 8.53 pm)**

Present:

COUNCILLORS

Conservative Group	Keith Prince, Joshua Chapman and Nisha Patel
Havering Residents' Group	Ray Morgon (Chairman), Stephanie Nunn, Barry Mugglestone and Reg Whitney
Labour Group	Keith Darvill and Mandy Anderson
East Havering Residents Group	Martin Goode
Residents' Association Independent Group	John Tyler

Unless otherwise stated, all decisions were taken with no votes against.

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

7 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies were received from Councillor Gillian Ford.

8 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

9 MINUTES

The minutes of the meeting of the Committee held on 5 June 2024 were agreed as a correct record and signed by the Chairman.

10 APPOINTMENTS TO OTHER ORGANISATIONS 2024/25

A report asked the Committee to nominate a representative on the Romford Combined Charity following the conclusion of the term of office of the previous Member.

Councillor Viddy Persaud received six votes (Councillors Anderson, Chapman, Darvill, Goode, Patel and Tyler) and Councillor Paul McGeary received four votes (Councillors Morgon, Mugglestone, Nunn and Whitney).

It was **AGREED**:

That Councillor Viddy Persaud be nominated as the Council's representative on the Romford Combined Charity.

11 POLLING DISTRICT AND POLING PLACE REVIEW

A report summarised the outcomes of a feedback exercise among voters on their views of issues such as accessibility and parking at polling stations. A total of 18 responses had been received from voters following the election but there had also been a lot of feedback received from officers working on the election.

A school had previously been used as a polling station in Elm Park but this involved having to cross a main road to gain entry. Lighting and access issues were also factors at the school so it was proposed to move the polling station to Scargill Infant School.

It was also proposed to redraw the boundary in the UP2 district of Upminster to allow a group of 103 electors to use a polling station closer to where they lived. Ward Councillors in both areas had been consulted and supported the proposals. Details had also been included in the Calendar Brief publication.

Feedback on future consultations could be given to ward Councillors and information on the consultation undertaken was given in the report. Some Members felt however they had not been informed about this review. Information on the consultation had been placed in local libraries.

It was **AGREED**:

That the changes to the Polling Place for Polling District EL4 (Elm Park Ward) be endorsed.

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

That all other Polling districts and polling places remain unchanged.

That Full Council on 20th November be asked to approve the decision of the Governance Committee.

12 CONSTITUTIONAL REVIEW - FURTHER CHANGES

The Monitoring Officer reported he had reviewed the first 200 pages of the Constitution and had updated the Scheme of Delegation. Proposed changes and comments on these sections were included in the report.

The proposed changes detailed the statutory roles of the Directors of Public Health, Children's Services and Adult Social Services. It was also proposed to raise the threshold at which contracts were required to go to Cabinet from £1m to £2m. This was however subject to further discussion before finalising.

The surplus property protocol had been revised and shortened but some of the previously minuted actions needed clarifying prior to being taken to full Council. Members expressed support for the proposals that write-offs should be carried out by Cabinet and that there should be an independent member of Audit Committee. It was suggested that contract decisions of £1-2m should be made in consultation with the Director/Leader.

It was agreed that references to Council meetings should say that these are held 'in public' rather than being 'public meetings'. References should be changed from 'staff' to read 'officers' and section 2.01 should clarify that no by-elections can be held within six months of a scheduled election.

It was also recommended that the relevant section make it clear that changes to the Constitution required a two thirds majority at Council rather than a straight majority. The Monitoring Officer would confirm if the Chief Executive had a nominated deputy. It was noted that this could not be the s. 151 officer. A Member felt that Gold Command procedures should also be reviewed.

The Monitoring Officer would update on the timeframe for introducing Trade Union voting rights at Pensions Committee. It was noted that a Members' pension scheme was not allowed under the current law. Waivers to contract procedure rules did not usually sit with Cabinet and the proposal for these to need approval by both legal and finance officers could be considered by the Constitution Working Party. New procurement rules were also expected. Members felt however that Cabinet Members should retain some involvement.

It was noted that references to the former Adjudication and Review Committee should be removed from the Local Choice Functions section. The proposed section on consultations now included an ability to launch a consultation rather than just respond. This clarified the current position that officers could launch consultations. Examples of consultations could be included in the text. A requirement of officers to discuss consultations with the Lead Member could also be added.

The number of places per Committee could be added in a separate annexe to the Constitution. Only high level delegations were shown in the Constitution but sub-delegations could also be published. The Monitoring Officer would check if National Insurance contributions for Members could be stopped if the Member was no longer eligible to pay this.

It would also be clarified if the power to licence scrapyards sat with the Environment Agency rather than the Council. It was proposed that cases of

whistle blowing be moved from Governance Committee to Audit Committee as this reflected current practice. The 'reasonable fee' for a copy of the Constitution required defining and it was noted that the Director of Planning was not a statutory officer. It was clarified that the Mayor's casting vote was not being removed as this was already shown in the existing Council Procedure Rules.

It was AGREED that the Monitoring Officer would make the changes to the Constitution as agreed and then circulate the revised version to the Committee for comment.

Chairman



GOVERNANCE COMMITTEE **12 February 2025**

Subject Heading:

**PENSION COMMITTEE – STAFF
MEMBER VOTING RIGHTS**

SLT 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. The Council's Pension Committee is currently comprised of: "7 Councillors, one co-opted Member and two non-voting observers."
2. In September 2023, Governance Committee considered whether to allow a Trade Union representative a vote at Pension Committee. Whilst that proposal was not agreed, Governance Committee agreed to the principle that a staff representative

should be granted a vote at Pension Committee, on the understanding that the staff representative could well be a trade union representative (but need not necessarily be).

3. This paper contains detail as to that proposal.
4. Governance Committee is therefore asked to decide whether or not to recommend the proposal to Full Council for approval.

RECOMMENDATIONS

5. Governance Committee is asked to decide either that:
 - (a) No change be made to the constitution; OR
 - (b) That the Monitoring Officer be asked to make the necessary amendments to the Constitution so as to allow voting rights for a duly elected staff representative.
6. In the event that Governance Committee adopts the recommendation at 5(b) above, the revised Constitution shall be submitted to Full Council for approval.

REPORT DETAIL

7. The Pension Committee is currently comprised of: 7 Councillors, one co-opted Member and two non-voting observers.
8. The two non-voting observers are appointed by the trade unions. These appointees have no voting rights but are present during all discussions including those concerning any exempt business. The trade union attendees undertake the same level of training as members of the Pension Committee and have a good level of attendance.
9. Many other councils do allow for one or more staff representative with voting rights. (Details of which are shown in the previous Governance Committee report on this matter).
10. A summary of proposed change to the constitution are shown in the attached schedule.
11. The views of Governance Committee are therefore invited.

11a. In the event that the proposal is approved by Governance Committee, and thereafter Full Council, a process to identify the staff representative will be commenced, based upon the following principles:

- (a) Any Havering employee who is part of the pension fund may nominate themselves to be the staff representative.
- (b) To be eligible to be the staff representative, the nominee will be asked to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- (c) Where there is more one nominee deemed eligible, Havering staff shall be asked to vote on who should represent them.

NB No officer or elected member who is responsible for the discharge of any function of the Council (as administering authority) may serve as the staff representative.

IMPLICATIONS AND RISKS

Equalities implications and Risks

12. None.

Legal implications and Risks

13. There are no legal implications arising directly from recommendations in this report.

14. The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio and may take decisions on those matters that are not the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to matters concerning the Local Government Pension Scheme.

Financial implications and risks:

15. There are no financial implication arising from contents of this report.

Human Resources implications and risks:

16. 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

17. None.

BACKGROUND PAPERS

Governance Committee agenda and papers from 26 September 2023.

Schedule

p.37

Pensions Committee

See annex 3

7 Councillors, one co-opted Member, one staff representative (with voting rights) and one non-voting observer.

p.43

3.3 Although not strictly a Member of the Committee, in accordance with the Constitution, one representative of the Officers is appointed by the unions to attend and contribute to meetings of the Committee. The appointee has no voting rights but is present during the discussion of any exempt business.

3.3a The Officers shall be entitled to elect a representative who shall become a full member of the Committee and shall exercise full voting rights on their behalf.

p.239

(b) The trade unions representing staff who are members of the Council's pension fund may between them appoint one representative who shall be entitled to attend and speak at meetings of the Pension Committee, but not to vote. The representative shall be entitled to remain should the public be excluded on the grounds that exempt information is to be considered.

(c) The Officers shall be entitled to elect a representative who shall become a full member of the Pension Committee and shall exercise full voting rights on their behalf.

This page is intentionally left blank



GOVERNANCE COMMITTEE **12 February 2025**

Subject Heading:

**CONSTITUTIONAL REVIEW –
PARTS 1-3**

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, 24 March 2024 and 13 November 2025.

LONDON BOROUGH OF HAVERING

COUNCIL CONSTITUTION
Version updated 1 April 2025

CONTENTS

Part 1	SUMMARY OF THE CONSTITUTION
Part 2	ARTICLES OF THE CONSTITUTION
Part 3	RESPONSIBILITY FOR FUNCTIONS
	3.1 Functions of Full Council and Committees
	3.2 Executive functions
	3.3 Scheme of delegations to Officers
	3.4 Functions not to be the responsibility of the Council's Executive
	3.5 Local Choice functions
	3.6 Proper officer functions
Part 4	RULES OF PROCEDURE
Part 5	CODES AND PROTOCOLS
Part 6	MEMBERS' ALLOWANCES
Part 7	MANAGEMENT STRUCTURE CHART

PART 1 SUMMARY OF THE CONSTITUTION

The following definitions are used in this constitution.

1972 Act	the Local Government Act 1972.
Annual Council	the first meeting of Full Council in each municipal year.
Borough	the geographical area known as the London Borough of Havering.
Cabinet	the executive decision making body of the Council comprising the Leader and the Cabinet Members.
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 Public Health, the Director of Children’s Services, the Director of Adult Social Services and the Monitoring Officer.
Code of Conduct	the code of conduct for Members found at part 5 of this constitution.
Committee	Any committee, sub-committee or board of the Council.
Council	the council of the London Borough of Havering
Councillors	elected councillors of the Council (and a reference to a Member 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).
Councillor Calls for Action	As defined in the Overview and Scrutiny Procedure Rules.

CPR	The contract procedure rules as set out in part 4.4 of this constitution.
Deputy Chief Officers	Officers who for all or most of their duties report directly to or are directly accountable to a Chief Officer.
Deputy Leader	the Councillor appointed by the Leader to be his / her deputy.
ELT	the executive leadership team comprising Officers as determined by the Chief Executive from time to time.
Executive	the Leader and Cabinet together.
Forward Plan	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.
Full Council	a meeting of the full membership of the Council.
Governance Committee	the governance committee as appointed by Full Council.
Group Leaders	the nominated leaders of any political grouping within Full Council from time to time.
Honorary Award	the Freedom of the Borough or Alderman / Alderwoman.
Joint Committee	Those committees listed at paragraph 2.8 of Part 3.2 of the constitution.
Leader	the Leader of the Council.
Local Plan	a plan setting out the vision and a framework for the future development of the Borough as prepared by the Council in its role as local planning authority.
Mayor	the first citizen of the Borough as elected by Full Council from year to year.
Monitoring Officer	the designated monitoring officer of the Council.
Nolan Principles	Otherwise known as the Seven Principles of Public Life which are: 1 Selflessness. 2 Integrity. 3 Objectivity. 4 Accountability. 5 Openness. 6 Honesty. 7 Leadership.

Officers	officers / members of staff of the Council (and a reference to Staff shall be construed as being a reference to Officers)
Ombudsman	the relevant ombudsman responsibility for the oversight of specific Council functions, including the Local Government and Social Care Ombudsman and the Housing Ombudsman.
Policy Framework	means the following plans and strategies (which are statutory, except where shown otherwise): <ul style="list-style-type: none"> • 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
Proper Officer	The officer appointed by a local authority to carry out certain administrative functions as required by statute the particulars of which are set out in part 3, section 6 of this constitution.
Scheme	the scheme of delegations at Part 3, Section 3 of the constitution.
Strategic Directors	the Strategic Directors of Resources, Place and People collectively (any reference to a Strategic Director should be construed accordingly.)
Statutory Officers	Those posts as detailed in Article 8, 8.01(c).
Town Hall	the main offices of the Council at Town Hall, Main Road, Romford, RM1 3BB

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

1. The Council's constitution

- 1.1 The 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.
- 1.2 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?

- 2.1 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 wellbeing of the Borough. 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)
 - (f) Joint arrangements (Article 7)
 - (g) Officers (Article 8)
 - (h) Decision making (Article 9)
 - (i) Finance, contracts and legal matters (Article 10)
 - (j) Review and revision of the constitution (Article 11)
 - (k) Suspension, interpretation and publication of the constitution (Article 12).

3. How the Council operates

- 3.1 Councillors are democratically accountable to the residents of their electoral ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 3.2 Councillors have to comply with the Code of Conduct to ensure high standards in the way they undertake their duties.
- 3.3 All 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 form the Cabinet. The Leader and Cabinet are responsible for implementing the policies decided by Full Council within the Budget. Functions of the Cabinet and individual Cabinet 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 / Executive to account for its performance.

4 How decisions are made

- 4.1 The Executive is accountable for most day-to-day decisions of the Council. The Executive is made up of the Leader and the Cabinet. The Leader is elected by Full Council and is responsible for arranging for the exercise of all executive functions. The Leader appoints the Cabinet.
- 4.2 When major decisions are to be discussed or made, these are published in the 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 to decide.
- 4.3 While most decisions are taken by the Executive (i.e. by or on behalf of the Leader, Cabinet or an individual Cabinet Member), some important decisions are also taken by Full Council, or by its committees and sub-committees.

5. Overview and Scrutiny

- 5.1 There are two Overview and Scrutiny 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, and the two Sub-Committees, 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.

- 5.2 The Overview and Scrutiny Board, and its sub-committees, also deal with Councillor Calls for Action and have the 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

- 6.1 The Council’s Health and Wellbeing Board is a committee that includes NHS representatives as well as Councillors and Officers. The Borough’s local Healthwatch organisation is also represented. The Health and Wellbeing Board works towards ensuring people in the Borough 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

- 7.1 The Council also appoints a number of other committees to undertake functions on its behalf that cannot be undertaken by the Executive.

8. The Council’s Officers

- 8.1 The Council has Officers to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers 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 Officers and Councillors.

9. Citizens’ rights

- 9.1 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.
- 9.2 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 Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, 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 Borough'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 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
- 9.3 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.
- 9.4 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.

PART 2 ARTICLES OF THE CONSTITUTION

Article 1: The constitution

1.1 Purpose of the Constitution

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

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

1.2 Interpretation and review of the constitution

1.2.1 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.

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

Article 2: Members of the Council

2.1 Composition and eligibility

- 2.1.1 The Council comprises 55 members, otherwise called Councillors. Two or three 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.
- 2.1.2 Only those individuals who can satisfy the criteria as set out in s.79 of the 1972 Act are eligible to hold the office of Councillor.
- 2.1.3 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.
- 2.1.4 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. (Note - if a vacancy occurs in the six months before the date on which that Member would have retired, an election is not to be held, unless more than one third of the Council's seats are vacant.)

2.2 Roles and functions of all Councillors

- 2.2.1 All Councillors will:
- (a) collectively be the ultimate policy-makers;
 - (b) contribute to the good governance of the Borough and actively encourage community participation and citizen involvement in decision making;
 - (c) participate in the governance and management of the Council
 - (d) effectively represent the interests of their constituents, fairly, impartially and without unlawful discrimination;
 - (e) maintain the highest standards of conduct and ethics.
- 2.2.2 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.

2.2.3 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 or Officer entitled to know it.

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

2.3 Champions

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

- (a) Champion for the Armed Forces
- (b) Champion for Equalities and Diversity
- (c) Champion for Historic Environment
- (d) Champion for the Over Fifties
- (e) Champion for the Voluntary Sector
- (f) Champion for the Young People

2.3.2 Such appointments are made at Annual Council.

2.3.3 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.

2.4 Conduct

2.4.1 Councillors will at all times observe the Nolan Principles, the Members’ Code of Conduct (which seeks to embody the Nolan Principles), 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.

2.5 Allowances

2.5.1 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

3.1 Citizens' rights

3.1.1 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) 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) attend meetings of the Council, Cabinet and its Committees except any part where confidential or exempt information is likely to be disclosed
- (c) find out from the Forward Plan what key decisions will be taken by the Executive (or Officers), and when
- (d) 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
- (e) inspect the Council's accounts and make their views known to the external auditor.
- (f) 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.

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

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

3.1.3 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: Full Council and the Mayor

4.1 Functions of Full Council

4.1.1 Only Full Council will exercise the following functions:

- (a) adopting and changing the constitution
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained elsewhere in this constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.5
- (g) changing the name of the area of the Borough or conferring an Honorary Award.
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills
- (j) the decision to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption or amendment of the Code of Conduct
- (m) approving the annual pay policy statement
- (n) resolution to make a change in governance arrangements of the Council (which shall require two thirds majority of those present and voting at the meeting)

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

4.2 Council meetings

4.2.1 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.

4.3 Role and function of the Mayor

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

4.3.2 The Mayor and, in his or her absence, the Deputy Mayor (in the case of (d) and (e) 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 the Full Council meeting, to interpret the constitution when necessary
- (b) To promote public interest in the Council's activities.
- (c) To attend civic and ceremonial functions
- (d) To preside over meetings of 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.
- (e) As Chair 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 who are not on the Cabinet are able to hold the Cabinet to account.

4.4 Committees of the Council

4.4.1 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.

4.4.2 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 shown in the table may be varied by resolution of Full Council in order to achieve political balance.

4.5 Responsibility for functions

4.5.1 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

5.1 Leader of the Council

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

5.1.2 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:

- (a) he or she resigns from the office, or
- (b) 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
- (c) he or she is no longer a Councillor, or
- (d) he or she is removed from office by resolution of Full Council.

5.2 Cabinet

5.2.1 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

5.3 Deputy Leader

5.3.1 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:

- (a) he or she resigns from office
- (b) 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
- (c) he or she is no longer a Councillor, or
- (d) he or she is removed from office by the Leader

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

5.3.3 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.

5.4 Other Cabinet members

5.4.1 Other Cabinet members shall hold office until:

- (a) they resign from office, or
- (b) 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
- (c) they are no longer Councillors, or
- (d) they are removed from office by the Leader.

5.4.2 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.

5.5 Proceedings of the Executive

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

5.6 Allocation of portfolios and executive functions

5.6.1 The portfolios and functions of individual Cabinet Members will be allocated by the Leader.

5.6.2 The Leader will give notice in writing to the Proper Officer, and maintain a list, setting out which individual members of the Cabinet, Committees, Officers or joint arrangements are responsible for the exercise of particular executive functions.

Article 6: Overview & Scrutiny

6.1 Areas of responsibility

6.1.1 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.

6.2 Overview & Scrutiny activities

6.2.1 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.

6.2.2 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 Overview and Scrutiny Board is required to report annually to Full Council.

6.3 Proceedings of Overview and Scrutiny Committees

6.3.1 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.

6.4 Joint scrutiny of health service

6.4.1 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.

6.4.2 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

7.1 Joint arrangements for the exercise of functions

- 7.1.1 The Council may establish joint arrangements with one or more local authorities for the exercise of non-executive functions. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- 7.1.2 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.
- 7.1.3 Except as set out below, the Leader may appoint only Cabinet Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- 7.1.4 The Leader may appoint non-executive Members to a joint committee that has functions for part only of the Borough, provided that the part in question is smaller than two-fifths of the Borough by area or population. In such cases, the Leader may appoint to the joint committee any 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.
- 7.1.5 The Leader may appoint non-executive 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: Officers

8.1 Management structure

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

8.1.2 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.

8.1.3 The Council has designated the following statutory posts to the following roles as at the date of this document

STATUTORY DESIGNATION	COUNCIL POST
Head of Paid Service	Chief Executive
Monitoring Officer	Deputy Director for Legal and Governance
Section 151 Officer	Strategic Director of Resources
Director of Adult Social Services	Strategic Director of People
Director of Children's Services	Director of Living Well
Scrutiny Officer	Assistant Director of Insight, Policy and Strategy
Director of Public Health	Director of Public Health

8.2 Duty to provide sufficient resources to the Monitoring Officer and the Strategic Director of Resources

8.2.1 The Council will provide the Monitoring Officer and the 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.

8.3 Other Officers

8.3.1 The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This description is set out in Part 7 of this constitution.

8.3.2 The recruitment, selection and dismissal of Officers will comply with the Staff Employment Procedure Rules set out in Part 4 of this constitution

8.3.3 Officers will comply with the Staff Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this constitution

Article 9: Decision making

9.1 Responsibility for decision making

9.1 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.

9.2 Principles

9.2.1 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 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.

9.2.2 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.

9.3 Executive Decisions

9.3.1 "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.

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

9.4 Non Executive Decisions

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

9.5 Referral of decision making to higher authority

9.5.1 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.

9.5.2 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 Health and Wellbeing Board.

9.5.3 Decisions of the Strategic Planning Committee and the Planning Committee cannot be referred to another body (except Officers).

9.6 Decision making

9.6.1 Subject to paragraph 9.7 below

- (a) 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 Committee and the Planning Committee will additionally follow the Planning Procedure Rules set out in Part 4 of this constitution.
- (e) 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.

9.7 Decision making by Council bodies acting as tribunals

9.7.1 Quasi-judicial decisions of 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.

9.8 Party Whip

9.8.1 There shall be no party whip at meetings of:

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

9.8.2 The party 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

10.1 Financial management

10.1.1 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.

10.2 Contracts

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

10.3 Legal proceedings

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

10.4 Authentication of documents

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

10.4.2 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.

Article 11: Review and revision of the constitution

11.1 Duty to monitor and review the constitution

11.1.1 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.

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

- (a) observe meetings of different parts of the Member structure
- (b) undertake an audit trail of a sample of decisions
- (c) record and analyse issues raised by Members, Officers, the public and other relevant stakeholders, and
- (d) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

11.2 Changes to the constitution

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

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

11.2.3 The Monitoring Officer shall have power to:

- (a) amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure
- (b) insert recommendations made pursuant to a written report agreed by Full Council
- (c) clarify the constitution, make non-contentious amendments, insert obvious omissions or to comply with any accepted recommendations made by any government appointed inspection regime (on giving five

working days' notice to Group Leaders and the Governance Committee).

11.2.4 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

12.1 Suspension of the constitution

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

12.1.2 A motion to suspend any rule(s) will not be moved without notice unless at least one half of the whole number of 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.

12.1.3 The following rules may be suspended:

- (a) all of the Council Procedure Rules set out in Part 4 of this constitution except for those specified therein as not being capable of suspension.
- (b) 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.

12.2 Interpretation

12.2.1 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.

12.3 Publication

12.3.1 The Monitoring Officer will make a printed copy of this constitution available for Members.

12.3.2 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
Appointments Sub-Committee	5 Councillors at least one of whom must be a Cabinet Member.
Audit Committee	6 Councillors together with one independent member recommended to Audit Committee by the Council's Head of Audit.
Governance Committee	12 Councillors, at least one of whom must be a Cabinet Member
Health & Wellbeing Board	<ul style="list-style-type: none"> • Four Councillors • Four Council Officers (Chief Executive, Director of Public Health, Director of Adult Social Services and Director of 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
Joint Health Overview and Scrutiny Sub-Committee	3 Councillors
Licensing Committee	6 Councillors.
Licensing Sub-Committee	6 Councillors.
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 1972 Act.
OneSource Joint Committee	3 Councillors.
Overview and Scrutiny Board	12 Councillors
Pensions Committee	6 Councillors, one co-opted Member and two non-voting observers.
People Overview and Scrutiny Sub-Committee (note A)	9 Councillors
Places Overview and Scrutiny Sub-Committee	9 Councillors

Planning Committee (note B)	6 Councillors
Strategic Planning Committee (note C)	6 Councillors.

Notes:

A now incorporates Health Overview and Scrutiny Sub-Committee.

B&C in respect of Planning Committee and Strategic Planning Committee. Each ward of the Council must have at least one Councillor who is neither a member of the Strategic Planning Committee or the Planning Committee to ensure that there will always be a Councillor with whom residents will be able to discuss planning matters.

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 1 FULL COUNCIL AND COMMITTEES

1 FULL COUNCIL

1.1 Only Full Council will exercise the following functions:

- (a) adopting or amending the constitution
- (b) approving, adopting or amending the Policy Framework, the Budget and any application to the secretary of state in respect of any housing land transfer
- (c) subject to the urgency procedure contained elsewhere in this constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget
- (d) appointing the Leader and the Mayor
- (e) agreeing and/or amending the terms of reference for any Committee, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under Article 2.04
- (g) changing the name of the area or conferring an Honorary Award;
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills
- (j) to introduce or revise a council tax reduction scheme
- (k) agreeing council tax discounts and exemptions
- (l) adoption or amendment of the Code of Conduct
- (m) approving the annual pay policy statement
- (n) making a change to the Council's governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which Full Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Full Council.

2 FUNCTIONS DELEGATED TO GENERAL COUNCIL COMMITTEES

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

2.2 Reference is made to the following functions:

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

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

	<p><u>Regulatory and investigatory Powers Act 2000</u></p> <ul style="list-style-type: none"> • To review the Council’s use of the Regulation of Investigatory Powers Act 2000 and the Council’s policy at least once every year and to make recommendations for changes to the policy
<p><u>Governance</u></p>	<p><u>Monitoring constitution</u></p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> • To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect • To make recommendations to the Council about amending the constitution • To monitor and review the Members’ Allowance Scheme and make recommendations to Council • To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations <p><u>Officer disciplinary, capability and grievance procedures</u></p> <ul style="list-style-type: none"> • Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee. • Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by “Havering Grade” Officers. <p><u>Appointments and dismissals</u></p> <ul style="list-style-type: none"> • To make recommendations to Council about appointing and dismissing the Head of Paid Service. • To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution. • Where necessary to establish a panel to consider and determine any allegation under the Council’s disciplinary or capability procedures against the Head of Paid service, a

	<p>SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager.</p> <ul style="list-style-type: none"> • To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: (a) to any office (other than an office in which he is employed by the authority) in the authority's gift (b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body and to revoke any such appointment (see Part 3, section 5: local choice functions) • To approve delegated arrangements for such appointments • To interview candidates for independent member positions and to make recommendations to Council about the appointment of independent members <p><u>Terms and conditions and general employment matters</u></p> <ul style="list-style-type: none"> • To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees. • To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers. <p><u>Member Conduct</u></p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority • To assist members and co-opted members of the authority to observe the authority's code of conduct • To advise the authority on the adoption or revision of a code of conduct <p>(An Assessment Panel, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</p> <p><u>Guidelines for Members in dealing with Officers</u></p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Guidelines on Members dealing with Officers. <p><u>Protocol on probity in planning</u></p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Protocol on Probity in Planning.
--	---

	<p><u>Member support</u></p> <ul style="list-style-type: none"> • To oversee matters related to the facilities available to support members <p><u>Miscellaneous</u></p> <ul style="list-style-type: none"> • To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group EA functions) <p><u>Appeals and complaints</u></p> <ul style="list-style-type: none"> • To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panel <p><u>Admission and exclusion of pupils</u></p> <ul style="list-style-type: none"> • To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals) • To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <ul style="list-style-type: none"> • To hear appeals from teachers about early retirement decisions by governing bodies. <p>Members' conduct</p> <ul style="list-style-type: none"> • To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code has been breached.
<u>Pensions</u>	<p><u>Pension fund</u></p> <ul style="list-style-type: none"> • To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance

	<p><u>Advisers and investment managers</u></p> <ul style="list-style-type: none"> • Authorise Officers to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters. • To appoint and review the performance of advisers and investment managers for pension fund investments. <p><u>Other Non-executive matters</u></p> <ul style="list-style-type: none"> • To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.
<p><u>Planning</u></p>	<p><u>Planning</u></p> <ul style="list-style-type: none"> • To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; except where they are referable to the Strategic Planning Committee. • To determine any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion. <p><u>Health and safety</u></p> <ul style="list-style-type: none"> • To carry out functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer. <p><u>Highways use and regulation</u></p> <ul style="list-style-type: none"> • To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority’s or to Officers.
<p><u>Strategic Planning</u></p>	<ul style="list-style-type: none"> • To receive presentations in the pre-application or pre-determination stage. • To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee.

	<ul style="list-style-type: none">• Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee
--	---

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 2: EXECUTIVE

1. Executive functions of the Leader

- 1.1 The Leader is responsible for arranging for the exercise of all executive functions and may by way of written notice delegate Executive functions to:
 - (a) Cabinet
 - (b) a Committee;
 - (c) Cabinet Members
 - (d) Officers
 - (e) Joint Committees
- 1.2 The Leader may exercise any Executive function personally provided notice is given to the Proper Officer.
- 1.3 The Leader 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.
- 1.4 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
- 1.5 The following general functions are a list of functions which the Leader may delegate to Cabinet. The Leader may upon giving written notice to the Proper Officer add other Executive functions to this list.

2. Functions of Cabinet

Policy matters

- 2.1 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 Framework.
- 2.2 To determine the Council's strategy and programme in relation to the Policy Framework and/or the Budget set by Full Council.
- 2.3 To determine all substantial policy matters and strategic decisions and those minor matters which are referred by the Leader at the request of a Cabinet Member as being particularly contentious.
- 2.4 To determine the Council's policy, strategy and programme in relation to the area and in respect of all Executive matters.
- 2.5 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
- 2.6 To promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.

Other matters

- 2.7 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.
- 2.8 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. Disposals and acquisitions of land, buildings or other property interest in excess of £1,000,000 shall be reserved to Cabinet.
- 2.9 To exercise control over the Council's revenue and capital budgets (including the housing revenue account).
- 2.10 To oversee and take responsibility for effective joint work with partner agencies.
- 2.11 To approve funding for voluntary organisations.
- 2.12 To affiliate with and appoint representatives to outside bodies, where these are not specifically identified elsewhere in this constitution.
- 2.13 To consider whether the Council should give evidence before a parliamentary select committee, royal commission, Government committee or similar body.

- 2.13 To undertake those functions assigned to the Cabinet under Part 3, section 5: local choice functions.
- 2.14 To award all contracts above a total contract value of £2,000,000 and above.
- 2.15 To be responsible for all executive matters even if not expressly set out in Part 3 of this constitution.

Finance

- 2.16 To take decisions on all matters relating to the Council's finances including but not exclusively:
 - (a) budgetary control
 - (b) 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
 - (c) financial planning
 - (d) operational management of insurance arrangements
 - (e) budget revisions
 - (f) 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
 - (g) virements of £1 million or more on the advice of the Strategic Director of Resources.

Treasury management strategy

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

Resource management

- 2.18 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:
 - (a) corporate human resources policies and procedures
 - (b) corporate communication strategies.

Education

- 2.19 To exercise the Council's education functions and provision i 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.

Environment

- 2.20 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:
- (a) town planning
 - (b) environmental health
 - (c) highway engineering
 - (d) public health
 - (e) building control
 - (f) consumer protection and licensing
 - (g) traffic management and parking control
 - (h) transport planning
 - (i) waste and energy management
 - (j) cemeteries
 - (k) managing the transport fleet.
- 2.21 To encourage and promote the environmentally sustainable development and regeneration of the Borough and the health of the population through its planning, transport, economic planning, waste and energy management and environmental health policies and programmes.
- 2.22 To consider proposed planning guidance for the Borough and the development of the Local Plan

Housing

- 2.23 To approve the Council's housing and homelessness strategies including the formulation and co-ordination of policies and implementation. Such functions include, but are not limited to, the following:
- (a) assessing housing need, demand and supply and developing appropriate strategies, including specific strategies for groups in need
 - (b) managing and maintaining all land and property held for the Council's housing functions.
 - (c) assessing and setting rents and other charges
 - (d) setting and varying charges for the use of garages, car parking spaces and other facilities on the Council's housing estates
- 2.24 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

Leisure and cultural services

- 2.25 Agree the Council's strategy 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:
- (a) library and information services
 - (b) arts and museum services
 - (c) providing and maintaining leisure facilities for children and young persons
 - (d) providing facilities for sports
 - (e) developing tourism opportunities and provision of tourism services
 - (f) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial grounds.
- 2.26 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.
- 2.27 To plan the provision of leisure facilities whether provided by the Council or others.

Social care and health

- 2.28 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:
- (a) 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
 - (b) 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.
- 2.29 All matters relating to public health and dental health as conferred onto the authority by virtue of the National Health Service Act 2006, 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.)

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

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

- 3.1 To monitor the budgets and the performance of the services allocated by the Leader.
- 3.2 Where there are implications for the Policy Framework or the Budget, to agree Officer responses to consultation papers from:
 - (a) the Government (including White and Green papers)
 - (b) the London Councils, the Greater London Authority, the Local Government Association and all other bodies.
- 3.3 To agree an appropriate response by Officers to issues raised in respect of allocated services.
- 3.4 To determine priorities in conjunction with the relevant Chief Officer (within the Policy Framework and Budget).
- 3.5 To make suggestions for policy initiatives (within the Budget and/or Policy Framework) and for amendments to the Budget and/or the Policy Framework, for agreement by the Cabinet and Full Council.
- 3.6 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.
- 3.7 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.
- 3.8 To approve the commencement of the tender process, to award contracts, agree extensions of contract terms where the value of such matter is between £1,000,000 and £2,000,000 subject to consultation with the Strategic Director of Resources. (Note: Pension Committee has powers to invite tenders and award contracts for investment matters within their terms of reference)
- 3.9 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.
- 3.10 To consider and recommend plans in respect of the portfolio allocated.

- 3.11 To consider the needs of the allocated service for particular properties and to make recommendations to the Cabinet as appropriate.
- 3.12 To promote effective relationships and partnerships between the Council and all other bodies and agencies affecting the community.
- 3.13 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.
- 3.14 To consider reports on contract overspends and to report to Cabinet as necessary.
- 3.15 To consult any advisory bodies as directed by the Cabinet
- 3.16 To agree minor matters and urgent or routine policy matters
- 3.17 To consider recommendations relating to highways and traffic schemes and to make decisions relating to them.
- 3.18 To approve the decision of the Council disposing of or acquiring an interest in property or land where the disposal value or acquisition receipt is between £1,000,000 and £2,000,000.
- 3.19 To approve all in year changes to both fees and charges.

4. Portfolios to be assigned to individual Cabinet members

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

Information & Communication Technology, Procurement, Asset Management, Development Control, Building Control, Finance Procurement, Commissioning, Adult Social Care, Children & Young People's Services, Learning & Achievement, Schools for the Future, Community Engagement, Policy and Partnerships, Communications Culture & Leisure, Customer Services, Housing, Public Protection, Regeneration Strategic Planning, Environment, Highways and traffic schemes, Legal, Governance and Election Services, Community Safety, Public Health

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

5. 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:

5.1 Duty to encourage integrated working

- (a) To encourage organisations involved in the provision of any health or social care services in the borough to work in an integrated manner.
- (b) 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.
- (c) To encourage all those involved in the provision of health-related services to work with the Board.
- (d) To arrange and encourage any persons involved in the provision of health-related services to work in cooperation with the Health and Wellbeing Board.
- (e) To exercise those functions conferred on the Council by virtue of the Local Government and Public Involvement in Health Act 2007, namely
 - (i) Preparation of a Joint Strategic Needs Assessment, and;
 - (ii) Preparation of a Health and Wellbeing Strategy
- (f) 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).
- (g) If appropriate, to make arrangements for its functions to be discharged jointly with the Board of another authority and/or by joint sub-committees.
- (h) 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

- 5.2 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

6. Joint working delegations

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)

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

London Councils Committees

London Councils Leaders Committee

- 6.1 This comprises one member from each of the 33 London local authorities.
- 6.2 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 Joint Committee is authorised to deal with the following matters:
 - (a) consulting on common interests of London local authorities, discussing local government matters and providing forums for such discussion
 - (b) representing the interests of London local authorities to other bodies, including national and local government, Parliament and the European Union
 - (c) formulating policies for the development of democratic and effectively managed local government
 - (d) appointing representatives or staff to serve on any other body
 - (e) representing the interests of London local authorities as employers
 - (f) disseminating relevant information to London local authorities
 - (g) providing information to the public and other bodies on London Councils policies and local government issues relevant to London
 - (h) acting as the regional body of the Local Government Association.

London Councils have the following other committees:

Transport and Environment Committee

- 6.3 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).

- 6.4 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 co-ordinating and maintaining vehicle removal and clamping operations
 - (d) establishing and maintaining a communications and control service to deal with vehicle removals
 - (e) overseeing the London lorry ban
 - (f) overseeing the London taxicard scheme.

The London Grants Committee

- 6.5 This committee comprises one member from each of the 33 London local authorities.
- 6.6 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.

OneSource Joint Committee

- 6.7 This is a committee of this Council and the London Borough of Newham, with a membership of 2 councillors from the executive of Havering and Newham Councils. 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) Exchequer Services

- (b) Legal Services
- (c) Democratic Services

7. Delegation of Functions to another Local Authority

7.1 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.

This page is intentionally left blank

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 3: FUNCTIONS DELEGATED TO OFFICERS

Definitions used in this Part 3.3.

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 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 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 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 Officers required for the discharge of functions and the organisation of Officers.
- 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, 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 The use of any emergency powers by the Chief Executive shall be in accordance with any guidance issued pursuant to the Civil Contingencies Act 2004 or similar.

3.4 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 Chief Executive (or by the Leader where the Chief Executive has not made (or is incapable of making) a direction).

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.

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.

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. This delegation shall include the ability to extend or vary a contract up to and including a value of £1,000,000 (provided that the extension is in line with the existing contractual provisions.)
- 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.

BUT PROVIDED that all consultation (response, initiation, launch, etc) shall be discussed with the relevant Cabinet Member.

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 Not used.
- 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 Not used.
- 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

1. To exercise all rights and functions reserved to the Director of Adult Social Services by statute on behalf of the Council.
2. 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.
3. Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

Scheme 3.3.4b
Specific powers of the Director of Children's Services

1. To exercise all rights and functions reserved to the Director of Children's Services by statute on behalf of the Council.
2. 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.
3. Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

Scheme 3.3.4c
Specific powers of the Director of Public Health

1. To exercise all rights and functions reserved to the Director of Public Health by statute on behalf of the Council.
 - (a) To take responsibility for all the Council's public health functions.
 - (b) To oversee all services relating to the public health function.
 - (c) To provide information and advice on public health matters.
 - (d) To provide services and facilities designed to promote healthy living.
 - (e) To provide services and facilities for the prevention of illnesses.
 - (f) The exercise of the local authority function in the National Health Service Act 2006 as amended.
 - (g) To authorise Patient Group Directions on behalf of the Council
2. 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.
3. Paragraphs 4.1, 4.2 and 5.2 (of 3.3.3 above) shall be subject to a financial limit of £500,000.

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 purchase 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 Accountconsul 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 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 Officers 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 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.

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 Officers.
- 4.14 To approve payment of allowances in accordance with the “Croydon Scheme” to Officers 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 Officers 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, Officers 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 Officer 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.

This page is intentionally left blank

Part 3.3
Appendix A
Code of practice: disposal of property

1. This appendix sets out the code of practice for the disposal of property. The Strategic Director of Place is required to comply with this code when 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).
2. This code of practice applies to freehold and leasehold disposals.

Method of disposal

3. The Strategic Director of Place shall determine the method by which 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.
4. 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.
5. 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.
6. Any pre-auction bid shall be accepted only upon the recommendation of the auctioneer.

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

Valuation

8. 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.
9. 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.

Transactions at less than market value

10. Approval must be obtained from Cabinet to all disposals (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 Full Council or Cabinet for the type of transaction proposed. When 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.
11. 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 Government Act 1972: General Disposal Consent (England) 2003.

PART 3
RESPONSIBILITY FOR FUNCTIONS

SECTION 4:
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	<p>The Strategic Director of Place except where:</p> <ul style="list-style-type: none"> • approval by the Executive is required for consultation on a Local Development Framework Document; • 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; • approval by Full Council is required for submission or adoption of a Development Plan Document
Functions relating to control over development (including the assessment of environmental effects)	Part 3 of the Town and Country Planning Act 1990	<p>The Strategic Director of Place, except where:</p> <ul style="list-style-type: none"> • an application for Planning Permission is required to be determined by

Function	Provision of Act or Statutory Instrument	Decision-making body
		<p>Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules</p>
<p>Functions relating to planning enforcement</p>	<p>Part 7 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to special planning controls (e.g. trees, amenity land and advertisements)</p>	<p>Part 8 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to highways and planning</p>	<p>Part 10 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to statutory undertakers and planning</p>	<p>Part 11 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to Crown land and planning</p>	<p>Part 13 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to financial provisions for planning</p>	<p>Part 14 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to miscellaneous and general planning provisions (e.g. rights of entry)</p>	<p>Part 15 of the Town and Country Planning Act 1990</p>	<p>The Strategic Director of Place</p>
<p>Functions relating to listed buildings</p>	<p>Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p>The Strategic Director of Place, except where:</p> <ul style="list-style-type: none"> • an application for Listed Building Consent is required to be determined by Planning Committee in accordance with the Committee Consideration Criteria in the

Function	Provision of Act or Statutory Instrument	Decision-making body
		Planning Committee Procedure Rules
Functions relating to conservation areas	Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Strategic Director of Place, except where: <ul style="list-style-type: none"> approval of the Executive is required to designate a conservation area
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	The Strategic Director of Place
Functions relating to controls over hazardous substances	Planning (Hazardous Substances) Act 1990	The Strategic Director of Place
Functions relating to Certificates of Appropriate Alternative Development	Part 3 of the Land Compensation Act 1961	The Strategic Director of Place
Functions relating to the control of advertisements, displays etc	Part 3 of the London Local Authorities Act 1995	The Strategic Director of Place
Functions relating to surveillance and covert human intelligence sources	Part II of the Regulation of Investigatory Powers Act 2000	The Strategic Director of Place
Functions relating to the civil recovery of the proceeds etc of unlawful conduct	Part 5 of the Proceeds of Crime Act 2002	The Strategic Director of Place
Functions relating to charging for discretionary services	Part 8 Chapter 1 of the Local Government Act 2003	The Strategic Director of Place
Functions relating to Nationally Significant Infrastructure Projects	Parts 1 to 9 of the Planning Act 2008	The Strategic Director of Place
Functions relating to the Community Infrastructure Levy	Part 11 of the Planning Act 2008	The Strategic Director of Place , except where: <ul style="list-style-type: none"> approval by Full Council is required to submit a draft

Function	Provision of Act or Statutory Instrument	Decision-making body
		charging schedule for examination, approve a charging schedule or withdraw a charging schedule <ul style="list-style-type: none"> • approval by the Executive is required to consult on or adopt a new or amended Regulation 123 List
Functions relating to Neighbourhood Planning	Part 6 Chapter 3 of the Localism Act 2011	The Strategic Director of Place ,, except where: <ul style="list-style-type: none"> • approval by the Executive is required to authorise a Plan to be put to referendum or to agree that a Plan be Made
Functions relating to self-build and custom house building	Part 1 Chapter 2 of the Housing and Planning Act 2016	The Strategic Director of Place ,

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	The Strategic Director of Place with reference to Licensing 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	The Strategic Director of Place ,
3. Power to license hackney carriages and private hire vehicles	(a) 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 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<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.]	The Strategic Director of Place with reference to Licensing Committee where the matter is contested,
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.]	The Strategic Director of Place with reference as above
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.]	The Strategic Director of Place with reference as above,
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.]	The Strategic Director of Place with reference as above
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.]	The Strategic Director of Place with reference as above
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 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	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	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	The Strategic Director of Place: Licensing Committee; Council as appropriate,
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	The Strategic Director of Place ,
14AB. Functions relating to exchange of information	Section 30 of the 2005 Act	The Strategic Director of Place ,
14AC. Functions relating to occasional use notices	Section 39 of the 2005 Act	The Strategic Director of Place ,
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	The Strategic Director of Place ,
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	The Strategic Director of Place Licensing Committee if referred by The Strategic Director of Place
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	The Strategic Director of Place Monitoring Officer as appropriate
14E. Power to exchange information	Section 350 of the 2005 Act	The Strategic Director of Place
14F. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	The Strategic Director of Place Licensing Committee if referred by The Strategic Director of Place

Function	Provision of Act or Statutory Instrument	Decision-making body
14G Functions relating to the registration and regulation of small society lotteries	[Part 5 of Schedule 11 to the 2005 Act]	The Strategic Director of Place
15. Power to license sex shops, sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	, The Strategic Director of Place with reference to Licensing Committee where the matter is contested
16. Power to license performances of hypnotism	The Hypnotism Act 1952	The Strategic Director of Place
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	, The Strategic Director of Place
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907	The Strategic Director of Place
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)	The Strategic Director of Place, 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 Authorities Act 1990	<i>Not applicable</i>

Function	Provision of Act or Statutory Instrument	Decision-making body
	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	The Strategic Director of Place
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	The Strategic Director of Place
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	, The Strategic Director of Place 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	, The Strategic Director of Place 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	, The Strategic Director of Place with reference as above
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	The Strategic Director of Place

Function	Provision of Act or Statutory Instrument	Decision-making body
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.	The Strategic Director of Place
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	The Strategic Director of Place
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981	The Strategic Director of Place
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	The Strategic Director of Place
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)	The Strategic Director of Place
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	The Strategic Director of People, 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)	The Strategic Director of Resources

Function	Provision of Act or Statutory Instrument	Decision-making body
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)	The Monitoring Officer, 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)	,The Monitoring Officer 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	The Strategic Director of Place
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	The Strategic Director of Place
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)	, The Strategic Director of Place

Function	Provision of Act or Statutory Instrument	Decision-making body
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	, The Strategic Director of Place
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	The Strategic Director of Place
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).	The Strategic Director of Place
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	The Strategic Director of Place with reference to Licensing Committee where the matter is contested
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	, The Strategic Director of Place 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]	, The Strategic Director of Place 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	, The Strategic Director of Place with reference as above
49. Power to authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980	, The Strategic Director of Place 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	, The Strategic Director of Place with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	, The Strategic Director of Place with reference as above
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	, The Strategic Director of Place with reference as above
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	The Strategic Director of Place with reference as above
54 Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980	The Strategic Director of Place 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	, The Strategic Director of Place 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	, The Strategic Director of Place 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)	, The Strategic Director of Place 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)	, The Strategic Director of Place 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)	, The Strategic Director of Place with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)	, The Strategic Director of Place 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)	The Strategic Director of Place
63. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	, The Strategic Director of Place 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	The Strategic Director of Place 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	, The Strategic Director of Place 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	The Strategic Director of Place 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)	, The Strategic Director of Place with reference as above

Function	Provision of Act or Statutory Instrument	Decision-making body
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991	, The Strategic Director of Place with reference as above
[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.	, The Strategic Director of Place 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)]	The Strategic Director of Place with reference as above
71. Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	The Strategic Director of Place 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)	The Monitoring Officer
73. Power to grant, vary or renew a scrap metal dealers site licence	Section 2&3 and Sch1 Scrap Metal Dealers Act 2013	; The Strategic Director of Place 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	; The Strategic Director of Place with reference as above
75. Power to revoke a scrap metal dealers or collectors licence	Section 4 Scrap Metal Dealers Act 2013	The Strategic Director of Place with reference as above

C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

<p>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</p>	<p>Part I of the Health & Safety at Work etc. Act 1974</p>	<p>, The Strategic Director of Place with reference to Licensing Committee where the matter is contested</p>
---	--	--

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>

Function	Provision of Act or Statutory Instrument	Decision-making body
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>

E(a): 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
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	Head of Committee and Election Services
8. Duty to send two copies of the order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act	Head of Committee and Election Services
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
---	--	--------------

F(a). FUNCTIONS RELATING TO SMOKE-FREE PREMISES ETC.

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

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
--	--	--------------

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	The Strategic Director of Place
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
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	The Strategic Director of Place
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	Section 130 of the Highways Act 1980	

public to use and enjoyment of highways		The Strategic Director of Place
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	The Strategic Director of Place
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	The Strategic Director of Place
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

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 Officers, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> • Full Council (appointment etc of Head of Paid Service) • Governance Committee or its Appointments Sub-Committee (appointment etc of Strategic Directors and Statutory Officers).
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"> • Appointments Committee (appointment of Chief Finance Officer) • Chief Finance Officer (arrangements for proper administration of financial affairs)
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"> • Appointments Committee (designating Monitoring Officer) • Full Council (providing staff)
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

Function	Provision of Act or Statutory Instrument	Decision-making body
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)	The Strategic Director of Place
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)	The Strategic Director of Place
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003	The Strategic Director of Place
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	The Strategic Director of Place Licensing Committee if referred by the The Strategic Director of Place
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	The Monitoring Officer
52. Power to protect unclaimed registered common land and unclaimed town or village	Section 45(2)(a) of the Commons Act 2006	The Monitoring Officer

Function	Provision of Act or Statutory Instrument	Decision-making body
greens against unlawful interference		
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	The Monitoring Officer

This page is intentionally left blank

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 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	Governance Committee
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Governance Committee
4. The making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Governance 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	Governance Committee
6. Any function relating to contaminated land	Strategic Director of Place
7. Discharging any function relating to the control of pollution or the management of air quality	Strategic Director of Place
8. Serving an abatement notice in respect of a statutory nuisance	Strategic Director of Place
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	Strategic Director of Place
11. Investigating any complaint as to the existence of a statutory nuisance	Strategic Director of Place
12. Obtaining information under section 330 of the Town and	Strategic Director of Place

Function	Decision-making body
Country Planning Act 1990 about interests in land	Director of Legal and Governance
13. Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Director of Legal and Governance Strategic Director of Place
14. Making agreements for the execution of highways works	Director of Legal and Governance Strategic Director of Place
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"> • the authority • a joint committee of two or more authorities, or (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 Officers 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]. Strategic Director of Resources

This page is intentionally left blank

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 6:
Proper officer functions

The following tables show the Proper Officers appointed for the functions specified.

The deputy proper officer is shown after the proper officer. The deputy proper officer is appointed to act where the proper officer is absent and/or unable to act. Where neither the designated proper officer nor the designated deputy proper officer is able to act, or if there is no specified designated proper officer, the Chief Executive is appointed to act or may designate an appropriate person to act as proper officer or deputy proper officer. If the Chief Executive is unable to act, this power shall be delegated to the Deputy Director of Legal and Governance or, if the Deputy Director of Legal and Governance is unavailable, to the next most senior lawyer employed by the Council available to act.

Public Health Act 1936

Section	Description	Proper officer
84	Officer authorised to issue a certificate requiring an article to be cleansed purified, disinfected or destroyed.	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. Public Protection Manager. Strategic Director, Place
85	Officer authorised to issue report to take measures to cleanse verminous clothing.	As above Public Protection Manager. Strategic Director, Place

National Assistance Act 1948

Section	Description	Proper officer
47	Officer authorised to issue a certificate to enable a local authority to apply for a court order to remove a person from insanitary living conditions	The Council hereby appoints any person for the time being employed by the North

		East London Health Protection Unit as
--	--	---------------------------------------

Section	Description	Proper officer
		Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer.

National Assistance (Amendment Act) 1951

Section	Description	Proper officer
48	Amends section 47 of the National Assistance Act 1948 (as above) to enable a local authority to apply for a court order to remove a person from insanitary living conditions without giving notice of intention to apply for the order.	As above

Public Health Act 1961

Section	Description	Proper officer
37	Officer authorised who may cause verminous articles to be disinfected or destroyed.	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer.

		Public Protection Manager. Director of Public Health
--	--	--

Local Government Act 1972

Section	Description	Proper officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Council shall make declaration of acceptance of office: mayor, deputy mayor, councillor	Chief Executive Deputy Director of Legal and Governance

Section	Description	Proper officer
84	Officer to whom a person elected to any office under the Council may give written notice of resignation	Chief Executive Deputy Director of Legal and Governance
88(1)	Receiving notice of casual vacancy in office of councillor	Chief Executive Deputy Director of Legal and Governance
88(2)	Officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive Any Strategic Director
89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local government electors	Chief Executive Deputy Director of Legal and Governance
100B(2)	Officer who may think fit to exclude from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public	Head of Committee and Election Services Committee Services Manager
100B(7)(c)	Officer who may think fit to supply to the press additional material supplied to members of the Council in connection with items of business to be discussed	Deputy Director of Legal and Governance Deputy Monitoring Officer
100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Head of Committee and Election Services Committee Services Manager
100D(1)(a) and (5)(a)	Officer responsible for identifying background papers and compiling list of such documents	Head of Committee and Election Services Committee Services Manager
100F(2)	Officer making decision as to documents disclosing exempt information which are	Chief Executive

Section	Description	Proper officer
	not required to be open to inspection by council members	Deputy Director of Legal and Governance
115	Officer to whom all officers shall pay monies received by them and due to the local authority	Strategic Director of Resources Head of Procurement
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority	Strategic Director of Resources Head of Procurement

Section	Description	Proper officer
210(6) and (7)	Officer in whom power in respect of a charity will vest as at 1 April 1974	Deputy Director of Legal and Governance Deputy Monitoring Officer
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts	Deputy Director of Legal and Governance Deputy Monitoring Officer
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council	Deputy Director of Legal and Governance Deputy Monitoring Officer
234(1)	Officer who may authenticate documents	Deputy Director of Legal and Governance Deputy Monitoring Officer
236(9)	Officer responsible for sending certified copies of bylaws to appropriate bodies	Deputy Director of Legal and Governance Deputy Monitoring Officer
238	Officer who shall certify copies of bylaws as true copies	Deputy Director of Legal and Governance Deputy Monitoring Officer
248(2)	Officer who shall keep the roll of freemen of the borough	Chief Executive Deputy Director of Legal and Governance
Para 4(2)(b) of Part I of	Officer who may sign a summons to council meetings	Monitoring Officer

Section	Description	Proper officer
Schedule 12		
Para 4(3) of Part I of Schedule 12	Officer who may receive notice from a member of address to which a summons to a meeting is to be sent	Head of Committee and Election Services Committee Services Manager
Para 25(7) of Part II of Schedule 14	Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings	Deputy Director of Legal and Governance Deputy Monitoring Officer

Local Government Act 1974

Section	Description	Proper officer
30(5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint	Head of Committee and Election Services Committee Services Manager

Local Government (Miscellaneous Provisions) Act 1976

Section	Description	Proper officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents	Head of Committee and Election Services Committee Services Manager

Local Government (Miscellaneous Provisions) Act 1982

Section	Description	Proper officer
Para 13(6) of schedule 3	Certification, for legal proceedings, of copy of any regulations made by the appropriate authority	Director of Legal and Governance Deputy Monitoring Officer

Representation of the People Act 1983

Section	Description	Proper officer
8	Officer acting as registration officer for registration of parliamentary and local government electors	Chief Executive

		Deputy Director of Legal and Governance
35	Officer acting as returning officer for council elections	Chief Executive Deputy Director of Legal and Governance

Building Act 1984

Section	Description	Proper officer
78(8)	Officer responsible for taking immediate action in relation to dangerous buildings	Strategic Director of Place

Public Health (Control of Diseases) Act 1984

Section	Description	Proper officer
11	Officer to be informed of a notifiable disease or food poisoning	The Council hereby appoints any person for the time being employed by the North East London Health Protection Unit as Consultant in Communicable diseases (CCDC) or by the North East London Primary Care Trusts (PCTs) as Consultant in Public Health Medicine (CPHM) for the authority's area as proper officer. Strategic Director of Place
18	Officer responsible for furnishing information with regard to notifiable diseases or food poisoning	As above
20	Officer empowered to prevent someone working in order to stop spread of disease	As above
21	Officer empowered to exclude a child from school if the child is liable to convey a notifiable disease	As above

22	Officer responsible for maintaining a list of day pupils at school having a case of notifiable diseases	As above
24	Officer responsible for ordering that infected articles not be sent to any laundry	As above
29	Officer responsible for letting of house or room after recent case concerning a notifiable disease	As above
31	Officer responsible for ordering disinfection of premises	As above
32	Officer responsible for ordering a person removed from an infected house	As above
36	Officer who may issue certificate stating that a person is believed to carry an organism capable of causing a notifiable disease and that a medical examination is expedient	As above
40	Officer who may apply for a warrant to enter a common lodging-house and examine any person for a notifiable disease	As above

Section	Description	Proper officer
42	Officer who may certify a common lodging-house which has been closed to be free from infection	As above
43	Officer who may certify that a person who has died in hospital while suffering from a notifiable disease should not be removed from the hospital except to be taken directly to a mortuary or to be buried or cremated	As above
48	Officer responsible for ordering removal of body to a mortuary or for immediate burial	As above
59	Officer responsible for authenticating documents	As above
60	Officer responsible for serving notices and other documents	As above

The Health Protection (Notification) Regulations 2010

Section	Description	Proper officer
Regulations 6, 8, 9 10 and Schedule 3 and 4		As above

Housing Act 1985

Section	Description	Proper officer
606(1) and (2)	Officer responsible for making reports on unfitness and clearance	Strategic Director of Place

Local Elections (Principal Areas) Rules 1986

Rule	Description	Proper officer
44	Officer [to whom returning officer gives notice] giving public notice of name of successful candidate/s in Council elections	Chief Executive Deputy Director of Legal and Governance
46	Officer to whom, after election, returning officer forwards ballot papers and related documents for safe custody	Chief Executive Deputy Director of Legal and Governance

Section	Description	Proper Officer
47	Officer whom court may order to produce ballot papers and related documents	Chief Executive Deputy Director of Legal and Governance
48	Officer responsible for retaining ballot papers and related documents for public inspection, prior to destroying the documents after a six month period	Election Services Manager

Local Government Finance Act 1988

Section	Description	Proper officer
114	Officer responsible for making financial report to the authority	Strategic Director of Resources

Local Government & Housing Act 1989

Section	Description	Proper officer
2	Officer responsible for receiving deposit of list of politically restricted posts	Strategic Director of Resources

Local Government (Committees and Political Groups) Regulations 1990

Regulation	Description	Proper officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change or name of a political group	Head of Committee and Election Services Committee Services Manager
9 and 10	Officer to whom notice is delivered about a councillor's membership of, or cessation of membership of, a political group	Head of Committee and Election Services Committee Services Manager
13	Officer to whom the wishes of a political group are expressed	Head of Committee and Election Services Committee Services Manager
14	Officer responsible for notifying a political group about allocations and vacancies of seats	Head of Committee and Election Services Committee Services Manager

Environmental Protection Act 1990

Section	Description	Proper officer
149	Officer for discharging functions for dealing with stray dogs	Strategic Director of Place
	Dogs Act 1871 and Dangerous Dogs Act 1991	Strategic Director of Place
	Guard Dogs Act 1975	Strategic Director of Place

Food Safety Act 1990

Section	Description	Proper officer
49	Officer authorised to sign any document that the Council, as food authority, is authorised or required to make under the Act	Strategic Director of Place

Party Wall etc. Act 1996

Section	Description	Proper officer
10(8)	Officer responsible for appointing a third surveyor where this becomes necessary	Strategic Director of Place

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

Regulation	Description	Proper officer
3(1)	<p>Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information specified in regulation 3(2)</p> <p>This officer is the proper officer referred to in rule 18 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	Head of Committee and Election Services Committee Services Manager
4(1)	<p>Officer responsible for producing a written statement of all executive decisions made by an individual Cabinet member, including the information specified in regulation 4(2)</p> <p>This officer is the proper officer referred to in rule 20(c) of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	Head of Committee and Election Services Committee Services Manager

Regulation	Description	Proper officer
5(1)	<p>Officer responsible for ensuring that a copy of the following documents is available for public inspection:</p> <ul style="list-style-type: none"> • the written statement referred to in regulations 3 and 4 above • part or all of any report considered by the decision-maker and relevant to the decision made <p>This officer is the proper officer referred to in rule 6 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Committee and Election Services Committee Services Manager</p>
6	<p>Officer responsible for compiling a list of background papers to the report referred to in regulation 5 above</p> <p>This officer is the proper officer referred to in rule 8 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Committee and Election Services Committee Services Manager</p>
9(2)	<p>Officer responsible for making publicly available any report which an individual Cabinet member or member of staff intends to consider when making a key decision</p>	<p>Head of Committee and Election Services Committee Services Manager</p>
9(4)	<p>Officer responsible for including a list of background papers for the report referred to in regulation 9(2) above and for making available copies of those papers where appropriate</p>	<p>Head of Committee and Election Services Committee Services Manager</p>
11(2)	<p>Officer who may exclude whole or part of any report provided for public inspection under regulation 11(1), where the part excluded relates to a matter for which the proper officer considers a meeting is not likely to be open to the public</p> <p>This officer is the proper officer referred to in rule 11 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	<p>Head of Committee and Election Services Committee Services Manager</p>
11(7)(c)	<p>Officer who may supply to a newspaper a copy of any document supplied to Cabinet members, if he or she thinks fit</p>	<p>Head of Committee and Election Services Committee Services Manager</p>

Regulation	Description	Proper officer
12(1)	<p>Officer responsible for publishing the information relating to key decisions specified in regulation 12(1)</p> <p>This officer is the proper officer referred to in rule 14 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	Head of Committee and Election Services Committee Services Manager
15(1)	<p>Officer responsible for doing the following where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision:</p> <ul style="list-style-type: none"> • giving notice to the Chairman of the Overview and Scrutiny Board or relevant Sub-Committee • making that notice available for public inspection <p>This officer is the proper officer referred to in rule 15 of the Access to Information Procedure Rules set out in Part 3 of this constitution</p>	Head of Committee and Election Services Committee Services Manager
17(3) and (4)	Officer responsible for determining whether compliance with regulations 17(1) or 17(2) would involve the disclosure of either exempt information or advice provided by a political adviser or assistant	Head of Committee and Election Services Committee Services Manager
21(4)(a) and (b)	Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political adviser or assistant	Head of Committee and Election Services Committee Services Manager

The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000

Regulation	Description	Proper officer
4(2)	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	Election Services Manager

The Local Authorities (Standing Orders) (England) Regulations 2001

Regulation	Description	Proper officer
Paragraphs 5 and 6 of Part II of Schedule 1	<p>Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment</p> <p>This officer is the proper officer referred to in rules 9 and 10 of the Staff Employment Procedure Rules set out in Part 4 of this constitution</p>	Chief Executive

Proper officer functions referred to in guidelines issued by the Secretary of State under section 38 of the Local Government Act 2000 and set out in Part 3 of this constitution

Rule	Description	Proper officer
<i>Access to Information Procedure Rules</i>		
4(c)	Officer who may supply copies of documents supporting reports that are open to public inspection	Head of Committee and Election Services Committee Services Manager
<i>Committee Procedure Rules</i>		
3(a)	Officer who may summon a special meeting of the committee at any time	Head of Committee and Election Services Committee Services Manager
3(b)	Officer who may summon a special meeting of the committee on the requisition in writing of a quarter of the members of the committee, delivered not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting.	Head of Committee and Election Services Committee Services Manager
<i>Executive Procedure Rules</i>		
4(b)	Officer who will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to each Cabinet Member and by publishing the Agenda in accordance with the statutory requirements	Head of Committee and Election Services Committee Services Manager

Rule	Description	Proper officer
5	Officer notified of the portfolio designations by the Leader, setting out what individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions	Head of Committee and Election Services Committee Services Manager

Rule	Description	Proper officer
6	Officer responsible for contents of Cabinet agendas, including items where full Council resolve that the item be considered by the Cabinet, where relevant Overview and Scrutiny Sub-Committee refer an item for consideration, or at the request of a Champion.	Head of Committee and Election Services Committee Services Manager
14	Officer responsible for publishing the Forward Plan	Head of Committee and Election Services Committee Services Manager
15	Officer responsible for publishing a written statement as soon as reasonably practicable after an individual Executive decision has been made.	Head of Committee and Election Services Committee Services Manager
16	Officer responsible for making available for public inspection as soon as reasonable practicable after the Cabinet Member of Officer receives them	Head of Committee and Election Services Committee Services Manager
<i>Overview and Scrutiny Procedure Rules</i>		
7	Officer who may call a meeting of the Overview and Scrutiny Board or relevant Sub-Committee meeting if he or she considers it necessary or appropriate.	Head of Committee and Election Services Committee Services Manager
9	Officer who may place an item on the next available agenda of the Overview and Scrutiny Board or Sub-Committee upon receiving notice from any member of the committee	Head of Committee and Election Services Committee Services Manager
11(a)	Officer to whom the Overview and Scrutiny Board or Sub-Committee must submit any report containing recommendations on proposals for policy	Head of Committee and Election Services Committee Services Manager

Rule	Description	Proper officer
	development, if the committee wishes the Cabinet to consider the report	
11(d)	The Council or Cabinet must consider the report of the Overview and Scrutiny Board or Sub-Committee within two months of being submitted to the officer.	Head of Committee and Election Services Committee Services Manager
14(b)	Officer to whom: <ul style="list-style-type: none"> • an Overview and Scrutiny Board or Sub-Committee must submit any report relating to a matter for which an individual Cabinet member has delegated decision- making power • the individual Cabinet member must provide a copy of his or her written response to the Overview and Scrutiny Board or Sub-Committee's report 	Head of Committee and Election Services Committee Services Manager

The Local Democracy, Economic Development and Construction Act 2009

Section	Description	Proper officer
31	Officer responsible for promoting and providing support and guidance to Overview & Scrutiny Board or Sub-Committees and its Members	Head of Committee and Election Services

Notes on the proper officer functions

- The Chief Executive may sign any notice, order or other document that the Council is authorised or required to give, make or issue. The Chief Executive may not exercise this power if:
 - it would require him or her to undertake a statutory or professional function that he or she is not qualified to undertake
 - the Council has designated a proper officer (other than the Chief Executive) responsible for signing the notice, order or document in question.
- The Chief Executive shall be the proper officer in respect of any statutory functions not referred to in this constitution.
- In the absence of the Chief Executive, any Strategic Director and the Deputy Director of Legal and Governance shall be empowered to act, where legally permissible.