



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.00 pm

Tuesday
10 March 2026

Appointments Centre,
Rooms 7 and 8,
Town Hall, Main Road,
Romford

Members 12: Quorum 5

COUNCILLORS:

**Conservative Group
(2)**

Nisha Patel
Viddy Persaud

**Labour Group
(2)**

Keith Darvill
Matthew Stanton

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

John Tyler

**Havering Residents' Group
(5)**

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

**East Havering Residents Group
(1)**

Martin Goode

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

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:-

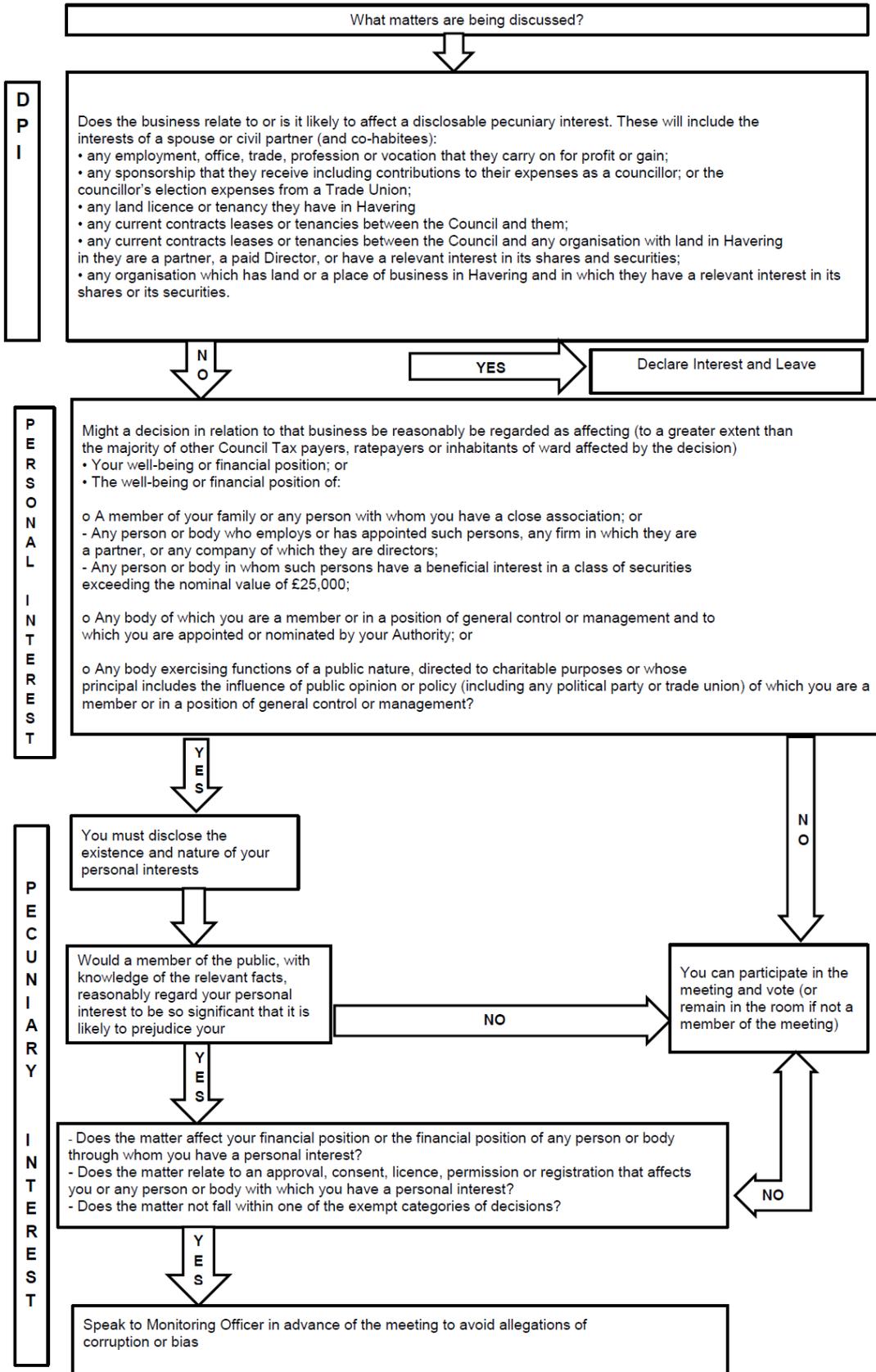
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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



Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

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 7 - 10)

To approve as a correct record the minutes of the Committee held on 26 November 2025 (attached) and to authorise the Chairman to sign them.

5 PROPOSED NEW CONTRACT PROCEDURE RULES 2025 (Pages 11 - 74)

Report and appendix attached.

6 CONSTITUTIONAL REVIEW - VARIOUS PARTS (Pages 75 - 262)

Report and appendices attached.

Zena Smith
Head of Committee and
Election Services

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
26 November 2025 (7.00 - 8.45 pm)**

Present:

COUNCILLORS

Conservative Group	Dilip Patel and Nisha Patel
Havering Residents' Group	Ray Morgon (Chairman), Stephanie Nunn, Barry Mugglestone and Reg Whitney
Labour Group	Keith Darvill and Matthew Stanton
East Havering Residents Group	Martin Goode
Residents' Association Independent Group	John Tyler

All decisions were taken with no votes against.

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

1 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies were received from Councillors Gillian Ford and Viddy Persaud (Dilip Patel substituting).

2 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

3 MINUTES

The minutes of the meeting held on 6 May 2025 were agreed as a correct record and signed by the Chairman.

4 INDIVIDUAL POLLING PLACE REVIEW

Officers advised that, following the closure of Gidea Park Library, it had been proposed to locate a polling station at Squirrels Heath School. This location was considered to be more convenient for residents and had been approved by the local ward Councillors. No other comments had been received from Members.

Efforts were made to try and provide parking spaces at polling places but residents were often living within walking distance of the location or had resident parking permits.

The School Streets scheme would remain in operation on election days. It was confirmed that several local churches were already being used as polling stations for different districts. Fewer schools were now used overall as polling stations but this was felt to be the best option in this instance. In the case of a by-election with the associated lower turnout, it was hoped that schools being used as polling stations could remain open.

It was **AGREED**:

That the Governance Committee endorse the changes to the Polling Place for Polling District SQ3 (Squirrels Heath Ward).

That it be noted that all other Polling Districts and polling places remain unchanged.

That full Council, at its meeting on 21 January 2026, be asked to approve the decision of the Governance Committee.

5 CONSTITUTIONAL REVIEW AND GOVERNANCE MATTERS

The Monitoring Officer presented a list of the work on the Constitution that had been undertaken as well as sections of the Constitution currently being looked at and to be reviewed over the next year. Whilst Planning Procedure Rules changes had been delayed due to revisions expected nationally, the Contract Procedure Rules were due to be ready for review in February.

The Access to Information Procedure Rules had been reordered for clarity and a revised Member Complaints Process had been drawn up, including a new viability stage. A Member suggested that the Council and Overview & Scrutiny Procedure Rules should be reviewed prior to the local elections. The Monitoring Officer agreed to see what could be reviewed in the Council Procedure Rules prior to the elections. This could include areas such as motions & voting and the use of prayers and refreshment breaks although these latter two items were not covered by the Constitution at present. Issues such as starting meetings earlier or retaining the singing of the National Anthem could also be considered. Rules around the wording of motions and amendments could also be reviewed.

A further suggestion was that the answers to Council questions could be circulated to Members 1-2 days before the meeting with only supplementary questions asked at the meeting. These could have a brief introduction section but be limited to 30 seconds per question overall. All these areas could be considered by the Constitution Working Party as could the treatment of condolences for former Members who had passed away. It was

suggested that perhaps a Group Leaders meeting could discuss who would offer condolences at the meeting.

It was accepted that training on the Member Complaints Process could be arranged for all Members. Governance Committee reviewing an anonymised sample of complaints would also be considered by the Monitoring Officer.

It was AGREED that the revised Constitution sections as attached to the report and subject to the comments and recommendations shown above, be submitted to Full Council for consideration and adoption.

6 PENSIONS COMMITTEE - STAFF MEMBER VOTING RIGHTS

The Monitoring Officer presented a report that gave more detail on the procedure for the election of a staff representative to the Pensions Committee. This followed a previous decision by Governance Committee to establish such a process.

The Monitoring Officer would confirm if the new voting member would have to disclose an interest at each meeting or if this could be covered in another way. In order to secure a diversity of applicants, it had been suggested that nominations be rejected if candidates had not completed the requisite training on pensions.

Details would be checked on the proposed term of office for such members and the mechanism for removing them if necessary.

Subject to the comments shown above, it was AGREED 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.

The revised section of the Constitution to be submitted to Full Council for approval.

7 MERCURY LAND HOLDINGS GOVERNANCE

The Monitoring Officer gave a presentation on the governance of Mercury Land Holdings (MLH). This followed, but was not directly related to, the passing of a recent Council motion that the company should focus on social housing.

MLH was established as a wholly owned subsidiary of the Council. The company received loans from the Council to buy land and, once units had been built and sold, would repay the loan to the Council, with interest. MLH was established in May 2015 and had no set term of office. The company currently had six areas for which it had charges or mortgages and the MLH

Business Plan was required to be approved by Cabinet on an annual basis. This was subject to scrutiny and call-in if required.

The company was not able to expand operations outside of Havering and major expenditure was strictly controlled. It was suggested that an additional director of MLH could be appointed in addition to the Council Chief Executive. The new director could report on a regular basis to the Audit and Governance Committees. It was not recommended to have a Councillor as a director as this could lead to a conflict of interest. The Chartered Institute of Public Finance and Accountancy had reviewed MLH governance and had found this to be satisfactory.

It was noted national targets for the percentage of affordable housing had recently been reduced. If developments were designed to make a profit, it was a legal requirement for the Council to establish a company such as MLH. A Member suggested that directors should have a fixed term of office and be appointed by Cabinet or the Appointments Sub-Committee.

It was AGREED that a Members Briefing on the governance and direction of travel of MLH should be arranged.

Chairman



GOVERNANCE COMMITTEE **10 March 2026**

Subject Heading:

**Proposed New Contract Procedure
Rules 2025**

ELT Lead:

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Strategic Director - Resources
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Report Author and contact details:

Euan Beales
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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 - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

X

SUMMARY

1. Background

- 1.1. The Contracts Procedure Rules (CPRs) are part of the Council's Constitution (Part 4.4) and set out the rules which must be followed when procuring Council contracts for goods, services or works.

- 1.2. Following the creation of oneSource, and the merger in early 2015 of Havering Council's procurement team with Newham Council's procurement team, changes were made to Havering's CPRs.
- 1.3. These changes were mainly to copy over existing provisions in Newham's contract standing orders so that Havering's CPRs were consistent with Newham's rules. The changes were adopted in 2016.
- 1.4. The changes in places were restrictive and made the processes difficult to follow depending on the type of contract being procured.
- 1.5. UK general public procurement law changed with the Procurement Act 2023 (the Act), which came into force in February 2025. Havering Council is bound by the Act which governs most procurements which start after February 2025. Parts of the 2016 CPRs are now inconsistent with the Act and these other legal changes.
- 1.6. The Act introduces greater flexibility for public bodies when procuring their contracts. It also puts greater emphasis on management of conflicts of interest and contract management.
- 1.7. Furthermore, new laws have been introduced in the last few years to cover the procurement of health-related services (via the 'Provider Selection Regime') and to permit user choice in some social care contracts. These areas were not covered in the 2016 CPRs.
- 1.8. Given the issues with the 2016 CPRs and the change in public procurement law, the CPRs were due an overhaul and updating.
- 1.9. Although Social Value is outlined in the 2016 CPR's there was not enough detail surrounding what was required and the criteria that was needed to ensure it was purposeful.

2. The 2025 draft CPRs

- 2.1. A new set of CPRs has been drafted to achieve the following:
 - 2.1.1. removal of unnecessary restrictions on how contracts are procured, while still meeting key requirements like transparency, proper governance, and maximising public value;
 - 2.1.2. alignment with the latest rules and opportunities introduced by recent legislation;
 - 2.1.3. elimination of rules based on outdated laws;
 - 2.1.4. language that's easier to understand;
 - 2.1.5. provision of clear steps for officers to follow when procuring different types of contracts;

2.1.6. clarification of governance and authorisation requirements.

2.2. The more significant particular changes are as follows:

Subject matter	2025	2016
Legal and policy Framework	Aligned with the Procurement Act 2023, Provider Selection Regime, and User Choice Regime Legacy Public Contract Regulations 2015	Based on EU directives and the Public Contracts Regulations 2015 which no longer apply to new procurements
Thresholds and Delegations	Updated thresholds and clearer delegation: - Cabinet: £2m+ - Lead Member: £1m–£1.99m - Strategic Director: up to £1m - ELT Member: up to £100k	Outdated or unclear thresholds.
Electronic reverse auctions (eAuctions)	To be used where appropriate for above-threshold goods	Mandated for goods/services >£75k and works >£500k, which conflicted with procurement law
Evaluation Criteria	Flexible <i>price:quality</i> ratio, determined case-by-case with toolkit guidance with enhanced governance by the Head of Procurement. Also reduces waivers based on commercial and market conditions	Mandatory 70:30 <i>price:quality</i> ratio in most cases
Social Value	10% weighting required for nearly all procurements over £100k may exclude user choice contracts	Referenced Social Value Act but no fixed percentage

Waivers and Exceptions	More structured approach with emergency provisions. - Strategic Director: competition waivers - Lead Member: other waivers	Fewer safeguards; SLT member could approve competition waivers. Lead Member approval for other waivers.
New Procurement Routes	Permits the new procurement routes prescribed by the Act. Dynamic Markets, Light Touch Regimes, Concession Contracts, PSR and User Choice contracts also covered	Only defined routes which are now obsolete
Sustainability and SMEs	Specific provisions to support climate goals and SME participation	Less developed in these areas
Authorisation	Clear requirements at pre-tender and pre-award stages; includes a chart by contract type/value	Unclear requirements
Temporary Labour & Consultants	Clarifies that all must be sourced via the council's corporate contracts; tighter definition of "consultant"	No specific guidance
Contract Variations and Extensions	Clear rules on when and how contracts can be varied or extended and the governance required including approval levels	Rule unclear in places; inconsistent with legislation
Form Duplication	Removes overlap To use Key and Non Key ED's only which will include elements such as Waivers, carbon reduction, modern slavery etc	Required multiple overlapping forms

	Replaces the Gateway Review Group template	
Pipeline Notification	Strategic Directors must notify Procurement of likely procurements over £2m at least 18 months ahead	No such requirement
Contract management	Contract management requirements made clearer	Unclear requirements
Gateway reviews	'Checkpoint' and its subsequent iteration 'Gateway Review Group' replaced with more streamlined Procurement Review Group which will have revised terms of reference	Introduced 'Checkpoint' procedure

RECOMMENDATIONS

3. That the revised set of Contracts Procedure Rules 2025 be recommended to full Council for adoption in place of the Contract Procedure Rules 2016

IMPLICATIONS AND RISKS

Equalities implications and Risks

4. None.

Legal implications and Risks

- 5** The Contract Procedure Rules are a key part of the constitution and need to reflect the recent changes in procurement legislation. The Contract Procedure Rules set out the Council's expectations on how officers will act when procuring goods, services or works. This can be conducted under the Public Contract Regulations 2015, the Provider Selection Regime under the Health Care Act and the new Procurement Act 2023.
- 5.1** The changes made to the Contract Procedure Rules are to be used in the constitution and are required to be approved by Full Council after approval by Governance Committee.
- 5.2** It is the Head of Procurements responsibility to maintain and propose amendments to the Contract Procedure Rules and subsequently liaise with the Monitoring Officer to ensure the Constitution is kept up to date and the governance steps taken are correct.

Financial implications and risks:

- 6** There are no financial implications arising from the contents of this report. But it should be noted that there could be financial implications when the Contract Procedure Rules are applied.

Human Resources implications and risks:

- 7** 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

- 8** There are no direct environmental and climate change implications arising from this report; however, it should be noted that positive impact is expected to support the Council's climate goals as this is an area that is scrutinised as part of procurement strategies and procurement processes, which are governed through the Contract Procedure Rules.

BACKGROUND PAPERS

Contract Procedure Rules Draft – tranche 5 v1



Contract Procedure Rules 2025

DRAFT for Tranche 5 Consultation Nov 2025 v.1.0

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1 Introduction, purpose and scope

1.1 The purpose of these Contract Procedure Rules (CPR) is to ensure that all Council contracts are awarded demonstrating:

- 1.1.1 compliance with all relevant United Kingdom legislation ;
- 1.1.2 probity;
- 1.1.3 value for money is obtained;
- 1.1.4 efficient processes are in place;
- 1.1.5 maximisation of competition wherever possible;
- 1.1.6 best practice;
- 1.1.7 a fair and transparent process, and
- 1.1.8 an auditable procedure has been followed.

1.2 Status

1.2.1 This CPR provides the framework for the procuring of goods, services and works for the Council.

1.2.2 This CPR ensures there are rules to govern how Officers procure goods, services and works to make the most effective and efficient use of resources to deliver best value for the Council and the local community.

1.2.3 This CPR identifies what route to take when procuring goods, services and works for the Council and compliance with these rules is a requirement for all Officers and external agents when conducting procurement activity on behalf of the Council.

1.3 Scope

1.3.1 A contract covered by this CPR is

- 1.3.1.1 any order or purchase of goods, supplies, services or works, for the Council;
 - 1.3.1.2 the grant of a Concession by the Council, and
 - 1.3.1.3 any Framework or Dynamic Market created by the Council
- except for any of the contracts or arrangements listed in CPR 4.

2 Definitions and Interpretation

- 2.1 Definitions of capitalised terms used in this CPR are as set out generally in the Constitution or more specifically as set out in Schedule 1 to this CPR.
- 2.2 References to legislation will include reference to subsequent amendments or replacements to that legislation.
- 2.3 References to posts held or teams created within the Council will include successors to those functions if that post or team no longer exists.
- 2.4 Nothing in this CPR is designed to conflict with any applicable external law; in the case of any conflict the external law shall prevail.

3 Legal Status and Compliance

- 3.1 These CPR are created under section 135 of the Local Government Act 1972. It is a mandatory requirement for anyone who purchases on behalf of the Council to follow this CPR and its accompanying guidance and procedures. The relevant guidance and procedures are maintained by the Central Procurement Team and can be found on the 'procurement' section of the Council's intranet. **Failure to ensure compliance in procurement activities may result in disciplinary action being taken in line with Council policies and/or Council audit functions.**

3.2 Where any changes in law, national procurement policy impact this CPR, its accompanying guidance and/or procedures, the Head of Procurement is duly authorised to issue a bulletin and amend or update relevant guidance and procedures. Any arising changes must be duly observed.

4 Exemptions

4.1 This CPR does not apply to:

- 4.1.1 contracts of employment which make an individual a direct employee of the Council, although contracts for the provision of agency staff services or Consultants are covered by this CPR;
- 4.1.2 contracts solely for the acquisition, disposal, lease or rental of land, existing buildings or other immovable property (unless the transaction means the Council will receive the benefit of tangible facilities or other benefits and public procurement law requires a competitive process¹);
- 4.1.3 contracts solely for the disposal of assets other than land, buildings or other immovable property ²;
- 4.1.4 unconditional grants awarded by the Council;
- 4.1.5 specialist professional services necessary for judicial or other dispute resolution proceedings, including, but not necessarily limited to, lawyers representing or advising the Council and notaries;

¹ By way of example only, where the Council enters into a development agreement whereby the Council specifies certain works to be carried out, this could well be a procurement, notwithstanding the involvement / transfer of land within the transaction

² Officers should be aware that whilst CPR may not apply to such disposals, Officers are still obliged to act in accordance with the overarching principles of fairness, transparency and best value.

- 4.1.6 contracts awarded to a wholly owned company established by the Council in accordance with part 1, section 2 of Schedule 2 to the Procurement Act 2023 or similar legislation ('vertical arrangements');
- 4.1.7 contracts between the Council and another public body established for the purpose of achieving objectives they have in common relating to the exercise of their public functions and which are solely in the public interest and where none of the activities covered by the contract are performed on the open market, such as those activities envisaged by Schedule 2 Part 1 paragraph 3 of the Procurement Act 2023 ('horizontal arrangements');
- 4.1.8 non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies;
- 4.1.9 any other contracts which are exempt from the scope of UK public procurement legislation.

5 Conflicts of Interest and standards of conduct

- 5.1 Every Officer must maintain unimpeachable standards of integrity when engaged in a procurement (or any other) activity on the Council's behalf and comply with the Council's anti-fraud and corruption policies in force from time to time.
- 5.2 Where an Officer, Consultant or Member involved in a procurement process or contract management has reason to believe a connection exists between themselves and a participant in a procurement exercise they shall disclose in writing to the Head of Procurement any and all potential conflicts of interest³. If

³, Members should also consider whether such conflict needs to be notified to the Monitoring Officer.

the Head of Procurement is aware of his or her own conflict of interest, he/she shall disclose full details to the Officer holding the post of Section 151 Officer.

- 5.3 Where a conflict arises, appropriate measures, such as withdrawing from the procurement, shall be taken and recorded within the procurement project records to mitigate the conflict.
- 5.4 All persons involved in the award of contracts shall comply with Council guidance on conduct of Officers and Members and shall not invite or accept any gift or reward or inducement which could influence them in any way in relation to the award or monitoring of any Council contract. High standards of ethical conduct are mandatory. Officers shall take steps to ensure that their behaviour could not lead to accusations of corruption. Corrupt behaviour is a criminal offence and will lead to criminal investigation and if proven, dismissal and a criminal record.

6 Confidentiality

- 6.1 It is important to maintain fairness and integrity in the Council's procurement activities. All Officers and Members engaged in any procurement process are duty bound to ensure there is no unauthorised disclosure of protected information relating to bids and associated activities including evaluation procedures. There are limited circumstances where disclosure is permitted in law and the relevant procedure with the guidance of the Information Governance Team should be followed, where relevant.

7 Roles and Responsibilities

- 7.1 The Strategic Directors are responsible for ensuring compliance with this CPR within their directorates.
- 7.2 The Head of Procurement is responsible for overseeing and strategically delivering resources, systems, processes, procedures, tools, the

Procurement Toolkit, and training to support Council services in meeting their procurement and commissioning requirements.

7.3 Officers responsible for purchasing must comply with this CPR, the Council's Financial Regulations, the Council's Staff Code of Conduct, the Council's Anti-Bribery policy, arrangements for declaring conflicts of interest and with all relevant UK legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

7.4 Officers must:

7.4.1 have proper regard for all necessary legal, financial and professional advice;

7.4.2 declare any personal financial interest in a contract;

7.4.3 report any offers of bribes or inducements;

7.4.4 conduct any relevant value for money review;

7.4.5 ensure that there is adequate budget provision for the procurement and throughout the lifecycle of that contract;

7.4.6 check whether there is an existing contract listed on the Contract Register that can be used before undergoing a competitive process

7.4.7 allow sufficient time for the submission of bids;

7.4.8 keep all supplier bids confidential;

- 7.4.9 keep records of all dealings with suppliers;
- 7.4.10 obtain all required approvals and complete a written contract (and sealed, as required) before placing an order or raising a purchase order for any supplies, services or works;
- 7.4.11 where appropriate, not award a contract until the standstill period is over;
- 7.4.12 enter all purchase order information onto the Council's designated electronic procurement systems;
- 7.4.13 identify a senior manager who is the designated contract owner responsible for the relationship with the supplier where the contract is valued at £30,000 or more;
- 7.4.14 ensure that contracts are legally, financially and technically capable of delivery to the Council;
- 7.4.15 ensure the safe keeping of contract documentation in line with the Council's document retention policy ⁴.

8 Authority, Delegations and Reports

8.1 No procurement shall proceed unless a budget has been agreed by the relevant Strategic Director (or Nominated Delegate) and expenditure has been fully considered. For the avoidance of doubt, no order will be placed or other commitment made (orally or in writing) unless the authority to spend is in place and there are sufficient funds to cover the commitment.

⁴ With an electronic copy supplied to Legal Services.

8.2 The persons who have delegated authority to authorise the start of a procurement process or the award of a contract in relation to this CPR are as follows:

Maximum contract value (inclusive of VAT)	Decision Maker
£0 - £1million	Strategic Director
£1,000,001 - £1,999,999	Cabinet Member
£2million or more	Cabinet

8.3 Where the decision maker indicated in the table has a Nominated Delegate, the decision may be taken by that delegate, provided such power is explicitly within that delegation, the delegation is recorded in writing, and it is lodged with the Monitoring Officer.

8.4 Each Strategic Director has the ability to sub-delegate their powers under the Constitution. No Officer shall initiate or undertake any procurement activity pursuant to this CPR unless they are in possession of a current and duly authorised sub-delegation of authority.

8.5 As set out in the Constitution, powers to be exercised by a Strategic Director in this CPR may also be exercised by the Council's Chief Executive.

8.6 Powers to be exercised by the Head of Procurement in this CPR may be exercised by a Strategic Procurement Manager if the Head of Procurement is on leave or that post is vacant.

8.7 Authorisations granted in accordance with this CPR 8 shall be recorded as follows:

Maximum contract value (inclusive of VAT)	Report format
£0 - £29,999	As directed by the budget holder
£30,000 – £214,903 (or the value equivalent to just below the Statutory Threshold for goods and services, if different)	Pre-tender stage: strategy document, setting out procurement route and reasons for choosing that route, approved by a Strategic Director. Pre-award stage: formal Executive Decision, signed by a Strategic Director.
£214,903 (or the value equivalent to the Statutory Threshold for goods and services, if different) - £1million	Pre-tender and pre-award stages: Formal Executive Decision at each stage, signed by the Strategic Director
£1,000,001 - £1,999,999	Pre-tender and pre-award stages: Formal Cabinet Member report at each stage
£2million or more	Pre-tender stage and pre-award stage: Formal Cabinet report at each stage

8.8 Statutory Thresholds will vary from time to time. The Head of Procurement will publish on the Council’s intranet the current Statutory Thresholds.

8.9 The Pension Committee may authorise the invitation of tenders and award of contracts for investment and advisory matters within their terms of reference.

9 Procurement Review Group

9.1 All procurements for contracts valued at or above the Statutory Threshold for goods and services (regardless of what will actually be bought under that contract) must be referred to the Procurement Review Group for clearance at the following stages:

9.1.1 before seeking tenders, and

9.1.2 before awarding the contract.

10 Internal Notifications

10.1 At the start of a procurement project, Officers leading that project must inform the following teams about that procurement:

10.1.1 the Central Procurement Team (for all types of procurements, including grant expenditure, equivalent to or greater than £30,000 including VAT);

10.1.2 The relevant Business Partner (for all types of procurements, including grant expenditure, equivalent to or greater than £30,000 including VAT);

10.1.3 IT (for all procurements with an IT element or implications);

10.1.4 Legal Services (for all procurements equivalent to or greater than the Statutory Threshold for goods or services, regardless of what is being procured);

10.1.5 HR and Pensions team (for all procurements which may result in Council or contractor staff being affected – for example, by possible

redundancy, relocation or transfer to the successful bidder);

10.1.6 the Information Governance team for any procurement where the contractor will be handling personal data relating to Officers, service users or members of the public.

11 Calculating Contract Values

11.1 In calculating the value of the contract for the purposes of the competition requirement:

11.1.1 values are total lifetime contract values not annual values;

11.1.2 values include VAT;

11.1.3 values are to be aggregated – for example, if there is a recurring need on an annual basis for goods or services.

11.2 An estimate shall be made of the total purchasing requirement/whole life costing/financial implications, for example, including ongoing maintenance and support costs. If there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract for the purposes of this CPR.

11.3 The valuation shall include the value of possible contract extensions and possible additional options.

11.4 For contracts of indefinite length, the value should be assessed based on the maximum anticipated duration.

11.5 Where a contract is for a number of organisations and the Council is the lead authority, then the value of the contract shall be the total value of the contract for all the organisations. If the Council is not the lead authority, then the value

of the contract for the purposes of this CPR shall be the value of just the Council's proportion of the contract.

11.6 The estimated value of a Concession contract is the estimated total amount the contractor could expect to receive under or in connection with that Concession contract.

11.7 It is a breach of this CPR to deliberately divide up contracts to evade the need to follow a more complex/lengthy procurement procedure or evade the requirements of UK legislation.

12 Corporate Contracts including contracts for temporary labour and Consultants

12.1 Where an appropriate Corporate Contract for the required goods, services or works is in place this shall be used wherever appropriate.

12.2 Details of the Council's Corporate Contracts can be found on the procurement section of the Council's intranet.

12.3 In particular, unless the Head of Procurement agrees otherwise, any order for temporary labour must be arranged through the Council's Corporate Contract for those services in force from time to time.

12.4 All contracts with a Consultant should be procured through the Council's Corporate Contract for those services in force from time to time. A Consultant's contract for services will have the following characteristics:

12.4.1 it is to provide advice to fill a knowledge gap; this can be to identify options and recommendations, or advice to assist with implementing solutions; it will usually be related to business change or transformation, so will be time-limited;

- 12.4.2 the Consultants delivering the service will operate outside of the Council's structure and staffing establishment;
- 12.4.3 payment is based on the delivery of a defined service or output (the fee will be calculated either based upon the time taken to deliver the output or by a fixed milestone payment based on the resources and knowledge required to deliver the project and paid upon completion);
- 12.4.4 it should not involve the Consultants working in a 'business as usual' environment (e.g. advising on legal risk or technical matters, even if it is only in relation to a one-off project). Such contracts should usually be categorised as professional services, rather than consultancy services.

13 Competition Requirements and Procurement Routes

13.1 The table in Schedule 2 shows the procedures, competition requirements and authorisation levels for the Council's tendering activities depending on the nature of the contract and its value.

13.2 In the case of a 'mixed' contract

- 13.2.1 where a contract includes multiple elements such as goods, works, or services, and those elements could not be procured separately, the procurement route is determined by the element which is the main purpose of the contract;
- 13.2.2 where a contract includes elements which are subject to different procurement regimes, such as goods, services or works plus Light Touch Services or a Concession, and those elements could not be procured separately, the procurement route is determined by the element which is the main purpose of the contract;

13.2.3 where a contract includes elements of services governed by the PSR plus other elements, and those elements could not be procured separately, the procurement route is determined by the element which has the greater or greatest value;

13.2.4 where a contract contains a mix of elements which could be procured separately, but they will be procured under one contract for reasons of efficiency or achieving value for money, Officers must take advice from the Head of Procurement or a Legal Officer on the appropriate procurement route for that contract.

13.3 Where the procurement process will be using a suitable Framework, DPS or Dynamic Market, then the number of quotes or tenders sought, or award process without re-opening competition, will be according to the rules of that Framework, DPS or Dynamic Market.

13.4 Where the table in Schedule 2 indicates a quotation or Mini Tender process, the contract opportunity may be advertised to the market instead, but the advice of the Head of Procurement must first be sought before any advertisement is published.

14 Electronic Procurement Systems

14.1 Except as set out in CPR 14.2 below, all procurement processes for the award of contracts valued at £30,000 or more shall be undertaken using the Council's designated electronic procurement systems.

14.2 CPR 14.1 above shall not apply where

14.2.1 the procurement process is run on a DPS or Dynamic Market, or

14.2.2 the Head of Procurement agrees in writing to the use of another system prior to quotations or tenders being invited.

15 Frameworks, Dynamic Markets and DPSs

15.1 Officers are permitted to award a contract under a Framework, DPS or Dynamic Market awarded by, or on behalf of, another public body, provided that:

15.1.1 use of the Framework, DPS or Dynamic Market is legally compliant and likely to offer value for money; and

15.1.2 the Council has the right to use the Framework, DPS or Dynamic Market.

15.2 Call-off Contracts shall be awarded strictly in accordance with the procedures specified in the Framework, DPS or Dynamic Market. It is the responsibility of the Officer awarding the Call-Off Contract to ensure the correct procedures are followed, seeking the advice of a Procurement Officer and/or a Legal Officer as necessary.

16 Award criteria

16.1 Award Criteria shall be the criteria used to assess quotations and tenders. These criteria may include one or more sub-criteria.

16.2 All Award Criteria shall be assigned a relative weighting expressed as a percentage.

16.3 Award Criteria, including their relative weightings, shall be established prior to the commencement of a procurement process (or if later, then prior to submission of tenders, where permitted by public procurement law) and must

be stated in full in the Procurement Documents.

16.4 The award of a contract shall be based solely on the Award Criteria specified in the relevant Procurement Documents.

16.5 Award Criteria must be appropriate to the procurement and designed to secure an outcome that will provide Value for Money for the Council, and shall be one or more of:

16.5.1 lowest cost, lowest price or highest return (if payment is to be received by the Council);

16.5.2 quality;

16.5.3 Social Value, if required by CPR 17.

16.6 Officers are required to adhere to the guidelines outlined in the Procurement Toolkit when establishing the Award Criteria, based on the specific nature and value of the contract.

17 Social Value

17.1 All procurements must comply with the Council's Social Value Policy.

17.2 When conducting a procurement valued at £100,000 or more officers must

17.2.1 consider how that procurement may be used to deliver Social Value and

17.2.2 allocate 10% of the contract award criteria to Social Value, unless the Head of Procurement agrees otherwise in writing.

17.3 CPR 17.2.2 shall not apply to contracts

17.3.1 awarded under the User Choice regime, or

17.3.2 called off from a Framework, DPS or Dynamic Market where its application may be in breach of the terms of that Framework, DPS or Dynamic Market.

18 Policies

18.1 All procurements must consider and follow the Council's current policies, provided they relate to the procurement and the contract being arranged. In particular, when conducting procurements, officers must consider the policies listed below in this CPR 18.

18.2 Climate Change

Officers shall identify those procurements that have an opportunity to combat climate change and ensure the Council's requirements are included within the procurement documents.

18.3 Small and Medium Sized Enterprises (SMEs)

SMEs may face barriers when competing for a contract. When planning a procurement, Officers should consider whether and how such barriers could be removed or reduced.

18.4 Lots

For all procurements above the Statutory Threshold, officers should consider whether it would be appropriate to break the contractual requirement into lots for supply under separate contracts.

18.5 . Equalities, Diversity and Inclusion

All procurements must comply with the Council's policies on equalities, diversity and inclusion where relevant and as in force from time to time.

18.6 Information Governance and Security

All procurements where bidders or the contractor will be handling personal data relating to Officers, service users or other members of the public must comply with the Council's policies on information governance and security as in force from time to time.

19 eAuction

19.1 For goods' procurements which are above the Statutory Threshold, consideration must be given as to the suitability of including an eAuction as part of the tendering process.

20 Grant funded expenditure

20.1 Where a proposed contract is to be financed, wholly or partly, by a grant offered by any organisation or person external to the Council, Officers must

20.1.1 comply with any conditions attaching to the grant prior to accepting the grant or commencing any procurement process, and

20.1.2 comply with this CPR when procuring the contract(s) funded by that grant, unless the grant conditions stipulate otherwise.

20.2 Where it is proposed to award a grant of a value exceeding the relevant Statutory Threshold to any organisation or person external to the Council, the written advice of a Legal Officer must be obtained prior to awarding the grant (even where previously approved standard conditions of grant are used) in order to determine whether the grant may be a contract subject to public procurement law.

21 Insurance, Bonds, Warranties and Guarantees

21.1 Officers should seek advice from the Council's Insurance team and the Central Procurement Team to determine the type and levels of insurance required and whether a performance bond, parent company guarantee, or other security will be required from the successful bidder as a condition of the contract being awarded to such bidder. Any such requirement shall be included in the Procurement Documents or otherwise advised to bidders before the deadline for submission of tenders.

22 Standard Terms and Conditions of Contract

22.1 All Council contracts for goods and services with a value in excess of £30,000 (including VAT) shall be on the Council-approved standard terms and conditions for that type of contract unless:

22.1.1 the contract is a Call-off Contract procured under an existing Framework, DPS or Dynamic Market which specifies the terms and conditions under which that Call-off Contract can be let, or

22.1.2 the Deputy Director of Legal and Governance approves otherwise.

22.2 All Council contracts for construction works with a total value of more than £100,000 shall be awarded on the basis of a written specification of the Council's requirements and the current conditions of:

22.2.1 the relevant standard form of Joint Contracts Tribunal (JCT), or

22.2.2 the standard form of Institute of Civil Engineering (ICE), or

22.2.3 the standard form of Project Partnering Contracts (PPC) 2000, or

22.2.4 the relevant form of New Engineering Contracts (NEC), or

22.2.5 the relevant Framework, DPS or Dynamic Market

whichever is appropriate or another standard form of contract approved by the Deputy Director of Legal and Governance.

23 Timely Payments to Suppliers and the Supply Chain

23.1 The Council's payment terms to its contractors are 30 days from the invoice date, although payment terms may be shorter if it is demonstrated to be in the Council's best interest.

23.2 Where payments in advance to a contractor are required, an appropriate review of the contractor's financial stability and standing and due regard for risk in the event of contractor failure must be undertaken and agreed by the relevant decision maker on permission to tender or the award of contract.

24 Business Continuity

24.1 For each contract at or above the Statutory Threshold, the Contract Manager must ensure that the contractor has an appropriate business continuity programme in place to assure continued delivery of the goods, services or works to the Council as required under the contract.

25 TUPE

25.1 Where a contract award for services may result in Council or contractor staff being affected, for example, by possible redundancy, relocation or transfer to the successful bidder, the advice of the Pensions Projects and Contracts Manager, Head of HR and the Deputy Director of Legal and Governance must be obtained before commencement of the tender process.

26 Leaseholder Consultation

26.1 In any procurement where the Council's residential leaseholders may be required to contribute to the cost of the proposed services or works, due consultation must take place with the affected leaseholders in accordance with The Commonhold and Leasehold Reform Act 2002 (often referred to as 'Section 20') and sufficient time built into the procurement timetable to allow this consultation to take place.

27 Embedded Leases

27.1 An embedded lease is a lease arrangement within a larger contract. A lease arrangement will give the Council the right to control the use of a specified asset, eg vehicles, machinery or property owned by someone else. The Contract Manager must inform the relevant Business Partner within the Council's finance team if any contract contains an embedded lease.

28 Execution of Contracts including Sealing Requirements

28.1 Contracts over £150,000 to be sealed

Contracts with a total value equal to or more than £150,000 (excluding VAT for the purposes of this CPR 28) will be executed under seal in unless the Deputy Director of Legal and Governance approves otherwise.

28.2 Contracts under £150,000

Unless the Deputy Director of Legal and Governance approves otherwise, contracts with a total value of less than £150,000 (excluding VAT for the purposes of this CPR 28) will be executed by the signature of Chief Executive or the appropriate Strategic Director or their Nominated Delegate

28.3 Contracts with a total value of less than £150,000 (excluding VAT for the purposes of this CPR 28) may be executed under seal where the Deputy Director of Legal and Governance deems this appropriate, for example, where the Council may wish to enforce the contract for more than six years after its

termination.

28.4 Care Contracts

Regardless of value, contracts for the provision of personal social services to an individual (eg residential care) and educational placements may be signed by the relevant officer duly authorised to do so by a Strategic Director.

29 Early Authorisation Approval

29.1 If there is a need for a contract to commence prior to the completion of the formal contract documentation then a Statutory Director, after consultation with the Deputy Director of Legal and Governance, may authorise the issuing of an early authorisation approval to the contractor. This early authorisation approval shall include the following:

29.1.1 the work to be undertaken;

29.1.2 its terms & conditions (this can be by reference to other documents),
and

29.1.3 it is subject to completion of formal contract.

30 Notifying successful and unsuccessful bidders

30.1 Following the award of a contract, all bidders that formally participated in its procurement shall be notified in writing of the outcome of that procurement process. This shall not include any bidders that have already been excluded from that procurement process and informed of that exclusion in writing.

31 Record Keeping

31.1 Where the total value of a contract is less than £100,000, the following records must be kept:

31.1.1 invitations to quote and quotations;

31.1.2 a record of any waivers to the procurement process and the reasons for them;

31.1.3 a record of the reason why the winning quote was chosen;

31.1.4 written records of communications with the successful contractor;

31.1.5 copies of the quotes received.

31.2 Where the total value of a contract is or exceeds £100,000, the following records must be kept:

31.2.1 pre-tender research, benchmarking and consultation information;

31.2.2 the calculation of the estimated contract value;

31.2.3 a record of any waivers to the procurement process and the reasons for them;

31.2.4 tender documents sent to and received from bidders, including all subsequent amendments and additions;

31.2.5 all tender evaluation documentation, including the scoring assessment sheet for each of the tender evaluators, the final moderated assessment and agreed minutes to the moderation meeting;

31.2.6 conflict of interest declarations;

31.2.7 the contract documents;

31.2.8 contract due diligence checks, implementation and mobilisation plan and any monitoring and management information;

31.2.9 records of any other significant decision taken during the procurement process and the reasons for that decision;

31.2.10 all notices placed on public media;

31.2.11 communications with all bidders throughout the tendering exercise and with the successful bidder(s)/contractor(s) throughout the period of the contract;

31.2.12 contract monitoring records including performance against any key performance indicators set out in the contract.

31.3 Records relating to the quotation / tendering and contract award stages of a procurement process must be kept for at least three years after the award of the contract.

31.4 Contract documents and contract monitoring records must be retained for the following periods

31.4.1 the full contract duration plus 12 years for contracts executed under seal or as a deed;

31.4.2 the full contract duration plus six years for contracts not executed under seal or as a deed.

32 Procurement Pipeline and Contracts Register

32.1 All contracts valued at £30,000 or more should be entered on to the Council's Contract Register. Any variations, extensions to these contracts and waivers must also be entered on the Contract Register.

32.2 Statutory Directors must notify the Head of Procurement as soon as possible of any procurements above the Statutory Threshold that are likely to start within their directorate within the forthcoming 18-month period.

33 Transparency and Notices

33.1 There are a range of transparency and notice requirements relating to the Council's procurement activities which the Council has to publish. The relevant guidance and procedures under each type of activity contained in the Procurement Toolkit sets out the respective reporting and notice requirements that Officers must follow.

34 Contract Management

34.1 For each contract awarded which is valued at £30,000 or more the Strategic Director must nominate a Contract Manager to manage and monitor performance of that contract and ensure that details of that contract are recorded on the Council's eProcurement System.

34.2 For all contracts with a value of £100,000 and greater, the Contract Manager must:

34.2.1 maintain a risk register during the contract period;

34.2.2 undertake appropriate risk assessments and for identified risks;

34.2.3 ensure contingency measures and business continuity plans are in place;

34.2.4 conduct regular formal reviews with the contractor (an initial review should be done at the first three months of a contract start date and on-going reviews should then be conducted on a regular schedule);

34.2.5 monitor performance and compliance with the specification and other contract requirements.

34.3 The Council is legally obliged to publish notices relating to the conduct of most contracts at or above the Statutory Threshold, for example relating to the contractor's performance, or the termination of or variation to the contract. Full details will be set out in the Procurement Toolkit and the Contract Manager must advise the Central Procurement Team and liaise with them to ensure that the appropriate notices are published in a timely manner.

34.4 Officers are required to adhere to the general contract management guidance and procedures outlined in the Procurement Toolkit.

35 Modifications and Extensions to Existing Contracts

35.1 Except where set out in CPR 35.3 below, contracts may be varied without the need to undertake a new procurement process so as to allow the procurement of additional goods, services or works from the original contractor, or for a longer duration ('Contract Variations'), where all of the following conditions are fulfilled:

35.1.1 a budget has been allocated for any additional expenditure;

35.1.2 the Contract Variation does not alter the overall nature of the contract;

35.1.3 the Contract Variation provides Value for Money;

35.1.4 the Contract Variation does not entail any material variations to the contract conditions;

35.1.5 either

35.1.5.1 the Contract Variation has been explicitly provided for in the contract documents, or

35.1.5.2 the value of the additional goods, services or works does not exceed 50% of the value of the original contract; or

35.1.5.3 where it is proposed to extend the duration of a contract, the length of the extension is for a period no greater than 12 months.

35.2 Where a contract is subject to successive Contract Variations:

35.2.1 the cumulative value of the additional goods, services or works to be procured shall not exceed 50% of the value of the original contract;

35.2.2 the cumulative duration of any extensions to the duration of the contract does not exceed 12 months.

35.3 CPR 35.1 and CPR 35.2 do not apply to contracts with a value above the Statutory Threshold or where the Contract Variation increases the new total contract value to above the Statutory Threshold. Prior to implementing Contract Variations in relation to such contracts, an Officer must

35.3.1 seek the written advice of the Head of Procurement and/or a Legal Officer as to whether the proposed Contract Variation is permitted under public procurement law, and

35.3.2 gain clearance from the Procurement Review Group for the Contract Variation requested.

35.4 Contract Variations must be authorised as follows:

Value of Contract Variation	Authoriser
£0 - £29,999	Budget holder
£30,000 - £1million	Strategic Director, via a formal Executive Decision
£1,000,001 - £1,999,999	Cabinet Member via a formal Executive Decision
£2million or more	Cabinet, via a Cabinet report

36 Suspension or Termination of Contracts

36.1 No contract with a value at or exceeding the relevant Statutory Threshold shall be suspended or terminated before its expiry without obtaining the prior written advice of the Head of Procurement or the Deputy Director of Legal and Governance.

37 Waivers and Exceptions

37.1 General Exceptions to Rules

No exceptions to this CPR shall be permitted except upon approval by a Cabinet Member using an Executive Decision, or by some other provision in this CPR. The Executive Decision shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Deputy Director of Legal and Governance.

37.2 Exceptions to competitive requirements

37.2.1 Exceptions to the competition requirements set out in Schedule 2 may be made only if all relevant law is complied with and one of the following circumstances applies:

37.2.1.1 the contract falls within one of the exceptions listed below in CPR 37.2.2, the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances, and a Strategic Director has authorised the award of the contract via an Executive Decision;

37.2.1.2 joint purchasing with or through another public body (eg via a Framework, DPS or Dynamic Market) provided that all relevant rules set out within that Framework, DPS or Dynamic Market are followed and the public body can demonstrate that the Framework, DPS or Dynamic Market was procured in accordance all applicable legislation and all relevant ;

37.2.1.3 contracts procured under the PSR;

37.2.1.4 User Choice services where the Council is required under legislation to have regard to the views of the individual receiving the services (or their carer) in relation to whom should supply those services;

37.2.1.5 they are allowed by some other specific provision in this CPR.

37.2.2 The exceptions referred to in CPR 37.2.1.1 above are:

- 37.2.2.1 genuine emergency;
- 37.2.2.2 unforeseen events likely to cause immediate danger to people or property such as bombing or flooding;
- 37.2.2.3 available only from one supplier in the UK – for example, specialist niche consultants or supplies;
- 37.2.2.4 for reasons of compatibility with existing services/products – for example, equipment that needs parts from its own manufacturer;
- 37.2.2.5 urgency NOT of the Council's own making; the urgency must be unforeseen – for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception under this exception;
- 37.2.2.6 exceptions permitted under UK procurement law;
- 37.2.2.7 best Interests of the Council (where it is in the best interests of the Council or the Borough of Havering for a provision in this CPR to be waived to enable a contract procurement to be rapidly progressed while still complying with UK procurement rules).

37.3 Emergency Arrangements

A Strategic Director personally may authorise a waiver of any of this CPR if they consider that the circumstances are such that such a waiver is necessary and desirable where the Council is required to procure goods, services or works in order to protect life or property or prevent serious disruption to services to the public. Such a waiver and the reasons for it shall be fully documented and, if reasonably possible, before giving the authorisation the Strategic Director shall consult with the Deputy Director of Legal and Governance and may consult with the relevant Cabinet Member.

Schedule 1

Definitions

Award Criteria	The criteria, which may include one or more sub criteria, used to assess tenders or quotations.
Business Partner	An Officer holding the post of Business Partner or Strategic Business Partner within the Council's finance team.
Cabinet	The Cabinet of the Council as set up under the Constitution.
Cabinet Member	A member of the Cabinet.
Call-off Contract	A Contract awarded under a Framework, a Dynamic Market or a DPS.

Central Procurement Team	The team of Officers led by the Head of Procurement
Concession	A contract for the supply, for pecuniary interest, of works or services to the Council where (a) at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and (b) under the contract the supplier is exposed to a real operating risk.
Constitution	The Constitution of the Council.
Consultant	An individual or an organisation providing the consultancy services as defined in CPR 12.
Contract Manager	An Officer assigned by the Strategic Director to undertake the management of a specific contract.
Contract Register	A register, maintained by the Head of Procurement, listing all the Council's current contracts for goods, services or works which are each valued at £30,000 or more.

Contract Variation	A variation to a contract as permitted by CPR 35.
Corporate Contract	A contract for goods, services or works which are used by several or more teams throughout the Council.
Council	Havering London Borough Council.
CPR	These Contract Procedure Rules.
Dynamic Market	a 'Dynamic Market' set up in accordance with the Procurement Act 2023.
DPS	A dynamic purchasing system set up under the Public Contracts Regulations 2015, ie an electronic procurement system where buyers can purchase goods, services, or works, allowing suppliers to join at any time.
eAuction	An electronic reverse auction.
eProcurement System	An electronic system for (i) inviting and receiving tenders or quotations and (ii) contract management, approved for

	use by the Head of Procurement.
Executive Decision	A formal decision made by an Officer or a Cabinet Member, recorded with, and in a format designed by, the Council's Legal and Governance Team.
Financial Regulations	The Financial Regulations set out in the Constitution.
Framework	An agreement between the Council or another public body, and one or more contractors, which establishes the terms under which the contractors may enter into one or more contracts with the Council in the period during which the Framework operates.
Head of Procurement	The Officer leading the Council's Central Procurement Team.
HR	The Council's human resources team.

Information Governance Team	The Council's information governance team.
IT	The Council's information technology team.
Legal Officer	A representative of the Deputy Director of Legal and Governance.
Light Touch Services	Those social, health, education and other public services defined as 'Light Touch' in section 9 of the Procurement Act 2023 and Schedule 1 to the Procurement Regulations 2024.
Member	Elected councillors of the Council
Mini Tender	A tendering process where the contract opportunity is not advertised to the market.
Nominated Delegate	The person to whom a specific power has been delegated and where that delegation is recorded in writing and it is lodged with the Council's Monitoring Officer.

Officer	An employee of the Council.
Pension Committee	The Council's committee set up to consider and agree various matters in relation to the Council's pension fund including the invitation and award of contracts for actuaries, advisers, fund managers and similar services.
Procurement Documents	The invitation to quote or the invitation to tender plus all documents accompanying them (whether issued at the same time as the invitation or subsequently)
Procurement Review Group	A group of Officers led by the Head of Procurement whose function is to review higher-value procurements and any other matters within its terms of reference from time to time.
Procurement Officer	A representative of the Head of Procurement.
Central Procurement Team	The team of Officers led by the Head of Procurement

Procurement Toolkit	The set of guidance notes and templates relating to the Council's procurement activities, maintained on the Council's intranet and which is called the 'Procurement Toolkit'.
PSR	The provider selection regime, as set out in the Health Care Services (Provider Selection) Regulations 2023.
SMEs	Small and medium-sized enterprises.
Social Value	Improvement to the economic and/or social and/or environmental conditions in the borough of Havering, achieved in addition to the direct benefits to be delivered by the contract.
Social Value Policy	The Council's policy for achieving and recording Social Value as in force from time to time.
Statutory Threshold	The threshold amounts applicable in turn to contracts for goods, services, works or Concessions, as specified in

	the Procurement Act 2023 and as varied from time to time by a Minister of the Crown.
Strategic Director	The Strategic Director of Resources, or the Strategic Director of Place, or the Strategic Director of People.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations.
User Choice	The regime set out in Schedule 5 of the Procurement Act 2023 where the Council may directly award contracts for services where the views of service users or their carers are considered in respect of which supplier should provide services.
Value for Money	The optimum balance of cost, quality and risk and, where appropriate, Social Value.
VAT	Value Added Tax

Schedule 2

2.1 Contracts for goods or services					
(except Light Touch Services or services covered by the PSR; see table 2.2 and 2.5 below for services covered by those regimes)					
Total contract value (inclusive of VAT)	Procedure / competition requirements	Internal approval pre-procurement	Internal approval pre-award of contract	Other requirements (see the relevant CPR for details)	
£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder		
£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder		
£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving quotes or tenders.	
£100,000 up to	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving	

	Statutory Threshold for goods and services,				tenders; Social Value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and services but less than £1m	Procurement process in accordance with Procurement Act 2023 requirements	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social value must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social value

					must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
2.2 Contracts for Light Touch services					
	Total contract value (inclusive of VAT)	Procedure / competition requirements	Internal approval pre-procurement	Internal approval pre-award of contract	Other requirements (see the relevant CPR for details)
	£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder	

	£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder	
	£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving quotes or tenders.
	£100,000 up to Statutory Threshold for Light Touch Regime,	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Social value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for Light Touch Regime but less than £1m	Procurement process in accordance with Procurement Act 2023 requirements	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation;

					contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

2.3 Contracts for works					
Total contract value (inclusive of VAT)	Procedure / competition requirements	Internal approval pre-procurement	Internal approval pre-award of contract	Other requirements (see the relevant CPR for details)	
£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder		
£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder		
£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders.	
£100,000 up to Statutory Threshold for	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving	

	goods and services,				tenders; Social Value must be included in evaluation. Contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and services but less than £500,000	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£500,000 up to £999,999	Mini Tender, seeking at least seven tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value

					must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Mini Tender, seeking at least seven tenders	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m up to Statutory Threshold for works	Mini Tender, seeking at least seven tenders	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation;

					contracts must be executed under seal.
	Statutory Threshold for Works or greater	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

	2.4 Contracts for concessions				
	Total contract value	Procedure / competition requirements	Internal approval pre-procurement	Internal approval pre-	Other requirements (see the relevant CPR for details)

	(inclusive of VAT)			award of contract	
	£0 up to £4,999	One or more quotes sought	Budget holder	Budget holder	
	£5,000 up to £29,999	Two or more quotes sought	Budget holder	Budget holder	
	£30,000 up to £99,999	Three or more quotes sought	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders.
	£100,000 up to Statutory Threshold for goods and services,	Mini Tender, seeking at least five tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Social value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and	Mini Tender, seeking at least seven tenders	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be

	services but less than £1m				sought before seeking pre-procurement approval and pre-award approval; Social value must be included in evaluation. Contracts must be executed under seal.
	£1m up to £1,999,999	Mini Tender, seeking at least seven tenders	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m up to Statutory Threshold for Concessions	Mini Tender, seeking at least seven tenders	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-

					award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	Statutory Threshold for Concessions or greater	Procurement process in accordance with Procurement Act 2023 requirements	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.

	2.5 Contracts for health services under the PSR				
	Total contract value	Procedure / competition requirements	Internal approval pre-procurement	Internal approval pre-	Other requirements (see the relevant CPR for details)

	(inclusive of VAT)			award of contract	
	£0 to £29,999	Procurement process in accordance with the PSR	Budget holder	Budget holder	
	£30,000 up to £99,999	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders.
	£100,000 up to Statutory Threshold for goods and services,	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders; Social Value must be included in evaluation; contracts valued at £150,000 or more must be executed under seal.
	At or above Statutory Threshold for goods and	Procurement process in accordance with the PSR	Strategic Director	Strategic Director	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought

	services but less than £1m				before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£1m up to £1,999,999	Procurement process in accordance with the PSR	Cabinet Member	Cabinet Member	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought before seeking pre-procurement approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
	£2m or more	Procurement process in accordance with the PSR	Cabinet	Cabinet	eProcurement System must be used for seeking and receiving competitive tenders; Procurement Review Group clearance must be sought before seeking pre-procurement

					approval and pre-award approval; Social Value must be included in evaluation; contracts must be executed under seal.
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GOVERNANCE COMMITTEE **10 March 2026**

Subject Heading:

**CONSTITUTIONAL REVIEW –
VARIOUS PARTS**

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, under the direction of the Constitutional Working Group (“CWG”).
2. Attached to this report is the proposed report of the Monitoring Officer (“MO”) to Full Council (“FC”), together with all relevant attachments.

RECOMMENDATIONS

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

REPORT DETAIL

4. As per the attached FC report.
5. All matters referred to within the FC report, with the exception of the Contract Procedure Rules and the Policy & Strategy Development Framework, have previously been reported to and agreed by GC.

IMPLICATIONS AND RISKS

Equalities implications and Risks

6. None.

Legal implications and Risks

7. 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.
8. Changes to the constitution will be approved by FC only after consideration of the proposals by GC.
9. 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:

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

Human Resources implications and risks:

11. 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

12. None.

BACKGROUND PAPERS

None.

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LONDON BOROUGH OF HAVERING

COUNCIL CONSTITUTION
Version updated 1 April 2025

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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.

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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):

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	<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
<u>Policy and Strategy Development Framework</u>	<u>The document detailing how Council policies and strategies are to be created and approved, including a list of existing policies and the appropriate level of sign off.</u>
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 disclosed¹
- (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.

¹ Whilst members of the public are generally allowed to attend Council meetings, the meetings are not public meetings in the strict sense.

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 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 represent the Borough as first citizen unless at any event where the Lord Lieutenant or the Monarch is in attendance.

4.3.3 The Major, or such other member chosen in accordance with Council Procedure Rule rule 2 (a)), shall have the following roles and functions:

- (a) 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.
- (b) 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	HAVERING 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, <u>one staff representative (with voting rights)</u> and two <u>one</u> 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<u>Chief Officer</u>, Monitoring Officer or a Second Tier Manager<u>Deputy Chief Officer</u> 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<u>Chief Officer</u>, Monitoring Officer or a Second Tier Manager<u>Deputy Chief Officer</u> • 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<u>Chief Officers</u>, Director of Public Health, the Monitoring Officer and Second Tier Managers<u>Deputy Chief Officers</u>, 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 ~~SLT Director~~Chief Officer, Director of Public Health, Monitoring Officer or ~~Second Tier Manager~~Deputy Chief Officer.
- 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

Terms and conditions and general employment matters

- 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~~Chief Officer, the Monitoring Officer and ~~Second Tier Managers~~Deputy Chief Officer.

Member Conduct

- 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

(An Assessment Panel, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)

Guidelines for Members in dealing with Officers

- 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>	<u>Pension fund</u>

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

	<p>opinion of the Head of<u>Deputy Chief Officer responsible</u> Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee.</p> <ul style="list-style-type: none">• Any other planning matter which, in the opinion of the Head of<u>Deputy Chief Officer responsible for</u> Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee
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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.

2.6a To approve those policies allocated to Cabinet by way of the Policy & Strategy Development Framework.

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.
- 3.20 To approve those policies allocated to Portfolio Holders by way of the Policy & Strategy Development Framework provided that the relevant policy is

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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.

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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.

9. Policies

9.1 To approve those policies allocated to Strategic Directors by way of the Policy & Strategy Development Framework. Where the Policy & Strategy Development Framework allows for policies to be approved by Directors, no formal sub-delegation from a Strategic Director shall be required.

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 not 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-ELT 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.

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
		Planning Committee in accordance with the Committee Consideration Criteria in the Planning Committee Procedure Rules
Functions relating to planning enforcement	Part 7 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to special planning controls (e.g. trees, amenity land and advertisements)	Part 8 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to highways and planning	Part 10 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to statutory undertakers and planning	Part 11 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to Crown land and planning	Part 13 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to financial provisions for planning	Part 14 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to miscellaneous and general planning provisions (e.g. rights of entry)	Part 15 of the Town and Country Planning Act 1990	The Strategic Director of Place
Functions relating to listed buildings	Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990	The Strategic Director of Place, except where: <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

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer	Part I of the Health & Safety at Work etc. Act 1974	The Strategic Director of Place with reference to Licensing Committee where the matter is contested
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D. FUNCTIONS RELATING TO ELECTIONS

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

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
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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
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H. FUNCTIONS RELATING TO PENSIONS ETC

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

I. MISCELLANEOUS FUNCTIONS

Part I: functions relating to public rights of way

1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	Planning Committee
2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980	Planning Committee
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	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

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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

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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
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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
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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)	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) 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	Head of Committee and Election Services Committee Services Manager
4(1)	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) 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	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.

PART 4.1

ACCESS TO INFORMATION PROCEDURE RULES

PART 1 APPLICABLE TO MEMBERS OF THE PUBLIC

Note:

Councillors have the benefit of these rights (by virtue of being members of the public) alongside those additional rights of access as detailed in Part 2 below.

1. SCOPE

- 1.1 These rules apply to all meetings of the Council and its committees (including joint committees) held under the auspices of the Local Government Act 1972 and to public meetings of the Cabinet (together called meetings).
- 1.2 These rules do not apply to meetings whose sole purpose is for Officers to brief Councillors.
- 1.3 They are complementary to the statutory rights of access to information conferred by Sections 100A to H and schedule 12A of the Local Government Act 1972, as amended, the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, as amended.

2. DEFINITIONS

- 2.1 In these Rules, “clear days” means a normal working day, excluding:
 - 2.1.1 the day of publication in hard copy
 - 2.1.2 the day of the meeting
 - 2.1.3 Saturday and Sunday
 - 2.1.4 Public or bank holidays
 - 2.1.5 Other days when the Council’s offices are closed (other than in circumstances that could not reasonably have been foreseen)

3. GENERAL PRINCIPLE

- 3.1 All Council meetings will be open to the public except where the public may be excluded in accordance with the law or the provisions of these rules.
- 3.2 The circumstances in which the public must or may be excluded from meetings are set out in Appendix A to this Part 4.1.

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Havering Town Hall and on the Council website.

5 ACCESS TO PAPERS BEFORE MEETINGS

5.1 At least five clear days before the meeting, the Council will post electronic versions of:

5.1.1 the agenda and the minutes of the previous meeting and any subsequent special meeting(s) (if available);

5.1.2 such reports as are open to the public on its website.

Any background papers referred to within the reports will be made available (electronically) upon request.

5.2 A paper copy of these documents will be available for inspection at Havering Town Hall at least five clear days before the meeting.

5.3 If a report is published later than the agenda or an item is added to the agenda, that report and any revised agenda will be made available to the public for inspection at the same time as it is sent to Members of the Council. Such agendas and reports will be added to the Council's website as soon as possible.

6. SUPPLY OF COPIES

6.1 The Council will supply to any person on request copies of:

6.1.1 any agenda and reports (including background papers) which are open to public inspection

6.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda

6.1.3 if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

6.2 A charge for postage and any other costs may be made for the supply of all such documents.

7. ACCESS TO PAPERS AFTER MEETINGS

7.1 The minutes of a meeting will be made available (in draft / unconfirmed form) as soon as possible after the meeting.

7.2 Electronic copies of documents will be available on the Council's website. The Council reserves the right to place documents in an electronic archive of

previous decision making, governance and meeting documentation from which copies will be made available on request.

8 RECORD OF DECISIONS OF CABINET

- 8.1 The law requires that, as soon as practicable after any meeting of the Cabinet, whether held in public or private, a record must be made of every decision taken at that meeting, including a statement of the reasons for each decision and of any alternative options considered and rejected at that meeting.
- 8.2 The minutes of a meeting will usually constitute this record of decisions, although a separate decision notice will usually be issued as soon as possible after the meeting.

9. FORWARD PLAN

The Council has a statutory duty to publish all key decisions in its forward plan. This is a publicly accessible document.

PART 2
APPLICABLE TO COUNCILLORS

These rights of access are in addition to those in Part 1 above.

10. GENERAL POSITION

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. (reproduced from para 2.2.2 of Articles 2).

11. ADDITIONAL RIGHTS OF ACCESS

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision.

12. CALENDAR BRIEF

Councillors will receive notice of all key decisions taken by the Council by way of a weekly Calendar Brief publication.

13. EXTENDED RIGHTS OF ACCESS

Statutory provisions

- 13.1 As detailed in the Local Government (Access to Information) Act 1985 (which is Section 100F of the Local Government Act 1972).
- 13.2 Section 100F provides that all Councillors will be entitled to inspect any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee unless it contains exempt information falling within paragraphs 1-2 or 4-7 of the statutory categories of exempt information (as set out in the appendix below).
- 13.3 The Local Government Act 2000, executive arrangements are specified to be subject to the same provisions as set out in 13.2 above.
- 13.4 It is a matter of fact as to whether or not the information is 'in the possession or under the control of the Council'. The key issue to be determined is whether or not the information belongs to the Council or to another person. If it belongs to another person, Officers will only release any confidential information after an appropriate consent to release such information has been obtained from the relevant person.

Common law principles

- 13.5 In addition to the statutory provisions, any Councillor has a right to inspect Council documents so far as their access to the documents is reasonably

necessary to enable the Councillor properly to perform their duties as a Member of the Council.

- 13.6 Access to information will vary from Councillor to Councillor. The Monitoring Officer has the power to decide on a case by case basis a Councillor's common law right to access documents. There is a right of appeal to the Chief Executive in instances where the request is denied. The Monitoring Officer (and Chief Executive on appeal) may refuse such a request where there are grounds to suspect that the motive of the Councillor making the request is indirect, improper or ulterior.
- 13.7 It is the Council's practice to allow Group Leaders to access exempted information upon request.
- 13.8 The law does not entitle a Councillor to go on a "roving or a fishing expedition" or to receive every working document that Officers have access to or may have had access to in the past.
- 13.9 Councillors remain subject to any duty of confidentiality that might apply to any document. A breach of confidence by a Member is actionable by way of a complaint to the Council's Monitoring Officer. If the breach is serious enough, the person whose confidence has been betrayed may also bring a civil action against the Member (and/or the Council) for damages.

14. COMMITTEES

- 14.1 As stated above in 13.5, any Councillor has a right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties as a Member of the Council. The entitlement of a relevant Committee Member to inspect documents relating to any decision which the Committee is concerned with shall be considered accordingly.

**APPENDIX A
EXCLUSION OF PUBLIC**

1. Confidential information – requirement to exclude public

1.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

1.2 “Confidential information” means information given to the Council by a Government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

2. Exempt information – discretion to exclude public

2.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

2.2 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified below. The parties to a hearing will be able to remain throughout until the meeting adjourns to consider a decision.

2.3 Exempt information means information falling within the following categories:

Category	
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
7	Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime.

Category	

- 2.4 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
- 1.4.1 the Companies Act 1985;
 - 1.4.2 the Friendly Societies Act 1974;
 - 1.4.3 the Friendly Societies Act 1992
 - 1.4.4 the Industrial and Provident Societies Acts 1965 to 1978;
 - 1.4.5 the Building Societies Act 1986; or
 - 1.4.6 the Charities Act 1993
- 2.5 Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
- 2.6 Information which—
- 2.6.1 falls within any of exemptions paragraphs 1 to 7 (within para. 2.3 of this appendix A) above; and
 - 2.6.2 is not prevented from being exempt by virtue of the above paragraphs
- is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Cabinet

- 3.1 The provisions of this legislation are modified in their application to meetings of the Cabinet as follows:
- 3.2 The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, as amended, provide for additional requirements in respect of key decisions.
- 3.3 Generally, a meeting must be held in public where a key decision will be made or where there will be discussion of matters relating to a key decision to be made subsequently. Where a meeting is to be held in public there must be advance publication of agendas, reports and background papers for the meeting. Likewise, where key decisions are to be made by individuals the documents relating to these decisions must be available to the public. In general, the terms of the Regulations are identical to those of the 1972 Act

and, in particular, the Regulations use the Act's definitions of exempt information.

COMMITTEE PROCEDURE RULES

1 Ordinary meetings of committees

- (a) An ordinary meeting of a committee shall begin at 7.30pm (or such other time as the Chairman may agree shall be specified in the agenda) on the date specified for that meeting in the schedule of meetings published annually, and shall be held at Havering Town Hall or such other place as may be specified.
- (b) The Chairman of a committee may agree to a variation of the date, time or place of meeting or its cancellation, as appropriate.
- (c) The Head of Democratic Services shall publish a schedule of meetings for each municipal year. Subject to the provisions of this Rule and of Rule 4 following, all meetings shall be convened in accordance with the schedule.

2 Conduct of meeting

- (a) The Chairman of a meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council.
- (b) The Chairman may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the Chairman is of the opinion that there is insufficient information available to the committee to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.
- (c) The Chairman's ruling in relation to any aspect of the conduct of the meeting shall not be questioned.

3 Special meetings of committees

- (a) The Chairman of a committee may direct the Proper Officer to summon a special meeting of the committee at any time.

- (b) A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee, delivered to the Proper Officer 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.
- (c) No business other than that specified by the Chairman or in the requisition when the meeting is convened shall be considered at that meeting, which shall be held before the next ordinary meeting of the committee on a date and time, and at a place, to be fixed by the Chairman.

4 **Quorum of committees**

- (a) No business shall be done at any committee meeting unless a quorum is present, or there is authority by law to continue or the Council or, in the case of a Sub-Committee, the parent committee have so ordered.
- (b) Subject to any provision in law, or unless these rules provide, or the Council agree, otherwise in any particular case, the quorum is one third of the whole number of the committee or sub-committee or other body, but must not be less than three members in the case of a committee, nor less than two members in the case of a sub-committee or other body.

5 **Appointment of Chairman and Vice-Chairman of committees**

- (a) The Chairman and Vice-Chairman of committees and sub-committees other than the Health and Wellbeing Board shall be appointed by the Council, and shall hold office until the next annual meeting of the Council
- (b) If the Chairman is unable to preside at a particular meeting of the committee, the Vice-Chairman will preside; if neither Chairman nor Vice-Chairman is able to be present, the committee shall elect another member to preside.
- (c) In the event of the appointed member becoming unable to act, or of a casual vacancy arising, then until either that member is able to resume the appointment, or a successor is appointed by the Council:
 - (i) in the absence of a Chairman, the Vice-Chairman shall act as Chairman
 - (ii) in the absence of both Chairman and Vice-Chairman, the leader of the group of which the Chairman is or was a member shall nominate a member of the Committee to act as Chairman.
- (d) Where two or more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.

6 **Voting in committee**

- (a) All questions in committee shall be determined by a majority of members present and entitled to vote. Voting shall be by use of the voting equipment (if available), or by show of hands.

- (b) With the exception of voting at meetings of the Appointments Committee, all votes shall be recorded.

- (c) Where two or more Committees meet jointly:
 - (i) A separate vote shall be taken by each Committee and recorded accordingly
 - (ii) Any Member who is a Member of more than one Committee (whether as an appointed Member or as substitute for an appointed Member) shall be entitled to participate in the voting by each of the Committees of which he is a Member.
- (d) If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Chairman may exercise a casting vote.

This rule shall not be suspended.

7 **Attendance at committees**

(a) **Mover of motion referred to committee**

A member who has moved a motion at a meeting of the Council which has been referred to any committee shall have notice of the meeting at which it is proposed to consider the motion and, if the member attends, shall have an opportunity of introducing it.

(b) **Requisition of Executive Decision to Overview & Scrutiny Board**

Members who have signed a requisition of an Executive Decision to the Overview & Scrutiny Board shall have notice of the meeting at which it is proposed to consider the requisition and shall be expected to attend the meeting to explain the reasons for the requisition.

(c) **Member not appointed to Committee**

A member of the Council who has not been appointed to a particular committee may nevertheless attend its meetings and, with the agreement of the Chairman, speak. The Chairman's agreement shall not, however, be required in the case of a Group Leader.

This rule shall not apply to meetings of Hearings Panels or the Licensing Sub-Committee, or where the rules of natural justice, human rights and compliance with the Members' Code of Conduct or similar legal principles prevent a Member from attending.

(d) Substitute members

- (i) Where a council member of a committee is listed as a member of a political group for the purpose of allocation of seats, all other listed eligible members of that group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. Only the first eligible substitute so to declare at the meeting may replace an absent member. The identities of the substitute and of the substituted members shall be declared at the outset of the meeting and recorded in the minutes.
- (ii) For the purposes of this rule, a meeting which has commenced on one date and re-convenes following adjournment on a different date shall be treated as two separate meetings so as to allow for the possibility of different attendance on the different dates.

(e) Members of the public wishing to address the Committee

The Chairman has discretion to permit one or more members of the public to address the Committee on a matter before it, provided he is satisfied that to do so will assist the Committee in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions (including as to the time permitted for that address) as he thinks fit.

This rule shall not apply to Hearings Panels, Sub-Committees of the Licensing Committee or where the rules of natural justice, human rights or similar legal principles prevent such an address.

This rule shall not apply where an Overview & Scrutiny Sub-Committee is dealing with a petition presented under the Council's petition scheme.

8 Conclusion of meetings

- (a) Meetings of the Appointments Committee when interviewing applicants prior to making an appointment to a post, t, Hearings Panels, and Sub-Committees of the Licensing Committee shall finish at such time as the committee or panel shall agree. The remainder of this rule shall not apply to those meetings.
- (b) As soon as two and a half hours (including any time spent in adjournment) have elapsed from the beginning of any other meeting:
 - (i) the business of the meeting will continue only until the end of the item being considered.
 - (ii) at that point the Chairman will propose a procedural motion to suspend this rule and extend the finishing time of the meeting.
 - (iii) if the procedural motion is lost the Chairman will then call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion.
- (c) If it is necessary to adjourn and reconvene in order to complete the business of the meeting, such adjournment shall be to a date, time and place to be fixed by the committee in question, or failing that, by the Chairman.

9 Definitions

In these rules, unless the context indicates otherwise, the term “committee” includes any committee, sub-committee, panel or working party of Councillors or predominately of Councillors appointed by the Council (other than the Cabinet and any committee of the Cabinet).

This rule shall not be suspended.

10 Suspension of Rules

All of these Rules may be suspended for the duration of a meeting by motion without notice, except where a Rule is noted as not being capable of suspension.

Rules for specific meetings

- 11. These Rules may not be suspended

Sub-Committees of the Licensing Committee and Hearings Panels:

(a) **Membership**

Membership of Sub-Committees and Hearings Panels is open only to members of the respective Committees. Rule 7 (d) Substitute members shall not apply to such Sub-Committees or to Hearings Panels.

In constituting the membership of a Sub-Committee or Hearings Panel for a particular hearing, regard shall be had to the following principles:

- (i) each hearing shall be Chaired by either the Chairman or a Vice-Chairman of the appointing Committee (unless none of them is available)
- (ii) a Sub-Committee or Panel shall comprise members who neither represent, nor have a connection with, the appellant or complainant, the ward in which the appellant or complainant resides or in which any premises concerned are located
- (iii) so far as practicable, the members shall include one male member and one female member
- (iv) the political balance rules shall not apply to the composition of a Sub-Committee or Hearings Panel.

(b) **Independent persons**

Where an independent person is included in the membership of a Sub-Committee or Hearings Panel, that independent person shall have no connection with the appellant or complainant, the ward in which the complainant or appellant resides or in which any premises concerned are located.

Except where required otherwise by law, the quorum for a meeting shall not include an independent person, and a hearing may proceed even though the independent person is absent.

12 **Pensions Committee**

- (a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.

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

13 Regulatory Services Committee

- (a) Where one or more objections have been received to an application, the objector(s) shall have an opportunity to address the committee before the application is determined. Any objector wishing to make an address must notify the Assistant Director Development not less than three days before the meeting at which the objection is to be held.
- (b) If there is more than one objector, they shall be invited to agree among themselves before the meeting who shall speak for them all; in the event that no agreement can be reached, the Chairman shall draw lots to determine who shall speak.
- (c) If an objector speaks against an application, the applicant or their designated representative shall be entitled to respond.
- (d) Addresses by both objector and applicant shall not exceed two minutes or such lesser time as the Committee by resolution, either generally or in relation to a specific application, may agree.
- (e) Only a Councillor representing the ward in which the planning application is located, or in exceptional circumstances any member of the Council, may call-in an application before the Regulatory Services Committee. Any such request

for call-in must be received by the Assistant Director Development in writing (to include email and facsimile) and must set out detailed reasons for the call in which must be related solely to matters of material planning concern. Any member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

- (f) A Councillor calling in a planning matter should attend the Regulatory Services Committee or appoint a substitute to explain the reasons for the call in.
- (g) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Regulatory Committee.
- (h) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

14. **14. Health and Wellbeing Board**

- (a) Quorum for Board meetings shall be nine members:
- (b) The Chairman of the Board will be appointed by the Leader of the Council along with other councillor representatives
- (c) All Board members have equal voting rights.
- (d) In accordance with The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, political proportionality rules do not apply to the Board.
- (e) Members of the public will only be entitled to speak at Board meetings at the discretion of the Chairman.
- (f) Sections 4, 5 and 7(d) of the committee procedure rules do not apply to the Board.

15. **Training and continuity of membership of certain committees**

- (a) In the interests of business continuity, each Group and Group Leader shall ensure that any Member appointed to a place allocated to that Group on the each of the Committees referred to in the following table shall have received, or shall within six months of appointment receive, training appropriate to its membership. If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed.
- (b) Each Group and Group Leaders shall strive to avoid making changes to their representation on the Committees referred to in the table for as long as possible and shall accordingly seek to ensure that their members remain on the particular committee for the period indicated:

Committee	Period
Audit	Full four year term
Licensing	At least two years
Pensions	Full four year term

- (c) For the Audit and Pensions, Committees, Groups shall nominate members other than those appointed to the respective Committees to be “designated substitutes”, to attend a meeting in the event that an appointed member is unable to do so. “Designated substitutes” shall participate in the same training opportunities as appointed members. Non-nominated members may not act as substitutes.
- (d) This rule shall operate without prejudice to the ability of the Council to require changes in membership where to do so is appropriate for other reasons, or to comply with statutory requirements.

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STAFF EMPLOYMENT PROCEDURE RULES

1 PURPOSE

1.1 These rules:

- 1.1.1 set out the general principles and requirements in relation to the appointment and dismissal of, and taking disciplinary action against, officers;
- 1.1.2 define the role of the Leader, Members, officers and others in the employment of Council officers; and
- 1.1.3 incorporate the mandatory standing orders relating to the employment of officers that apply to all local authorities and are set out in the Local Authorities (Standing Orders) Regulations 1993 (as amended) and the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

1.2 These rules are supplemented by, or should be read in conjunction with:

- 1.2.1 the oneSource Inter-Authority Agreement between the London Boroughs of Havering and Newham dated 1 September 2014 as varied from time to time; and
- 1.2.2 operational guidance and/or HR policies and procedures issued by the Chief Executive and/or the Director of Human Resources and Organisational Development from time to time.

1.3 Any changes to these rules will be approved by Full Council but the Chief Executive is authorised to make minor changes to ensure that the rules remain accurate, relevant and up to date. For example, the Chief Executive may update job titles or grades to reflect the management structure of the Council current at the time.

2 RECRUITMENT AND APPOINTMENT

Declarations

2.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

- 2.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

Seeking support for appointment

- 2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.4 No Member will seek support for any person for any appointment with the Council.

Recruitment of Chief Executive and Chief Officers

- 2.5 Where the Council proposes to appoint the Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from existing officers, the Council will:
- 2.5.1 draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
 - 2.5.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - 2.5.3 make arrangements for a copy of the statement mentioned in sub-paragraph 2.5.1 to be sent to any person on request; and
 - 2.5.4 make arrangements for at least a shortlist of qualifying applicants to be interviewed.

Appointment of Chief Executive

- 2.6 Full Council will approve the appointment of the Chief Executive (as the Head of Paid Service) following the recommendation of such an appointment by the Committee.
- 2.7 The Director of Human Resources and Organisational Development will be responsible for the functions set out at 2.5 for the appointment of the Chief Executive following consultation with the relevant Cabinet Member(s).

Appointment of Chief Officers and Deputy Chief Officers

- 2.8 The Chief Executive will be responsible for the functions set out at paragraph 2.5 following consultation with the relevant Cabinet Member(s).

2.9 Subject to paragraph 2.10, the Committee will be responsible for the appointment of the following posts:

2.9.1 Chief Officers; and

2.9.2 Deputy Chief Officers ~~graded G11 and above~~.

2.10 Paragraph 2.9 does not apply to posts where, in the event of a restructure, an officer is assessed as having direct non-competitive assimilation to a post.

2.11 The Chief Executive will be responsible for the appointment of all other Deputy Chief Officer (those at Grade G13 and below) posts (or other posts subject to the 2001 Regulations).

2.12 An offer of employment as a Chief Officer or a Deputy Chief Officer will only be made if:

2.12.1 the procedure set out in **Appendix 1** is followed; and

2.12.2 no well-founded objection has been made by the Leader or any Cabinet Member.

2.13 An offer of employment as the Director of Public Health will be made in accordance with the additional statutory requirements that apply to this post. In particular, the appointment will be made jointly with the Secretary of State for Health and Social Care.

Other appointments

2.14 The Chief Executive is responsible for the appointment of all other Council employees.

2.15 Prior to making an appointment to a Deputy Chief Officer post graded ~~G10-G13~~ and below, the Chief Executive will follow the procedure set out in **Appendix 1**.

2.16 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group and other requirements prescribed by law.

Interim, temporary or fixed term appointments

2.17 Decisions to appoint a Chief Officer or a Deputy Chief Officer ~~graded G11 and above~~ on an interim, temporary or fixed term contract will be made by the Chief Executive but limited to one year (including any contract extensions). Following such appointment, the Chief Executive will notify the Committee in writing setting out the timescales for a permanent appointment.

2.18 Prior to extending the appointment of a Chief Officer or a Deputy Chief Officer ~~graded G11 and above~~ on an interim, temporary or fixed term contract beyond one year, the approval of the Committee shall be obtained.

2.19 The appointment of a Chief Executive on an interim, temporary or fixed term basis will be recommended by the Committee for approval by Full Council.

3 DISCIPLINARY ACTION

General

3.1 Subject to paragraph 3.5, any proposal in relation to the dismissal or the taking of disciplinary action against the Chief Executive or a Chief Officer will be considered by the Committee.

3.2 Any proposal in relation to the dismissal or the taking of disciplinary action against other officers will be the responsibility of the Chief Executive or the relevant officer under the Council's Scheme of Delegation.

3.3 Members will not be involved in the taking of disciplinary action against or the dismissal of any officer below Chief Officer level except where such involvement is necessary as part of an investigation.

Chief Executive, Monitoring Officer and Chief Finance Officer

3.4 The Committee may suspend the Chief Executive, the Monitoring Officer or the Chief Finance Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed if it lasts longer than two months.

3.5 A proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer, as a result of 'disciplinary action' (as defined by regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) will be approved at a meeting of Full Council before notice of dismissal is given. Before the taking of a vote at any such meeting, Full Council will take into account, in particular:

- (i) any advice, views or recommendations of an Independent Panel, comprising of at least two Independent Persons, appointed by Full Council for the purposes of advising the Council;
- (ii) the conclusions of any investigation into the proposed dismissal; and

(iii) any representations from the officer concerned.

3.6 The Independent Panel referred to in paragraph 3.5(i) will be appointed at least 20 working days before the relevant Full Council meeting.

Chief Executive, Chief Officers and Deputy Chief Officers

3.7 Before notice is given of the dismissal of the Chief Executive, a Chief Officer or a Deputy Chief Officer, the notification and objection procedure set out in **Appendix 1** will be followed as if references to the appointment of an officer (e.g. 'make an offer', 'appointment', 'appointing officer' etc.) are to the dismissal of an officer (e.g. 'dismiss', 'dismissal', 'notice of dismissal' etc.) as appropriate.

Director of Public Health

3.8 The Secretary of State for Health and Social Care will be consulted before terminating the appointment of the Director of Public Health.

4 DEFINITIONS

Chief Executive = the Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989. Where reference is made to the exercise of a function by the Chief Executive, it includes his/her nominee.

Chief Finance Officer = the officer having responsibility for the purposes of section 151 of the Local Government Act 1972.

~~**Chief Officer** = an officer for which the Chief Executive is directly responsible or an officer who reports directly to or is directly accountable to the Chief Executive (but not if their duties are solely secretarial or clerical or are otherwise in the nature of support services); an officer who reports directly or is directly accountable to the Council (or a Council committee or sub-committee); the Monitoring Officer or the Director of Public Health.~~

Committee = the Appointments Sub-Committee or, in the case of oneSource roles, the oneSource Joint Committee, or any other Council committee, sub-committee or panel responsible for exercising the Council's employment functions. Any such committee must always include at least one Cabinet Member.

Deputy Chief Officer ~~as defined by section 2 of the Local Government and Housing Act 1989~~ (for the purposes of this Part 4.11 only) mean Officers of grade G14 and above who for all or most of their duties report directly to or are directly accountable to a Chief Officer.

Independent Persons = any appointment under section 28(7) of the Localism Act 2011.

Monitoring Officer = the officer designated under section 5(1) of the Local Government and Housing Act 1989.

Political assistant(s) = any appointment under section 9 of the Local Government and Housing Act 1989.

Appendix 1: Cabinet Objection Procedure

- 1 This procedure will apply to the appointment of the following posts:
 - 1.1 Chief Executive;
 - 1.2 Chief Officers;
 - 1.3 Deputy Chief Officers;
 - 1.4 Any other post identified by the 2001 Regulations.
- 2 If the Committee or an officer agrees on a candidate suitable for appointment to a post, they will submit their recommendation of an offer of employment to the Chief Executive as soon as practicable in writing.
- 3 Where the Chief Executive is the appointing officer, they will simply take the steps at 4 onwards.
- 4 The Chief Executive will then notify each Cabinet Member of:
 - 4.1 the name of the person the Committee or officer wish to make an offer;
 - 4.2 any other particulars relevant to the appointment;
 - 4.3 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet, (or a shorter period which will be determined by the Chief Executive in cases of urgency).
- 5 The notification will be by e-mail and **the period of objection will be 2 working days** but a Cabinet Member may provide a response within a shorter period. If the period of objection is to be shortened, then notification will be by telephone and e-mail.
- 6 Cabinet Members may indicate they have no objection verbally (which will be recorded by the Chief Executive) or in writing (including email). Any objections including the grounds on which it is considered to be well founded must be submitted to the Leader by a Cabinet Member in writing including by email.
- 7 If:
 - 7.1 the Leader notifies the Chief Executive that neither s/he or any other Cabinet Member has an objection to the making of the offer; or
 - 7.2 the Chief Executive notifies the Committee, that no objection has been received from the Leader within the objection period;

an offer of employment may be made to the candidate without the need for the Committee to re-convene.

- 8 If an objection is received from the Leader, the Committee or officer, as appropriate, will re-convene to consider the objection and, if satisfied that any objection received from the Leader is not material or is not well founded, will confirm its decision and a formal offer will be made. In making this decision, legal and human resources advice must be taken.
- 9 If an objection is considered to be well founded, the Committee, Sub Committee or officer must take legal and human resources advice on the action to be taken but the appointment may not be made at this time.

Part 5.2
Member Code of Conduct Complaints Procedure

1. Definitions

1.1 The following definitions are used in this part 5.2 (reproduced from Part 1 of the constitution (except where denoted by an *) for ease of reading):

Assessment Panel	an ad hoc panel of three Councillors taken from the membership of the Governance Committee established to decide whether allegations against Members/Co-opted Members are worthy of investigation.
Code of Conduct	the code of conduct for Members found at part 5.1 of this constitution.
Complainant*	the person (or persons) making a complaint pursuant to this procedure.
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).
Hearing Panel	an ad hoc panel of three Members taken from the membership of the Governance Committee established to conduct a hearing.
Independent Person*	a person appointed pursuant to section 28(7) of the Localism Act 2011
Monitoring Officer	the designated monitoring officer of the Council.
Subject Member*	The Councillor about whom a complaint is made pursuant to this procedure.

2. Introduction

- 2.1 The Localism Act 2011 requires local authorities to establish arrangements to deal with allegations of breaches by Councillors of the Code of Conduct.
- 2.2 The Monitoring Officer is responsible for the implementation of this procedure and the management of investigations of alleged breaches. Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer.

- 2.3 The timescales set out in this document are indicative and shall be observed where practicable, but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.
- 2.4 When applying the procedure, due regard will be given to the Council's duty under the Equality Act 2010 and the Human Rights Act 1998. The impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) will be considered to ensure that any personal data is processed fairly and lawfully at every stage of the process and reasonable expectations of privacy will be balanced against the public interest.

3. Overview of the process pursuant to this procedure

- 3.1 A Complainant lodges a complaint with the Monitoring Officer in writing.
- 3.2 The Monitoring Officer acknowledges the complaint.
- 3.3 The complaint is assessed for viability.
- 3.4 Where the complaint is deemed viable, the Monitoring Officer will conduct an initial assessment of the complaint to determine whether:
 - (a) the complaint is rejected;
 - (b) informal resolution of the complaint is sufficient; or
 - (c) the complaint is to progress to an Assessment Panel.
- 3.5 Where a complaint is referred to an Assessment Panel, the Assessment Panel shall determine whether:
 - (a) the complaint is to be investigated further; or
 - (b) the complaint is dismissed.
- 3.6 Where an investigation takes place the investigation report shall be presented to a Hearing Panel who shall thereafter who shall determine whether:
 - (a) the complaint is dismissed; or
 - (b) the complaint is upheld.
- 3.7 If the complaint is upheld, the Hearing Panel shall determine the sanction (if any) which shall be applied to the Subject Member.

4. Confidentiality

- 4.1 A complaint is confidential and remains so where no breach of the Code of Conduct is found. In the event that a determination of a breach is made, the Monitoring Officer will assess whether it is in the public interest to disclose details of the complaint.
- 4.2 Anonymised details of all complaints (including the number of those deemed not viable) received in a municipal year will be reported to Governance Committee on an annual basis.

5. Criminal investigations

- 5.1 If the complaint makes allegations that a criminal offence may have been committed, then the matter will normally be referred to the police. In such cases the Monitoring Officer may consider pausing the progress of the complaint pending action by the police.

6. The right of the Monitoring Officer to progress complaints

- 6.1 A Complainant may request that a complaint be withdrawn at any stage and all such requests will be determined by the Monitoring Officer, which may include consultation with an Independent Person. A complaint may still be progressed if in the Monitoring Officer's view this is deemed necessary and in the public interest.

7. Making a complaint

- 7.1 A complaint should be made in writing by letter / email to the Monitoring Officer, or by filling in a complaint form, setting out the alleged breach of the Code of Conduct. Any documents that support the complaint should accompany the form / email / letter.
- 7.2 Reasonable adjustments will be made where, for example, a Complainant has a disability that prevents them from making their complaint in writing. In such cases, a verbal account of their complaint will be transcribed and a written copy produced for approval by the Complainant or the Complainant's representative.
- 7.3 A complaint may be submitted:
- (a) in writing to: Monitoring Officer, London Borough of Havering, Town Hall, Main Road, Romford RM1 3BD;

- (b) by email to: monitoringofficer@havering.gov.uk with a copy to PAtoCEO@havering.gov.uk
- (c) by way of form: [here](#)

8. Acknowledgment

8.1 The Monitoring Officer shall acknowledge the complaint within 5 working days of receipt.

9. Viability

9.1 The Monitoring Officer shall review the complaint to determine whether the complaint shall progress to Initial Assessment or whether it should be rejected for lack of viability.

9.2 The Monitoring Officer shall be entitled to reject a complaint where:

- (a) the Subject Member is not named or is not an elected or voting co-opted member of the Council;
- (b) the Complainant is not named;
- (c) the complaint contains insufficient information (in the reasonable opinion of the Monitoring Officer);
- (d) it refers to alleged incidents which happened more than six months ago (except in exceptional circumstances or in the public interest);
- (e) it relates to alleged behaviour that has already been the subject of a complaint and that complaint has already been dismissed (other than at viability stage), investigated or otherwise resolved;
- (f) the complaint relates to service failure and should properly be directed to the Council's corporate complaints process.

9.3 Where the Monitoring Officer decides to reject a complaint due to viability, they will write to the Complainant explaining why their complaint cannot be dealt with under this procedure. In these circumstances, there will be no right of appeal.

9.4 The Complainant shall be informed as to the result of the viability check within 10 working days of receipt of the complaint.

9.5 The Complainant may seek to remedy the failures in the complaint and resubmit. Where the Complainant does so, the complaint shall be treated as a new complaint and the procedure shall recommence.

10. Initial Assessment

10.1 Where a complaint is deemed viable, the Monitoring Officer shall conduct an Initial Assessment of the complaint.

10.2 An Initial Assessment is a review of the information presented by the complaint, together with any comments of the Subject Member and any initial research undertaken by the Monitoring Officer. It is not a formal investigation. However, the Monitoring Officer may request further information of the Complainant or the Subject Member at any time.

10.3 The Subject Member will usually be informed of the complaint once it is deemed viable and will be invited to comment on the complaint. The Subject Member is not obliged to comment. For the avoidance of doubt, the Monitoring Officer shall not be obliged to inform the Subject Member of the complaint where the nature of the complaint is such that informing the Subject Member might prejudice the Initial Assessment or further progress of the complaint (such as a referral to the Police).

10.4 Many complaints are capable of informal resolution. The complaint itself may specify an acceptable resolution. The Monitoring Officer shall give due regard to the wishes of the Complainant.

10.5 If deemed appropriate, the Monitoring Officer may seek to facilitate an informal resolution between the Subject Member and the Complainant prior to issuing an Initial Assessment.

10.6 An Initial Assessment shall conclude one of the following:

- (a) that the complaint is rejected;
- (b) that informal resolution of the complaint is sufficient; or
- (c) the complaint is to progress to an Assessment Panel.

10.7 Complaints will be assessed as to their merits on the basis of the information provided. A complaint may be rejected for a range of reasons, including:

- (a) if it relates to a person who is no longer a Councillor or which refer to alleged incidents before the person became a Councillor;

- (b) that relate to incidents or actions that are not covered by the Code of Conduct;
- (c) where they relate to a Subject Member's personal or private life;
- (d) if it contains trivial allegations, or appears to be malicious, vexatious, politically motivated, tit-for-tat; or is so minor that there is no overriding public benefit in carrying out an investigation;

10.8 The Monitoring Officer shall complete the Initial Assessment within 30 working days of the complaint being received. The Initial Assessment shall be sent to the Complainant and the Subject Member. Where no informal resolution facilitation is undertaken the Monitoring Officer shall use reasonable endeavours to issue the Initial Assessment as soon as reasonably practicable after the complaint has been deemed viable.

10.9 Where the initial assessment concludes that the complaint is rejected the complaint shall be closed with no right of appeal. The Complainant may resubmit the complaint as a new complaint where new information / evidence comes to light.

10.10 Where the initial assessment concludes that the complaint has been informally resolved the complaint shall be closed with no right of appeal. However, where the Initial Assessment provides for remedial action on behalf of the Subject Member and such action is not progressed, the Complainant may request that the complaint be reopened. The Monitoring Officer shall refer all such complaints to an Assessment Panel unless there is a compelling reason not to.

10.11 Where the initial assessment concludes that the complaint has been upheld, the Monitoring Officer shall convene an Assessment Panel.

11. Assessment Panel

11.1 An Assessment Panel shall be convened within 15 working days of the date of the Initial Assessment.

11.2 The Assessment Panel shall consider / review the complaint, the comments of the Subject Member received in response to the complaint (if any) and the Initial Assessment.

11.3 After reviewing those documents and discussing the same with the Monitoring Officer the Assessment Panel shall either:

- (a) dismiss the complaint; or

(b) order an investigation of the complaint.

11.4 The Assessment Panel shall inform the Complainant the Subject Member (and their relevant Group Leader) of its decision within 5 working days of making its decision.

12. Investigation

12.1 The Monitoring Officer may conduct the investigation personally or the complaint will be referred by the Monitoring Officer to an officer, an officer of another authority or such other expert as the Monitoring Officer considers appropriate for investigation (the Investigating Officer).

12.2 The Subject Member shall be provided with the details of an Independent Person should they require guidance on the process for investigation of the complaint. Where feasible, the Independent Person shall be a different Independent Person to the one with whom the Monitoring Officer has previously consulted.

12.3 The Investigating Officer may conduct the investigation as they see fit and may request any documents, conduct any interviews or access other information they deem relevant to the investigation.

12.4 Investigations will be undertaken with regard to the following key principles:

(a) Proportionality. The investigation will strive to be proportionate to the seriousness or complexity of the matter under investigation. Where a matter is straightforward or relatively simple, for example where the facts are not in dispute, there may be no need for any formal investigation, but a report can simply be written up. Equally not all of the steps in this procedure need be followed in every instance of a formal investigation – the Monitoring Officer will make a judgment in each case based on its complexity and contentiousness.

(b) Fairness. The investigation will ensure that the subject member knows what they are accused of and has an opportunity to make comments on the investigation, including on a draft report.

(c) Transparency. As far as is practical and having regard to an individual's right to confidentiality, investigations will be carried out as transparently as possible and all parties will be kept up to date with progress in the case.

(d) Impartiality. An investigator will not approach an investigation with pre-conceived Ideas; will seek to obtain independent evidence to establish

the facts and will avoid being involved where they have a conflict of interest.

- 12.5 Upon conclusion, the Investigating Officer will provide the Monitoring Officer with a report setting out their findings and whether or not, in the officer's view, there have been any breaches of the Member Code of Conduct.
- 12.6 The investigation will normally be carried out and the report provided to the Monitoring Officer within 30 working days of the investigation being commissioned or in exceptional circumstances within a maximum of six months of the complaint being referred for an investigation.
- 12.7 Where the Investigating Officer encounters difficulties obtaining a response, or a person refuses to cooperate with the investigation this should not cause undue delay to the investigation. In such circumstances, having consulted the Independent Person, the Investigating Officer will proceed and document the issues in the Investigation report.
- 12.8 The Investigating Officer's report will set out:
 - (a) The details of the allegation
 - (b) The relevant provisions of statute, the Member Code of Conduct and any relevant local protocols
 - (c) The Subject Member's response to notification of the allegation (if any)
 - (d) The views of an Independent Person
 - (e) The relevant information, advice and explanations obtained in the course of the investigation
 - (f) Any documents relevant to the matter
 - (g) A list of those persons they have interviewed and those organisations from whom they have sought information
 - (h) A note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to cooperate
 - (i) A statement of their draft findings of fact
 - (j) Their conclusions as to whether or not the Subject Member has breached the Member Code of Conduct.

- 12.9 The Investigator's draft report will be shared initially with the Monitoring Officer and the Independent Person so that they can satisfy themselves that the investigation is of an acceptable standard and meets the scope of the complaint. The Monitoring Officer and Independent Person will have 10 working days to consider the report. Once the Monitoring Officer is satisfied, the draft report will then be sent to the Complainant and Subject Member for comment within 10 working days.
- 12.10 Where a report concludes that the Subject Member has breached the Code of Conduct the matter will be referred to a Hearing Panel.
- 12.11 Where the conclusion of the Investigation Report is that there is no evidence of failure to comply with the Members' Code of Conduct by the Member/Co-opted Member, an Assessment Panel may:
- (a) Accept the conclusion, resolve that no further action is required and dismiss the allegation; or
 - (b) Remit the report to the Monitoring Officer for further consideration; or
 - (c) Remit the allegation to a Hearing Panel to conduct a Hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

13. Hearing Panel

- 13.1 Where the matter is referred to the Hearing Sub-Committee for decision, the Complainant, the Subject Member, an Independent Person and (where appropriate) the relevant political group leader or equivalent, will be advised of the position and consulted on the date of the Sub-Committee hearing.
- 13.2 Democratic Services will arrange a convenient time and date for the Hearing Sub-Committee to meet and determine the matter. It is anticipated that a hearing will be dealt with on a single day. The Hearing Sub-Committee will be drawn from the main body of the Governance Committee and political proportionality will apply. Members should also have undergone suitable training.
- 13.3 At least 20 working days before the hearing, the Complainant, the Subject Member and an Independent Person will be notified of the date, time and place of meeting, provided with the agenda for the meeting and a copy of the investigation report. They will be invited to attend and identify any witnesses already interviewed that they wish to speak.
- 13.4 At the same time (where appropriate), the relevant political group leader or equivalent will be notified of the date, time and place of meeting, provided with

the agenda for the meeting and a copy of the investigation report, which will be considered in **public / private** session.

- 13.5 The documentation sent out must be treated by all recipients as confidential information until such time (if any) as the report is made available to the press and public or the Hearing Sub-Committee resolves that the press and public should not be excluded from the meeting at which the allegations are heard.
- 13.6 The date of the meeting and the agenda will be published on the Council's website.
- 13.7 If at any point during the process, the Subject Member resigns, loses their seat, is seriously ill or has died, the Hearing Sub-Committee will only hear the matter if it considers it is in the public interest to do so.
- 13.8 The Hearing Sub-Committee's decision as to whether or not there have been any breaches of the Member Code of Conduct and whether any sanctions should be applied shall be final.

14. Representation

- 14.1 The Complainant and Subject Member may be represented or accompanied during the hearing by another person as long as the Hearing Sub-Committee or its chair has given prior consent.
- 14.2 The Complainant and Subject Member may make representations (orally or in writing) or present evidence in accordance with this procedure either personally or through their representative. The Sub-Committee will not normally permit the Complainant or Subject Member and their representative to both make representations. Representations must be made either solely by the representative or solely by the Complainant or Subject Member.

15. Role of the Monitoring Officer at the Hearing

- 15.1 The Monitoring Officer will be the main adviser to the Hearing Panel, unless they have an interest in the matter that would prevent them from performing this role independently. This may be because they have carried out the investigation or have another conflict. If this situation arises, the Monitoring Officer will arrange for another appropriately qualified officer to advise the Panel.
- 15.2 Where the Monitoring Officer has personally conducted the formal investigation of a complaint, they will delegate the role of advising the Hearing Panel and, where the Monitoring Officer intends to undertake the role of advising a potential hearing, they will delegate the investigative role. The Monitoring Officer will not undertake both roles in the same case.

15.3 The Monitoring Officer or other legal adviser's role in advising the Hearing Panel is to:

- (a) make sure that members of the panel understand their powers and procedures;
- (b) make sure that the procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible.

16. Outline of the Procedure for the Hearing

16.1 The Hearing Panel may govern its own procedure as long as it acts fairly. It may request advice from the Monitoring Officer at any time. However, in general the following procedure should be adopted:

- (a) Hearings should normally be held in private unless the Hearing Panel has resolved not to exclude the press and public from all or any part of the hearing in accordance with the Council's Access to Information Procedure Rules.
- (b) Any submissions by either party about the conduct of the case, including disputes about witnesses, potential new information, new supporting documents etc, should be provided prior to the commencement of the hearing.
- (c) Witnesses (including the Complainant) are not to be present in the hearing until they have been called to give their evidence.
- (d) If the Subject Member is not present, then the Sub-Committee shall consider whether or not to proceed. If the Sub-Committee is not satisfied that there is sufficient reason for the Subject Member's absence, it may proceed to consider the matter and make a determination in the absence of the Subject Member. If the Sub-Committee is satisfied there is sufficient reason, it shall adjourn the hearing to another date unless the Subject Member has indicated that the hearing may proceed in their absence.

17. Order of witnesses

17.1 The Investigating Officer presents the evidence on which they rely and calls any witnesses;

17.2 The Investigating Officer makes submissions about whether the facts constitute a breach of the Member Code of Conduct;

- 17.3 The Investigating Officer makes submissions as to the seriousness of the breach and the appropriate sanction in the event that the Sub-Committee decides that a breach has occurred;
- 17.4 The Subject Member and members of the Sub-Committee may ask questions through the chair of the Investigating Officer and/or their witnesses;
- 17.5 The Subject Member may present evidence on which they rely and call any witnesses referred to in the Investigating Officer's report;
- 17.6 The Subject Member may make submissions about whether the facts constitute a breach of the Member Code of Conduct;
- 17.7 The Subject Member may make a statement in mitigation in regard to the seriousness of the breach and the appropriate sanction in the event that the Sub-Committee decides that a breach has occurred;
- 17.8 The Investigating Officer and members of the Hearing Sub-Committee may ask questions of the Subject Member and/or their witnesses through the chair or their representative;
- 17.9 The Sub-Committee retires to decide the facts and whether, on the balance of probabilities, there has been a breach of the Member Code of Conduct. At this point, the Sub-Committee should ask all present to leave the room whilst they consider the matter.
- 17.10 Once the Sub-Committee has concluded its findings as to whether the facts amount to a breach, the Complainant and Subject-Member will re-enter the room and the decision is read out.

18. Outcome

- 18.1 If the Hearing Sub-Committee decides there has been a breach of the Member Code of Conduct, then it can determine whether and if so, which of the following sanctions should apply:
 - (a) Publish findings in respect of the Subject Member's conduct; **[1]**
 - (b) Report findings to the Council for information;
 - (c) Recommend to the Council that the Subject Member be issued with a formal censure or be reprimanded;

¹ The Monitoring Officer in consultation with the Chief Executive will consider whether it is in the public interest to do so and details will be limited to a brief summary of the complaint and reasons for the Panel's decision.

- (d) Recommend to the Subject Member's political group leader (or in the case of un-grouped members, recommend to the Council) that they be removed from any or all committees or sub-committees of the Council;
- (e) Recommend to the Mayor that the Subject Member be removed from Cabinet, or removed from particular portfolio responsibilities;
- (f) Arrange training for the Subject Member;
- (g) Recommend the Subject Member's removal from all outside appointments to which they have been appointed or nominated by the Council;
- (h) Recommend withdrawal of facilities provided to the Subject Member by their council, such as a computer, website and/or email and internet access;
- (i) Recommend the exclusion of the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, committee and sub-committee meetings.
- (j) Recommend the Subject Member contacts the Council only via specified point(s) of contact.

18.2 The Sub-Committee has no power to suspend or disqualify a member or to withdraw a member's basic or special responsibility allowance.

18.3 The Sub-Committee will issue a formal written decision together with supporting reason as soon as practicable after the end of the hearing and in any event within 5 working days.

19. Appeals

19.1 There is no right of appeal for either the Complainant or the Subject Member against a decision of the Monitoring Officer, an Assessment Panel or a Hearing Panel.

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