

# 1 Council functions

## 1.1 Functions exercised by full Council alone

Only the Council will exercise the following functions:

- (a) adopting 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 in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy 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 2.04
- (g) changing the name of the area, conferring the honorary freedom of the borough or appointing honorary aldermen
- (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 of the members' code of conduct
- (m) approving the annual pay policy statement
- (n) Resolution to make a change in governance arrangements
- (o) all local choice functions set out in Part 3 of this constitution assigned under Part 3, section 4 which the Council decides should be undertaken by itself rather than the Executive:
- (p) all other matters which, by law, must be reserved to Council.

## 1.2 Functions delegated to general council committees

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

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

Council committee	Functions
Audit	<p><b>Internal control</b></p> <ul style="list-style-type: none"> <li>* To consider and monitor the adequacy and effectiveness of the authority’s risk management and internal control environment and to make recommendations to full Council where necessary</li> </ul> <p><b>External audit</b></p> <ul style="list-style-type: none"> <li>* To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings</li> </ul> <p><b>Internal audit</b></p> <ul style="list-style-type: none"> <li>* To support the Officers with their delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit</li> <li>* To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager</li> <li>* To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding the committee’s responsibilities to monitor corporate governance matters generally.</li> <li>* To monitor proactive fraud and corruption arrangements</li> </ul>
Governance	<p><b>Monitoring constitution</b></p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> <li>* To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect</li> <li>* To make recommendations to the Council about amending the constitution</li> <li>* To monitor and review the Members’ Allowance Scheme and make recommendations to Council</li> <li>* To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations</li> </ul>

Council committee	Functions
	<p><b>Staff disciplinary, capability and grievance procedures</b></p> <ul style="list-style-type: none"> <li>* Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager from the decision of a panel of the Appointments Committee.</li> <li>* Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a SLT Director, Monitoring Officer or a Second Tier Manager</li> <li>* Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff.</li> </ul> <p><b>Appointments and dismissals</b></p> <ul style="list-style-type: none"> <li>* To make recommendations to Council about appointing and dismissing the Head of Paid Service.</li> <li>* To appoint and dismiss SLT Directors, Director of Public Health, the Monitoring Officer and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution.</li> <li>* Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid service, a SLT Director, Director of Public Health, Monitoring Officer or Second Tier Manager .</li> <li>* To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> <li>(a) to any office (other than an office in which he is employed by the authority) in the authority's gift</li> <li>(b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body</li> </ul> </li> </ul> <p>and to revoke any such appointment (see Part 3, section 5: local choice functions)</p> <ul style="list-style-type: none"> <li>* To approve delegated arrangements for such appointments</li> </ul> <ul style="list-style-type: none"> <li>• To interview candidates for the independent member positions on the Adjudication and Review Committee and to make recommendations to Council about the appointment of the independent members</li> </ul> <p><b>Terms and conditions and general employment matters</b></p> <ul style="list-style-type: none"> <li>• To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees.</li> <li>• To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Services, SLT Directors, the Monitoring Officer and Second Tier Managers.</li> </ul> <p><b>Member Conduct</b></p> <ul style="list-style-type: none"> <li>• To promote and maintain high standards of conduct by the members and co-opted members of the authority</li> </ul>

Council committee	Functions
	<ul style="list-style-type: none"> <li>• To assist members and co-opted members of the authority to observe the authority's code of conduct</li> <li>• To advise the authority on the adoption or revision of a code of conduct (An The Adjudication and Review Assessment Panel Sub-Committee, will hear, determine and report upon any allegation of breach of code of conduct, including the application of any permitted sanction.)</li> </ul> <p><b>Guidelines for members in dealing with staff</b></p> <ul style="list-style-type: none"> <li>• To advise the authority on the adoption or revision of the Guidelines on members dealing with staff.</li> </ul> <p><b>Protocol on probity in planning</b></p> <ul style="list-style-type: none"> <li>• To advise the authority on the adoption or revision of the Protocol on Probity in Planning.</li> </ul> <p><b>Whistleblowing Policy and Procedure</b></p> <ul style="list-style-type: none"> <li>• To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet.</li> </ul> <p><b>Member support</b></p> <p>To oversee matters related to the facilities available to support members</p> <p><b>Regulatory and investigatory Powers Act 2000</b></p> <p>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> <p><b>Miscellaneous</b></p> <p>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>
Highways Advisory	<p>a) <del>To advise the Council's Executive on local highway and traffic management schemes</del></p> <p>b) <del>To consider representation made as a result of public consultation on proposed schemes.</del></p> <p>c) <del>To make recommendations to the Cabinet Member for, Regulatory Services and Community Safety for the implementation of proposed schemes.</del></p>
Pensions	<p><b>Pension fund</b></p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p><b>Advisers and investment managers</b></p> <p>Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters.</p> <p>To appoint and review the performance of advisers and investment managers for pension fund investments.</p> <p><b>Other Non-executive matters</b></p> <p>To take decisions on those matters not to be the responsibility of the Executive under the Local Authorities (Functions and Responsibilities)</p>

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Council committee	Functions
	(England) Regulations 2000 relating to those matters concerning the Local Government Pension Scheme.
<b>Strategic Planning</b>	<ol style="list-style-type: none"> <li>1) To receive presentations in the pre-application or pre-determination stage.</li> <li>2) To determine: <ol style="list-style-type: none"> <li>a) Applications for Planning Permission; or</li> <li>b) Applications for Listed Building Consent;</li> </ol> <p>which, in the opinion of the Head of Planning acting in his or her discretion, raise strategic issues and should be determined by the Strategic Planning Committee.</p> </li> <li>3) Any other planning matter which, in the opinion of the Head of Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee</li> </ol>

Council committee	Functions
<p><b>Planning</b></p>	<p><b>Planning</b></p> <p>1) To determine:</p> <ul style="list-style-type: none"> <li>a) Applications for Planning Permission; or</li> <li>b) Applications for Listed Building Consent;</li> </ul> <p>except where they are referable to the Strategic Planning Committee.</p> <p>2) Any planning matter referred to the Planning Committee by the Head of Planning acting in his or her discretion.</p> <p><b>Health and safety</b></p> <p>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> <p><b>Highways use and regulation</b></p> <p>To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority’s or to staff.</p>
<p><a href="#">Governance Committee Adjudication &amp; Review</a></p>	<p><b>Appeals and complaints</b></p> <p>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> <p><b>Admission and exclusion of pupils</b></p> <ul style="list-style-type: none"> <li>• To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals)</li> <li>• To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies)</li> </ul> <p><b>Governing bodies</b></p> <p>To hear appeals from teachers about early retirement decisions by governing bodies.</p> <p><b>Members’ conduct</b></p> <p>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.</p>

## Sub-Committees

Committee establishing sub-committee	Name of sub-committee	Functions
Governance	<b>Appointments Sub-Committee</b>	<p><b>Appointments and dismissals</b></p> <ul style="list-style-type: none"> <li>To make recommendations to Council about appointing and dismissing the Head of Paid Service</li> <li>To appoint and dismiss SLT Directors and Second Tier Managers, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution.</li> <li>For appointments to oneSource Managing Director and Monitoring Officer and Chief and Deputy Chief Officers of oneSource to appoint following recommendations from the oneSource Joint Committee.</li> <li>Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a SLT Director, the Monitoring Officer or Second Tier Managers.</li> <li>To make recommendations to Council about the appointment of Independent Persons for Standards matters.</li> </ul> <p><b>Terms and conditions</b></p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, SLT Directors, Monitoring Officer and Second Tier Officers</p>

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee establishing sub-committee	Name of sub-committee	Functions
<a href="#">Governance Adjudication and Review Committee</a>	<b>Hearings Panel</b>	<p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant SLT Director and Cabinet Member for consideration and possible review.</p> <p><b><u>General hearings</u></b></p> <p>Member Review Panels – To review complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure.</p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><b><u>Hearings under the Children Act 1989 Representations</u></b></p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p><b><u>Procedure (England) Regulations 2006</u></b></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><b><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></b></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><b><u>Secure accommodation hearings</u></b></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><b><u>Housing Service appeals</u></b></p> <ul style="list-style-type: none"> <li>* To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985)</li> <li>* To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> <li>(a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and</li> <li>(b) the tenant has failed to comply with the terms on which the court suspended that order, and</li> <li>(c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and</li> <li>(d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of possession to be executed, so that the panel may have opportunity to consider the circumstances</li> </ul> </li> <li>* To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> <li>(a) section 164 (applicants' right to request review of decisions in respect of inclusion etc. on the housing register)</li> <li>(b) section 202 (review of decisions in respect of people who are homeless)</li> </ul> </li> </ul> <p><b><u>Members' conduct</u></b></p> <p>To deal with complaints about breaches by Members of the Code of Conduct (see specific provision for Assessment and Hearing Panels below).</p>

Committee establishing sub-committee	Name of sub-committee	Functions
		<p><b>Access to files</b></p> <p>* To review decisions made pursuant to the:</p> <p>(a) Access to Personal Files (Housing) Regulations 1989</p> <p>(b) Access to Personal Files (Social Services) Regulations 1989</p> <p>where the applicant is aggrieved</p>
<a href="#">Governance Adjudication and Review Committee (Members' Code of Conduct)</a>	<p><b>Assessment Panel</b> (Members' Code of Conduct)</p>	To assess complaints referred for attention by the <a href="#">Governance Adjudication and Review Committee</a>
	<p><b>Hearings Panel</b> (Members' Code of Conduct)</p>	To consider the outcome of investigations and determine whether or not there has been a breach of the Member's Code of Conduct by one or more members and, if there has been a breach, what penalty should be imposed.

### 1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

Name of body	Functions
Admissions Forum	To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
Adoption Panel	To undertake the functions assigned by the Adoption Agencies Regulations
Corporate Parenting Panel	To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents
Standing Advisory Council on Religious Education (SACRE)	To advise the Council as Local Education Authority on matters relating to Religious Education.
Children's Trust	To uphold and champion the vision, principles and commitments for children and young people in Havering.
Havering Local Pension Board	<p>Assisting the scheme manager (i.e. the Council) in relation to the following matters.</p> <p>(a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;</p> <p>(b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;</p>

Name of body	Functions
	(c) such other matters as the scheme regulations may specify.
Local Safeguarding Children Board	(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for each purpose.
Safeguarding Adults Board	(a) to help and protect adults at risk of neglect or abuse. (b) To ensure the effectiveness of what each of its members does

#### 1.4 Functions delegated to Overview and Scrutiny Board and Sub-Committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Sub-Committees and Board be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
  - (i) to recommend that the decision be reconsidered or
  - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

The ~~People Health Overview & Scrutiny~~ Sub-Committee has powers under the National Health Service Act 2006 in relation to health; and the ~~Crime & Disorder Scrutiny Sub-Committee~~ has powers under the Police & Criminal Justice Act 2006 in relation to crime and disorder- (except in respect of any referral to Secretary of State, which is reserved to the Council by resolution)

Overview and Scrutiny	Area of responsibility
<b>Board</b>	<ul style="list-style-type: none"> <li>* Strategy and commissioning</li> <li>* Local Strategic Partnership</li> <li>* Partnerships with Business</li> <li>* Customer access</li> <li>* E-government and ICT</li> <li>* Finance (although each committee is responsible for budget processes that affect its area of oversight)</li> <li>* Human resources</li> <li>* Asset Management</li> <li>* Property resources</li> <li>* Facilities Management</li> <li>* Communications</li> <li>* Democratic Services</li> <li>* Social inclusion</li> <li>* Councillor Call for Action</li> </ul>
Overview and Scrutiny Sub-Committee	Area of responsibility
<u>People Children &amp; Learning</u>	<ul style="list-style-type: none"> <li>* Pupil and Student Services (including the youth service)</li> <li>* Children's Social Care</li> <li>* Safeguarding Children</li> <li>* Adult education</li> <li>* Social inclusion</li> <li>* Issues relating to the Children and Families Act 2014.</li> <li>* Councillor Call for Action</li> </ul>
<u>Place Environment</u>	<ul style="list-style-type: none"> <li>* Environment</li> <li>* Local Development Framework and Strategic Transport</li> <li>* Transport for London</li> <li>* Environmental Strategy</li> <li>* Community safety</li> <li>* StreetCare</li> <li>* Parking</li> <li>* Social Inclusion</li> <li>* Councillor Call for Action</li> </ul>
<u>People Individuals</u>	<ul style="list-style-type: none"> <li>* Personalised services agenda</li> <li>* Adult Social Care</li> <li>* Diversity</li> <li>* Social Inclusion</li> <li>* Councillor Call for Action</li> </ul>

<p><b>Place Towns &amp; Communities</b></p>	<ul style="list-style-type: none"> <li>* Regulatory Services</li> <li>* Planning and Building Control</li> <li>* Town centre strategy</li> <li>* Licensing</li> <li>* Leisure, arts, culture</li> <li>* Housing Retained Services</li> <li>* Community safety</li> <li>* Social and economic regeneration</li> <li>* Parks</li> <li>* Social inclusion</li> <li>* Councillor Call for Action</li> </ul>
<p><b>People Health</b></p>	<ul style="list-style-type: none"> <li>* Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services within the borough or to residents of the borough</li> <li>* To consider and provide recommendations on any proposed substantial development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider. (except any referral to Secretary of State, which is reserved to the Council by resolution)</li> </ul>
<p><b>People Crime and Disorder</b></p>	<ul style="list-style-type: none"> <li>* Exercise of the functions conferred on the Committee by the Police &amp; Justice Act <a href="#">in relation to crime and disorder</a></li> </ul>