

**LONDON BOROUGH OF HAVERING**

**COUNCIL CONSTITUTION**  
**Version updated 1 April 2025**

## **CONTENTS**

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

**PART 1**                      **SUMMARY OF THE CONSTITUTION**

The following definitions are used in this constitution.

<b>1972 Act</b>	the Local Government Act 1972.
<b>Annual Council</b>	the first meeting of Full Council in each municipal year.
<b>Borough</b>	the geographical area known as the London Borough of Havering.
<b>Cabinet</b>	the executive decision making body of the Council comprising the Leader and the Cabinet Members.
<b>Cabinet Member</b>	the individual member of the Cabinet to whom the Leader has assigned a portfolio or otherwise delegated authority to act in relation to that matter.
<b>Chair</b>	the designated chair of any committee or sub-committee of the Council.
<b>Chief Executive</b>	the Chief Executive of the Council (and any reference to the Head of Paid Service within this Scheme or the constitution shall be a reference to the Chief Executive).
<b>Chief Officers</b>	the Chief Executive, the Strategic Directors, the Director of Public Health, the Director of Children’s Services, the Director of Adult Social Services and the Monitoring Officer.
<b>Code of Conduct</b>	the code of conduct for Members found at part 5 of this constitution.
<b>Committee</b>	Any committee, sub-committee or board of the Council.
<b>Council</b>	the council of the London Borough of Havering
<b>Councillors</b>	elected councillors of the Council (and a reference to a <b>Member</b> shall be construed as being a reference to a Councillor). Any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to attend the committee or sub-committee on which they sit and may have voting rights).
<b>Councillor Calls for Action</b>	As defined in the Overview and Scrutiny Procedure Rules.

<b>CPR</b>	The contract procedure rules as set out in part 4.4 of this constitution.
<b>Deputy Chief Officers</b>	Officers who for all or most of their duties report directly to or are directly accountable to a Chief Officer.
<b>Deputy Leader</b>	the Councillor appointed by the Leader to be his / her deputy.
<b>ELT</b>	the executive leadership team comprising Officers as determined by the Chief Executive from time to time.
<b>Executive</b>	the Leader and Cabinet together.
<b>Forward Plan</b>	A document containing details of the key decisions likely to be made by the Council for the four-month period following publication of the Forward Plan.
<b>Full Council</b>	a meeting of the full membership of the Council.
<b>Governance Committee</b>	the governance committee as appointed by Full Council.
<b>Group Leaders</b>	the nominated leaders of any political grouping within Full Council from time to time.
<b>Honorary Award</b>	the Freedom of the Borough or Alderman / Alderwoman.
<b>Joint Committee</b>	Those committees listed at paragraph 2.8 of Part 3.2 of the constitution.
<b>Leader</b>	the Leader of the Council.
<b>Local Plan</b>	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.
<b>Mayor</b>	the first citizen of the Borough as elected by Full Council from year to year.
<b>Monitoring Officer</b>	the designated monitoring officer of the Council.
<b>Nolan Principles</b>	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.

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

**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.