

**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).

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

	<p><u>Regulatory and investigatory Powers Act 2000</u></p> <ul style="list-style-type: none"> <li>• whisTo review the Council’s use of the Regulation of Investigatory Powers Act 2000 and the Council’s policy at least once every year and to make recommendations for changes to the policy</li> </ul>
<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"> <li>• To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect</li> <li>• To make recommendations to the Council about amending the constitution</li> <li>• To monitor and review the Members’ Allowance Scheme and make recommendations to Council</li> <li>• To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of the Overview and Scrutiny Board and Sub-Committees and their terms of reference and make recommendations</li> </ul> <p><u>Officer disciplinary, capability and grievance procedures</u></p> <ul style="list-style-type: none"> <li>• Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a Chief Officer, Monitoring Officer or a Deputy Chief Officer 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 Chief Officer, Monitoring Officer or a Deputy Chief Officer</li> <li>• Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by “Havering Grade” Officers.</li> </ul> <p><u>Appointments and dismissals</u></p> <ul style="list-style-type: none"> <li>• To make recommendations to Council about appointing and dismissing the Head of Paid Service.</li> <li>• To appoint and dismiss Chief Officers, Director of Public Health, the Monitoring Officer and Deputy Chief Officers, 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</li> </ul>

Chief Officer, Director of Public Health, Monitoring Officer or 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, Chief Officer, the Monitoring Officer and 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.

#### Protocol on probity in planning

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

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

	<ul style="list-style-type: none"><li>• Any other planning matter which, in the opinion of the Deputy Chief Officer responsible for Planning acting in his or her discretion, raises strategic issues and should be referred to the Strategic Planning Committee</li></ul>
Corporate Parenting Panel	<ul style="list-style-type: none"><li>• To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents</li></ul>