



Havering
LONDON BOROUGH

GOVERNANCE COMMITTEE – 19 August 2026

Subject Heading:

**CONSTITUTION REVIEW
PLANNING, PENSIONS AND VARIOUS
PARTS**

ELT Lead:

Kathy Freeman, Strategic Director of Resources

Report Author and contact details:

Patricia Narebor
Monitoring Officer, Legal and Governance Services
01708 432838

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

This report sets out proposed amendments to the Constitution arising from the commencement of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, coming into effect on 31 October 2026, consequential amendments to the Constitution, to include the Officer Delegations. Changes to the planning legislation prescribe the types of planning applications that must be determined by officers and those applications that can be determined by the Planning Committee, subject to a gateway process. The revised Planning Committee functions and related matters (to include the Constitution) must be updated by 31 October 2026. The consequences of the 2026 Planning Regulations require that the existing Planning Committee (consisting of 5 members) and Strategic Planning Committee (consisting of 5 members) be abolished and a replacement Planning Committee be constituted in line with the regulations. The proposal is that the newly constituted Planning Committee consist of 9 Members though a maximum of 13 is permitted under the regulations.

The report also outlines required changes to the Pension Committee functions arising from the Local Government Pension Scheme (Amendment) (Governance) Regulations 2026 and governance arrangements relating to the pension fund. The regulations came into force on 30 June 2026. The Council is obliged to strengthen and update the pension fund governance arrangements, appoint a new LGPS Senior Officer and an Independent Person on or before December 2026. The terms of reference for the Pension Committee must be updated in readiness for the next scheduled Pension Committee in September 2026 to ensure that the working arrangements are in line with the 2026 regulations.

The comments and recommendations of the Constitution Review Working Group consisting of Members have been taken into account in the preparation of this report. A supplemental paper will be prepared in relation to the pension matters should this be necessary.

RECOMMENDATIONS

1. Governance Committee to recommend to full Council the recommendations below:
2. To approve the revised parts of the Constitution as outlined in this report and in **Appendix 1** to this report relating to planning matters, the Planning Procedure Rules, the Protocol on Probity in planning matters, pension fund administration and governance arrangements and consequential changes to the Constitution.
3. To approve an amendment of the start time for Council meetings from 7.30pm to 7.00pm, with a corresponding amendment to Council Procedure Rule 5.

4. Delegate authority to the Monitoring Officer to make consequential amendments to the Constitution arising from the changes in legislation and the proposed changes outlined on Appendix 1, Appendices 2 and 3.

REPORT DETAIL

1. INTRODUCTION

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the Council operates efficiently, transparently and is accountable to local people.

By law the Council is required to keep the Council's Constitution up to date, it must contain specified information, or any information directed by the Secretary of State (section 9P Local Government Act 2000) and to publish it. To comply with this duty, the Council is required to keep the Constitution under review to ensure that the operation of the Constitution and the aims of the Constitution are given full effect. When necessary, proposed amendments must be recommended to Full Council. In line with the statutory requirement the Monitoring Officer is granted the delegation 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. This report and related matters are in discharge of the duty and to comply with the statutory requirements.

2. PROPOSED CHANGES TO THE CONSTITUTION

Constitution Part 3 (Article 2 – Functions Delegated to General Council Committees).

2.1 PLANNING COMMITTEE

The terms of reference for the Planning Committee and the Strategic Planning Committee are not in accordance with the requirements of the new Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations introduce a national scheme of delegation and a gate way process for a planning committee in relation to the determination of planning applications from 31 October 2026. The Council is obliged to update the governance arrangements in the Constitution and the Local Planning Authority procedures and processes relating to the determination of planning applications and discharge of planning functions.

To discharge the duties, there is a need to abolish the Planning Committee and the Strategic Planning Committee and constitute a new Planning Committee with appropriate Terms of Reference in line with the 2026 Planning Regulations.

Appendix 1 to this report outlines the current terms of reference for the Planning Committee and the Strategic Planning Committee (which will be deleted along with the committees). New terms of reference for the Planning Committee constituted under the 2026 Planning Regulations will need to be approved as outlined on Appendix 1.

Health and Safety

It is proposed that the terms of reference relating to Health and Safety at Work Act 1974 be moved to the Governance Committee since this Committee is responsible for staffing and general governance matters. Matters relating to Health and Safety have historically not been referred to the Planning Committee.

Part 1 of the 1974 Act outlines the general duties of employers and self-employed to persons other than their employees within the workplace. It is a duty of every employer to conduct its undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment (eg contractors) who may be affected thereby are not exposed to risks to their health or safety.

Highways use and regulation

The terms of reference relating to Highways use and regulation within the existing Planning Committee should be retained in the new terms of reference for the new Planning Committee constituted under the 2026 Planning Regulations. The function is required to enable certain functions not to be exercised by the Executive such as the power to make a rail crossing extinguishment order, to be discharged by the newly constituted Planning Committee.

Membership of Planning Committee – Appendix Part 2

The 2026 Planning Regulations and statutory guidance provide that no more than 13 members be appointed onto the Planning Committee constituted under the regulations. The proposal is that 9 members be appointed onto the Committee to ensure that adequate time will be available to deliberate each application considered at Planning Committee. Sufficient time should be available for the report relating to each application to be presented to the Planning Committee, representations to be made to the Committee and Member queries to be addressed. Committee membership higher than 9 members may protract the deliberation of each application.

The Committee Procedure Rules currently provide that the quorum is one third of the whole number of the committee but must not be less than three members in the case of a committee. A quorum of 5 Members as a minimum is proposed for the new Planning Committee

The Council has a duty to appoint the proposed Members of the newly constituted Planning Committee on a proportionate basis to the membership

of the Council as nominated by the Political Groups – Local Government and Housing Act 1989, section 15 and Local Government (Committees and Political Groups) Regulations 1990.

Proposal:

- (a) Delete the existing Planning Committee and the Strategic Planning Committee with the relevant terms of reference. Constitute a new Planning Committee with terms of reference in accordance with the 2026 Planning Regulations. Incorporate consequential revisions to the Constitution.
- (b) Membership of the Planning Committee to be 9 members with a quorum of 5 members.

2.2 Constitution Part 4.10 – Planning Committee Procedure Rules

The Planning Committee Procedure Rules have been updated to reflect the requirements of the Gateway Process outlined in the 2026 Regulations, the changes outlined above and working procedures. The updated version is attached at **Appendix 2** of this Report.

Committee Procedure Rules – Part 4.3

It is proposed that existing paragraphs 13(a) to 13(h) of Part 4.3 of the Constitution be deleted and updated wording be incorporated to achieve consistency with the Planning Committee Procedure Rules.

Constitution Part 5.5 - Protocol on probity in Planning Matters

The Protocol on Probity in Planning Matters has been updated to align with the requirements of the 2026 Planning Regulations and the updated Planning Committee Procedure Rules. The updated version is attached as **Appendix 3** to this Report.

2.3 Current Specific powers of the Strategic Director of Place – Planning matters

In relation to planning, the current wording provides that the Strategic Director is authorised 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. It is proposed that this delegation be revised to:

Revised delegation:

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 and the Nominated Officer under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

New Delegation to the Assistant Director of Planning and delegated Representative

The 2026 Planning Regulations require that certain planning applications must be determined by the Council's Nominated Officer. The proposal to the Council is that the Assistant Director of Planning or his/her representative discharge the functions.

The new delegations below are proposed:

New Delegation to the Assistant Director of Planning and delegated Representative

- (a) To discharge the role and duties of the Nominated Officer under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.
- (b) To undertake all statutory functions of the Council acting as Local Planning Authority under planning and other relevant legislation.
- (c) To serve enforcement and other notices under planning and other relevant legislation.

2.4 PENSION COMMITTEE

The Local Government Pension Scheme (Amendment) (Governance) Regulations 2026 amend the Local Government Pension Scheme Regulations 2013 ("the 2013 Regulations"), which establish the Local Government Pension Scheme for England and Wales ("the Scheme") and require certain local authorities to maintain pension funds as administering authorities. The Regulations make provision to strengthen and update governance arrangements applying to administering authorities. New Regulation 53A requires administering authorities to appoint a senior officer with overall responsibility for the administration, governance and investment of the Scheme, and sets out restrictions on who may be appointed to that role. The regulation also requires administering authorities that delegate Scheme functions to appoint an Independent Person to support the discharge of those functions.

[Local Government Pension Scheme: fund governance - GOV.UK](#)

An update on the changes was provided to the Pension Committee in March 2026: [5 Fit for the Future - update.pdf](#)

Under the current LGPS (Management and Investment of Funds) Regulations 2016, Havering Pension Fund appoints and manages its own investment managers directly, retaining full discretion over mandates and operational decisions. However, under the new proposed draft LGPS Regulations, the Investment Management Agreement will facilitate the oversight and management responsibilities to the London CIV. As such, London CIV will become the legal investment manager for all Havering Pension Fund

assets, whilst taking responsibility for the day-to day investment management of the Fund's assets. The Pension Fund will retain its responsibility for setting the investment strategy. The Pension Committee will continue to play an important role in the strategic direction of the Pension Fund, ensuring strong governance by establishing clear objectives for its investment pool and regularly monitoring investment performance.

The terms of reference for the Pension Committee provides that the committee consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance. These duties will now be discharged as part of the Investment Management Agreement (IMA) with London CIV. The Pension Committee Terms of Reference should be updated to discharge the duties below:

2.5 Revised terms of reference for Pension Committee

Pension Fund

- To determine the strategic direction of the Pension Fund and to exercise all functions delegated to the Committee in relation to the Local Government Pension Scheme
- To approve, maintain and review the Fund's Investment Strategy Statement and other pension fund strategies and policies required by legislation and statutory guidance.
- To monitor the implementation of the investment strategy by the Fund's investment pool and to review investment performance, funding, administration, governance, risks and compliance with statutory requirements.

Fund Advisers

- To appoint, terminate and review the performance of the Fund Actuary, Independent Person and any other professional advisers to the Pension Fund.
- To authorise the LGPS Senior Officer to undertake procurement exercises and award contracts in accordance with the Council's Contract Procedure Rules and Scheme of Delegation in respect of Pension Fund matters.
- To authorise the LGPS Senior Officer to undertake the recruitment process for the Independent Person and to make a recommendation to the Pension Committee for appointment of the Independent Person in accordance with the Local Government Pension Scheme Regulations and statutory guidance.

- To monitor the performance of the Fund's investment pool and any specialist providers directly retained by the Pension Fund.
- To discharge other pension related functions required by the Pension Schemes Act 2026, the Local Government Pension Scheme (LGPS) (Amendment) (Governance) Regulations 2026 and related legislation.

2.6 LGPS Senior Officer

New regulation 53A of the LGPS Regulations 2013 (as amended by the 2026 Pension Regulations) require every administering authority to have a LGPS senior officer. The LGPS senior officer is responsible for ensuring the administering authority is appropriately managed and resourced in respect of all matters of the Scheme. This includes administration, investment and governance. The Council is obliged to comply with the related statutory guidance to the 2026 Regulations.

The LGPS senior officer should have a direct relationship with the independent person and the Pension Board chair, in order to draw on their expertise and consider any recommendations or concerns they may raise.

Where the administering authority chooses to delegate pension functions to an officer, it should be to the LGPS senior officer. Senior officers should be involved in the development and approval of all fund strategies, including the Funding Strategy Statement and Investment Strategy Statement, although the final approval of such strategies is still for the Pension Committee.

Whilst the Section 151 officer will remain ultimately responsible for the proper administration of the local authority's financial affairs, under the 2026 Pension regulations, the LGPS Senior Officer will have senior responsibility across all pension functions to ensure the fund is appropriately managed and resourced across administration, investment and governance matters.

The statutory guidance to the 2026 Regulations provide that the LGPS Senior Officer role **must not be combined** or attached to other significant senior roles in the administering authority. Specifically, the LGPS senior officer must not be the same person as the Section 151 officer at the administering authority.

Proposal

The proposal is that the LGPS Senior Officer be assigned to the Director of Finance or the Head of Pensions. The Head of Paid Service and the Strategic Director Resources be authorised to finalise the appointment.

The existing Pensions related delegations to the Strategic Director Resources should be deleted. New delegations outlined within Appendix 1 (relating to the LGPS Senior Officer) be delegated to the Director of Finance or the Head of Pensions.

2.7 Independent Person - Pension Committee

The 2026 Pension Regulations require every administering authority to appoint an independent person to support the LGPS senior officer and the pensions committee or equivalent officer(s) that the administering authority delegates its pension functions to. The appointment must be in accordance with guidance issued by the Secretary of State.

The independent person should support pension committees by providing independent and professional expertise including to support committees to scrutinise and challenge the advice they receive.

The government expects the independent person to hold one or more of the following qualifications or experience:

- a qualification from Pensions Management Institute (PMI) – the award in pension trusteeship, diploma in professional trusteeship, certificate in professional trusteeship, accreditation for professional trustees
- member of, and accredited by, the Association of Professional Pension Trustees (APPT)
- significant experience of pensions.

Administering authorities may appoint an individual to perform the role or may procure a firm (such as a professional trustee firm) to provide an independent person. It is for each administering authority to decide adequate remuneration, appointment or procurement arrangements for the role taking into account the professional requirements and the duties of the role.

The guidance to the 2026 Pension Regulations provide that selection or procurement of candidates is expected to be delegated in most circumstances, either to officers (including to the LGPS senior officer), to an appointments committee, or to the relevant committee for fund appointments. Where selection of candidates is delegated to officers, the LGPS senior officer should make the final decision on appointment (in consultation with the Head of Paid Service).

Proposal:

The proposal is that the recruitment of the Independent Person be delegated to the Senior LGPS Officer (in consultation with the Head of Paid Service) and to make a recommendation to the Pension Committee regarding the appointment.

2.8 Duties of the Independent Person

The independent person's duties should include, among other things:

- to support and contribute to the development of all strategies for which the pension committee is responsible
- to scrutinise any advice given to the committee, whether from the pool or any other organisation or individual
- to help monitor and assess performance against targets set in LGPS strategies, including administrative performance and the pool's implementation of the investment strategy, and help monitor whether the collective pool oversight process is meeting the requirements of the administering authority
- to support consideration of the committee's governance arrangements, including any action plans arising from Independent Governance Reviews
- to contribute in any other way appropriate to the authority's LGPS functions.

The independent person should therefore provide additional scrutiny and challenge, by virtue of their being fully independent from the administering authority.

2.9 Independent Governance Reviews

The 2026 Pension regulations and the statutory guidance require LGPS administering authorities to prepare, commission and publish Independent Governance Reviews (IGRs) by the Senior LGPS Officer or the Pension Committee. The proposal is that the Pension Committee discharge functions relating to the IGR.

The IGR will ensure administering authorities review their governance processes and compliance with legislation supported by independent scrutiny, to provide assurance to members and employers. The review should be a periodic IGR in accordance with the regulations and an ad-hoc governance review as directed by the Secretary of State.

The regulations require that an administering authority should carry out the IGR at any time as long as it is within the period spanning the 31st March 2025 and 31st March 2028 valuation dates.

The person or party undertaking the IGR must be independent of the Authority. Independence requires that the individual undertaking the review is not employed by, or acting on behalf of, a specific legal entity that has delivered services to the administering authority in any capacity relating to the pension function.

Local Pension Board of the London Borough of Havering Pension Fund

The Local Pension Board for the Council will be retained. The Local Pension Board generally meets before or after each Pension Committee in a municipal year. The terms of reference for the Board will be reviewed and revised in line with the regulations.

Proposal: Delegate authority to the Monitoring Officer to update the arrangements relating to the Local Pension Board where necessary to comply with the requirements of the 2026 Pension Regulations.

2.10 Constitution Part 4.5 - Council Procedure Rules

Council Procedure Rule 5 provides that the meetings of the Council will begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

A proposal has been suggested that full Council should begin at 7.00pm rather than 7.30pm and that Council Procedure Rule 5 be revised with any consequential amendments to the Constitution. This will enable sufficient time for the business on the agenda to be dealt with.

The proposed revision has been incorporated into the table of changes to the Constitution.

IMPLICATIONS AND RISKS

3. Financial implications and risks:

The remuneration for the Independent Person to be appointed in relation to the Council's Pension duties will need to be assessed and determined.

The role of the LGPS Senior Officer will be assigned to an officer of the Council. The remuneration for the officer role will cover the Senior Officer duties with appropriate adjustments.

4. Legal implications and risks:

The Council has a duty to prepare and keep up to date its Constitution which explains, in ordinary language, the content of their constitution – section 37(1A) Local Government Act 2000. The changes proposed are required to comply with changes in legislation relating to planning and pension matters and consequential changes.

The Council has a duty to appoint the proposed Members of the newly constituted Planning Committee on a proportionate basis to the membership of the Council as nominated by the Political Groups – Local Government and Housing Act 1989, section 15 and Local Government (Committees and Political Groups) Regulations 1990.

5. Human Resources implications and risks:

The assignment of the role of the LGPS Senior Officer will be in accordance with the Council's Human Resources procedures.

6. Equalities implications and risks:

None directly associated with this report.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The changes proposed relating to the discharge of planning functions are required statutory changes as such accord with relevant environment regulations and the Environment Act 2021.

BACKGROUND

Local Government Act 1972, section 100d

List of background documents

- (a) Statutory Guidance - Planning Committees and the National Scheme of Delegation of Planning Functions: Draft guidance for local planning authorities in England - [Planning Committees and the National Scheme of Delegation of Planning Functions: Draft guidance for local planning authorities in England - GOV.UK](#)
- (b) 17 March 2026 – Pension Committee Report - [5 Fit for the Future - update.pdf](#).
- (c) Statutory Guidance - Local Government Pension Scheme: fund governance. [Local Government Pension Scheme: fund governance - GOV.UK](#)

Appendix 1: List of Proposed Changes to the Constitution and current wording

Appendix 2: Planning Committee Procedure Rules

Appendix 3: Protocol on Probity in Planning Matters

Appendix 4: Briefing Paper – Planning Committee Reform and changes to the Council's Constitution