

APPENDIX 1

CURRENT WORDING AND PROPOSED CHANGES TO THE CONSTITUTION

Constitution	Current wording	Proposed wording or revisions	Rationale for change
Constitution Part 3, Article 2 – Functions Delegated to General Council Committee	PLANNING COMMITTEE Planning • 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 Deputy Chief Officer responsible for Planning acting in his or her discretion. [DELETE] Health and safety • To carry out functions relating to health and safety under any “relevant statutory provision” within	Constitute a new Planning Committee and 5 Members to discharge the functions below: PLANNING COMMITTEE of 5 Members and incorporate Planning • To determine: (a) Applications for Planning Permission; or (b) Applications for Listed Building Consent; which are required to be determined by Committee in accordance with the Planning Committee Procedure Rules and the Committee and Gateway Consideration Criteria within • Any other planning matter, which is not covered by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England)	To comply with the 2026 Planning Regulations.

	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. [DELETE] Highways use and regulation • 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. [DELETE] Strategic Planning Committee • 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 opinion of the Deputy Chief Officer responsible Planning acting in his or her discretion, raise strategic	Regulations 2026 (or such legislation updating, amending or replacing the Regulations), which, in the opinion of the Chief Officer responsible for Planning acting in his or her discretion, raises strategic issues and should be referred to the Planning Committee. • To receive presentations in the pre-application or pre determination stage. Highways use and regulation • 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. (Incorporate the above terms of reference above to reflect the functions of the new Planning Committee).	
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	issues and should be determined by the Strategic Planning Committee. • 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. [DELETE] Delete the existing Planning Committee and Strategic Planning Committee and all terms of references.		
Constitution Part 3, Article 2 – Functions Delegated to General Council Committee	PENSION COMMITTEE Pension fund • To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance	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	To comply with the 2026 Pension Regulations.

	Advisers and investment managers • 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. Other Non-executive matters • 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	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	
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	the Local Government Pension Scheme. [RETAIN WORDING]	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. • To interview candidates for the Independent Member position on the Pension Committee and to make recommendations to Council about the appointment of the Independent Member.	
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		Other Non-executive matters Retain wording	
Part 3.3 OFFICER DELEGATIONS	Scheme 3.3.5 Specific powers of the Strategic Director of Place 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. [REVISE WORDING]	Scheme 3.3.5 Revised powers of the Strategic Director of Place 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 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 (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.	To comply with the 2026 Planning Regulations.

		(b) To undertake all statutory functions of the Council acting as Local Planning Authority under planning and other related legislation. (c) To serve enforcement and other notices under planning and other related legislation.	
Part 3.3 OFFICER DELEGATIONS	Scheme 3.3.6 Specific powers of the Strategic Director of Resources 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. Delete above in accordance with the 2026 regulations ??]	Scheme 3.3.6 Under Strategic Director of Resources, include: Head of Pensions OR The Director of Finance (Local Government Pension Scheme Senior Officer) 1.20 To discharge the role of LGPS Senior Officer and be responsible for the day-to-day management and administration of the Pension Fund in accordance with the Local Government Pension Scheme Regulations, statutory guidance and the Council's Constitution.	To comply with the 2026 Pension Regulations.

		1.21 To implement the policies, strategies and decisions approved by the Pension Committee and oversee the effective operation of the Pension Fund's investment, funding, administration, governance, communication, compliance and risk management arrangements. 1.22 To manage and monitor contracts, advisers, service providers and other operational arrangements relating to the Pension Fund, including the appointment of the Independent Person. 1.23 To exercise all Pension Fund functions not expressly reserved to the Pension Committee or Full Council by legislation or the Council's Constitution. Delegate to the Head of Paid Service to appoint an Officer of the Council to discharge the role of the LGPS Senior Officer.	
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SECTION 3.4: Functions not to be the responsibility of the Council's Executive	Various	Delegate authority to the Monitoring Officer to make consequential amendments to Part 3.4. Some functions under the Highways Act 1980 are discharged by Officers rather than Planning Committee. Reference to Planning Committee should be changed to the Strategic Director Place.	To comply with statutory requirements.
Part 4.3 Committee Procedure Rules	Paragraph 13 (a) to (eh) Planning Committees (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	Delete Paragraph 13 (a) to (h) from Part 4.3 Committee Procedure Rules and replace with: The procedure outlined within the Planning Committee Procedure Rules, to include the Gateway Process are to be complied with in relation to the Planning Committee. Delegate authority to the Monitoring Officer to incorporate committee procedure rules consistent with the Planning Committee Procedure Rules.	To comply with statutory requirements.

	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		
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	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 Planning 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		
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	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 Planning 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 Planning Committee. (h) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the		
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	Committee may seek clarification from staff. DELETE THE ABOVE COMMITTEE PROCEDURES.		
Part 4.10	Planning Committee Procedure Rules Current version to be updated: Part 4.10 Planning procedure rules.pdf	Planning Committee Procedure Rules Approve and adopt the revised Planning Committee Procedure Rule shown as Appendix 2.	To comply with statutory requirements.
Part 5.5	Protocol on Probity in planning matters. Proposed Constitution Changes Current version to be updated:	Protocol on Probity in planning matters. Approve and adopt the revised Protocol on Probity in planning matters shown as Appendix 3.	To comply with statutory requirements.
Part 4.5	CPR 4.5	CPR 4.5	

Council Procedure Rules	TIME AND PLACE OF MEETINGS Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and 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.	TIME AND PLACE OF MEETINGS Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.00pm unless a different time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.	To allow for sufficient time for agenda items to be fully considered.