



## MINUTES OF A MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF HAVERING Council Chamber - Town Hall 20 March 2019 (7.00 - 10.08 pm)

**Present:** The Mayor (Councillor Dilip Patel) in the Chair

Councillors Councillors Robert Benham, Ray Best, Carole Beth, Michael Deon Burton, Joshua Chapman, Philippa Crowder, Keith Darvill, Osman Dervish, Nic Dodin, David Durant, Tony Durdin, Brian Eagling, Gillian Ford, Jason Frost, Martin Goode, Linda Hawthorn, Judith Holt, Tele Lawal, Paul McGeary, Paul Middleton, Sally Miller, Robby Misir, Ray Morgon, Barry Mugglestone, John Mylod, Stephanie Nunn, Denis O'Flynn, Gerry O'Sullivan, Ron Ower, Dilip Patel, Nisha Patel, Bob Perry, Viddy Persaud, Roger Ramsey, Timothy Ryan, Jan Sargent, Carol Smith, Christine Smith, Natasha Summers, Matt Sutton, Maggie Themistocli, Jeffrey Tucker, John Tyler, Christine Vickery, Melvin Wallace, Ciaran White, Damian White, Michael White, Reg Whitney, Christopher Wilkins, Graham Williamson and Darren Wise

Approximately 30 Members' guests and members of the public were also present.

Apologies were received for the absence of Councillors John Crowder.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Reverend David Hague, Vicar, Church of the Good Shepherd, Collier Row opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

### 74 MINUTES (agenda item 3)

The minutes of the meeting of the Council held on 27 February 2019 were before the Council for approval.

#### APPROVED:

**That the minutes of the meeting of Council held on 27 February 2019 be approved as a correct record.**

75     **DISCLOSURE OF INTERESTS (agenda item 4)**

There were no disclosures of interest.

76     **ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)**

A minute's silence was held in memory of Councillor Clarence Barrett who had sadly passed away. Tributes to Councillor Barrett were paid from all sides of the Chamber.

The Mayor reported on the recent Civic Service where guests included the Iraqi Ambassador, the Bishop of Barking, local MPs and 20 other Mayors. Forthcoming events included an evening at Romford Snooker Club on 18 April, a Danceathon on 27 April and a Mayoral Garden Party on 5 May.

The Leader of the Council passed on his condolences to the family and friends of the recent murder victim – Jodie Chesney.

77     **PETITIONS (agenda item 6)**

The following petitions were presented:

From Councillor Ryan relating to parking and HGV issues in Crow Lane and Jutsums Lane.

From Councillor Durant supporting the removal of double yellow lines in Roding Way, Rainham.

78     **COUNCIL PROCEDURE RULES (agenda item 7)**

A report of Governance Committee proposed some amendment to the Council Procedure Rules. This followed the delegation by Council to Governance Committee in March 2018 of a review of this issue.

The proposals put forward sought to improve the efficient and effective conduct of business transacted at full Council within the time available.

**Deemed motion on behalf of the Administration**

That the report be adopted and its recommendations carried into effect.

**Amendment on behalf of the Residents' Group**

That all recommendations to Council in the report be replaced with the following:

In order to ensure that this council works in a fair and equitable manner, this council calls for a proper cross party review of the Council Procedure rules with a view of reporting back to the Governance Committee at the earliest opportunity.

Following debate, the amendment on behalf of the Residents' Group was **NOT CARRIED** by 28 votes to 24 (see division 1) and the deemed motion on behalf of the Administration was **CARRIED** by 28 votes to 24 (see division 2).

The agreed revised set of Council Procedure Rules is shown as appendix 1 to these minutes.

**79 APPOINTMENT OF A NEW MONITORING OFFICER (agenda item 8)**

A report of the Chief Executive sought the approval of Council for the appointment of Anne Brown as Monitoring Officer. The Monitoring Officer left the meeting during discussion of this item.

The report was **AGREED** without division and it was **RESOLVED**:

- 1. That the following individual be authorised to exercise the responsibilities of the statutory officer indicated:**

**Monitoring Officer Anne Brown, Deputy Director Legal & Governance (oneSource), with immediate effect.**

- 2. Pursuant to that appointment the delegations and references made to that statutory role in the Constitution be amended accordingly.**
- 3. To note that the Monitoring Officer appoints Kathryn Robinson as Deputy Monitoring Officer, who will exercise the responsibilities of the statutory officer in her absence.**

**80 PAY POLICY STATEMENT 2019/20 (agenda item 9)**

As required under the Localism Act 2011, a report of the Chief Executive asked Council to approve the pay Policy Statement 2019/20. The Pay Policy Statement set out:

- The remuneration of its Chief Officers
- The remuneration of its lowest-paid employees
- The relationship between the remuneration of its Chief Officers and its other employees

The report as **AGREED** without division and it was **RESOLVED**:

**That the Pay Policy Statement 2019/20 (as shown in appendix 2 to these minutes) be approved.**

**81 SCHEDULE OF MEETINGS 2019/20 (agenda item 10)**

In accordance with the Constitution, a report of the Chief Executive proposed dates for future meetings of Council.

The report was **AGREED** without division and it was **RESOLVED**:

That the dates of Council meetings for the Municipal Year 2019/20 and, on a provisional basis, the balance of 2020 be fixed as follows:

	<b>2019</b>
<b>15</b>	<b>May (Annual Meeting)</b>
<b>10</b>	<b>July</b>
<b>11</b>	<b>September</b>
<b>20</b>	<b>November</b>
	<b>2020</b>
<b>22</b>	<b>January</b>
<b>26</b>	<b>February (Council Tax Setting)</b>
<b>25</b>	<b>March</b>
<b>20</b>	<b>May (Annual Meeting)</b>
<b>8</b>	<b>July (provisional)</b>
<b>9</b>	<b>September (provisional)</b>
<b>25</b>	<b>November (provisional)</b>

**82 MEMBERS' QUESTIONS (agenda item 11)**

Thirteen question were asked and replies given. The text of all questions submitted and their answers, as well as a summary of the supplementary questions and answers is shown as appendix 3 to these minutes.

**83 SIZE OF PLANNING COMMITTEES (agenda item 12A)**

**Motion on behalf of the Independent Residents' Group**

The March 7th Governance meeting and subsequent March 21st Council approved a Governance report proposing changes to the council's planning regime. The report included a recommendation to create two planning committees, a Strategic Planning committee with 7 members and a Planning committee with 11 members, but did say the actual size of the committees (and all committees) would be a matter for Annual Council on May 23rd.

At Annual Council it was proposed to create two size 8 planning committees as part of item 9 on the Council agenda. Item 9 was approved without debate following a procedural motion to go vote only. Following the meeting the Monitoring Officer advised the creation of size 8 committees was to

“assist with proportionality”, except it doesn’t and neither does the Planning Advisory Service provide specific advice on size of committees.

Due to the quasi-judicial importance of planning committees, the overall creation of two new planning committee positions is welcome, however this motion calls upon Council to agree to change the size of the two planning committees from size 8 to size 7 (strategic) and 11 (planning) as recommended in the approved March 7th Governance Committee report, subject to approval at 20th March Council.

Council is further asked to agree to increase the total number of seats on committee to 136 (from 134), and to ensure political balance rules are adhered to, agrees to the allocation of seats as set out in the appendix to this motion.

### **Amendment on behalf of the Conservative Group**

This Council notes the decision taken by full council on 23<sup>rd</sup> May this year to establish the committees of the authority having regard to political balance.

The amendment on behalf of the Conservative Group was **AGREED** by 27 votes to 20 (see division 3) and **AGREED** as the substantive motion, without division.

### **RESOLVED:**

**This Council notes the decision taken by full council on 23<sup>rd</sup> May this year to establish the committees of the authority having regard to political balance.**

## **84      IMPACT OF PARKING CHARGES ON TOWN CENTRES (agenda item 12B)**

### **Motion on behalf of the Residents’ Group**

In light of the Administration’s decision to negatively affect the health of our Town Centres by the large jump in parking charges, removal of free parking including evenings, overnight and on Sundays, this council calls for there to be an immediate assessment on the likely impact this will have on the vibrancy of our valued Town Centres, together with ways that this can be mitigated.

### **Amendment on behalf of the Conservative Group**

This Council notes that vibrancy of town centres is determined by a range of factors, including external environmental improvements, and welcomes the

commitment of the Administration to bring forward plans to support our town centres as a destination of choice.

This motion was withdrawn by the Residents' Group and resubmitted to the July 2019 meeting of Council.

85 **OFSTED INSPECTION IMPROVEMENT PROGRAMME (agenda item 12C)**

**Motion on behalf of the Conservative Group**

Seven months after the recent inspection by Ofsted that rated our Children Service as Good, this Council welcomes the improvement programme launched by the Administration to embed that progress and its aspiration to reach Good with outstanding features

This motion was withdrawn by the Conservative Group.

86 **KNIFE CRIME AND SERIOUS YOUTH VIOLENCE (agenda item 12D)**

Under Council Procedure Rule 11.10 (e) the Mayor accepted a composite motion on behalf of the Labour and Conservative Groups.

**Composite Motion on behalf of the Labour and Conservative Groups**

This Council recognises the importance of a well resourced youth service, as well as the progress made in improving the Children's directorate, and calls upon the Executive to bring forward a report on reducing youth violence within Havering – with particular reference to outside partners.

**Amendment on behalf of the Independent Residents' Group**

This Council agrees an emergency multi-agency summit meeting be held, composing senior councillors, officers and representatives from various outside bodies including Police, Youth Services, Voluntary Services and others, similar to the debrief meeting held following the raid on Travellers sites in Noak Hill, to address the violent street crime menace by identifying the reasons why this is happening and to propose local solutions as appropriate.

The composite motion on behalf of the Labour and Conservative Groups was **AGREED** without division and it was **RESOLVED**:

**This Council recognises the importance of a well resourced youth service, as well as the progress made in improving the Children's directorate, and calls upon the Executive to bring forward a report on reducing youth violence within Havering – with particular reference to outside partners.**

**87 VOTING RECORD**

The record of voting decisions is attached at appendix 4.

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**Mayor**

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## APPENDIX C

### COUNCIL PROCEDURE RULES

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**1. ANNUAL MEETING OF THE COUNCIL**

- 1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will normally take place in May but may, if the Council so agrees, take place in March or April.
- 1.2 Other than in a year when there is an ordinary election of Councillors, an extraordinary meeting of the Council shall be held in accordance with Council Procedure Rule 4.3, commencing at 7:30pm, and the Annual meeting shall commence immediately following the conclusion of that extraordinary meeting. In the year of an election, there shall be no extraordinary meeting by Council Procedure Rule 2(d) shall apply.
- 1.3 The business of the Annual Meeting shall be to:
- (a) choose a Member to preside if the outgoing Mayor is not present and to receive apologies for absence;
  - (b) elect the Mayor of the Borough for the forthcoming municipal year and receive notice of the appointment of the Deputy Mayor;
  - (c) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
  - (d) receive any declarations of interest from members
  - (e) receive any announcements from the Mayor and/or Chief Executive;
  - (f) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
  - (g) appoint the Overview and Scrutiny Board or Sub-Committees and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint their Chairmen and Vice Chairmen; and appoint the following seven Champions:
    - (i) for Diversity
    - (ii) for the Historic Environment
    - (iii) for the Over Fifties
    - (iv) for Standards
    - (v) for the Voluntary Sector Compact
    - (vi) for Younger Persons
    - (vii) for Armed Forces veterans

- (h) To receive an annual statement by the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

1.4 The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (a) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (b) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (c) receive any declarations of interest from members;
- (d) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
  - (i) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
  - (ii) to present to any other Member a certificate of service; and
  - (iii) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (e) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (f) receive any petitions pursuant to rule 14;
- (g) receive and consider the following business, in the order indicated:
  - (i) recommendations from the Cabinet and the Council's committees;
  - (ii) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
  - (iii) proposals from the Cabinet in relation to the Council's budget and policy framework;
  - (iv) reports of the Overview and Scrutiny Board and/or the Member Champions;
  - (v) any statutory or other plans submitted for the Council's approval;

- (vi) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
  - (vii) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (h) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee and the Pensions Committee:
  - (i) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
  - (ii) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (i) at the annual meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (j) consider questions from members submitted in accordance with Rule 10;
- (k) debate any petition exceeding the threshold of 3,500 signatories, and reach a decision on it, in accordance with the procedure set out in Rule 14
- (l) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (m) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

### **3. COUNCIL TAX SETTING MEETING**

At the meeting at which the Council Tax for any year is to be set, the order of business shall be:

- (a) to choose a Member to preside if the Mayor is absent and to receive any other apologies for absence;
- (b) to approve the minutes of the last ordinary meeting of the Council and of any subsequent extraordinary meeting that may have been held;
- (c) to receive any declarations of interest from members;
- (d) to receive any announcements by the Mayor and/or the Leader of the Council;

- (e) to consider proposals from the Cabinet in relation to the Council's budget and any reports of the Overview and Scrutiny Board in respect of those proposals;
- (f) to agree the Council's budget; and
- (g) to set the council tax.

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

#### **4. EXTRAORDINARY MEETINGS**

##### **4.1 Calling extraordinary meetings**

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) pursuant to statute, any five members of the Council if they have signed a requisition presented to the Mayor and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

##### **4.2 Business**

The extraordinary meeting will:

- (a) choose a Member to preside if the Mayor is absent and receive any other apologies for absence; and
- (b) consider the business specified in the summons for the meeting.

#### **4.3 Conferment of Honorary Freedom**

Immediately before the Annual Meeting of the council in any year other than when there is an ordinary election of Councillors, an extraordinary meeting shall be convened for the purpose of considering an nomination for the conferment of the Honorary Freedom of the Borough in accordance with Council Procedure Rule 23.

#### **5. 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.

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by e-mail, electronic means (and the sending of which documents by electronic means on request shall be deemed to be due delivery). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

The Proper Officer shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Proper Officer may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

#### **7. CHAIRMAN OF MEETING**

- (a) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (b) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (c) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (d) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any

debate, keep order, alter the order of business, amalgamate debates and in general organise the business of the meeting.

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will be adjourned immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETINGS AND THE GUILLOTINE**

### **9.1 Conclusion of ordinary and special meetings**

Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm (whichever is earlier) and the Mayor shall declare the meeting closed

If there are motions or recommendations on the agenda that have not been dealt with by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

### **9.2 Conclusion of the Annual Meeting and of the Council Tax Setting meeting**

The Annual Meeting and the Council Tax Setting Meeting shall continue until all business has been dealt with, whereupon the Mayor will declare the meeting closed.

## **10. QUESTIONS BY MEMBERS**

### **10.1 Questions on notice at full Council**

Subject to Rule 10.2, a member of the Council may ask a question on any matter relating to the business of the Council:

- (a) The Leader of the Council
- (b) A member of the Cabinet
- (c) Any Committee Chairman who is a Member of the Council
- (d) A Champion

In the absence of one of the above listed in (a) to (d), the Chairman shall arrange for another Member to respond on their behalf.

## **10.2 Notice of questions**

- (a) Members may only ask questions under Rule 10.1 if either:
  - (i) They have given 11 clear days' notice in writing to the Proper Officer signed by the Member or by the Group Leader on behalf of that Member.
  - (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.
- (b) The Proper Officer shall refer to the Mayor any question that appears improper. If the Mayor agrees that the question is vexatious, scurrilous, frivolous or derogatory, is contrary to any provision of any Code, protocol, guideline or convention of the Council, does not relate to the business of the Council, or is otherwise improper or inappropriate it shall not be asked and the Chief Executive shall inform the questioner accordingly.

## **10.3 Order of questions**

The allocation of the total number of questions set by Rule 10.6 shall be as near as possible in accordance with the relative size of the opposition political groupings and number of members not attached to a group. The Chief Executive shall determine the allocation from time to time and shall notify the Governance Committee of the allocations.

Subject to the following provisions, questions shall be dealt with in order of receipt.

Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- (a) round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- (b) subsequent rounds shall comprise successive questions in such order until a Group or unattached member(s) have used their allocation of questions.
- (c) In the event that a Group does not use its full allocation of questions the remaining allocation shall be available for use by any other Group or unattached Member who has already submitted their agreed allocation of question on a first come, first serve basis.

Where appropriate in the public interest or to facilitate the business of the meeting, the Mayor may give priority to answering one or more questions.



#### **10.4 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer shall be provided later to the questioner and included in the minutes of the meeting.

#### **10.5 Supplementary question**

- (a) A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. . This is never used – but if it is to be taken out we might need to tell them
- (b) There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

#### **10.6 Number of Questions**

A maximum of 15 questions can be submitted for a Council meeting all of which together with any supplementary questions under rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.

#### **10.7 Time allowed for Questions**

The time set aside for questions shall not exceed 45 minutes. Any questions which have not been put in the time available will be responded to in writing, circulated to all Members and included in the minutes of the meeting.

#### **10.8 Absence of questioner**

Where a member has given notice of a question but is absent from the meeting, the Group Leader (or another Member of the Group nominated by the Group Leader) may ask the question on the Member's behalf, otherwise the question shall be dealt with as if it had been put for written answer.

#### **10.9 Alteration of question prior to publication of final agenda**

A member asking a question, or the Leader of the Group on behalf of that member, may at any time prior to the publication of that question in the final agenda for the meeting require the Chief Executive to alter the wording of that

question in order to correct factual or typographical error. No alteration shall affect the sense of any such question, and where the Chief Executive doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on the matter shall not be questioned.

#### **10.10 Withdrawal of question**

A question may be withdrawn at any time by the person who submitted the question or by the Leader of a member's Group (with that member's consent).

#### **10.11 List of Questions**

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (a) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (b) a summary of any supplementary question and answer
- (c) the text of the question and answer of every question dealt with by written reply.

#### **10.12 Questions about reports**

A Member may question the Leader of the Council, a Cabinet Member, a Committee Chairman or a Member Champion, as appropriate, about the content of any report before Council. Questions:

- (a) About reports issued with the final agenda shall be submitted to the Proper Officer no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) About an urgent report may, with the consent of the Mayor, be asked without notice at the time the report is considered by Council.

#### **10.13 Reports to Council and amendments**

Reports of Cabinet, Committees or officers to Council to which an amendment is proposed shall be deemed subject to a motion "that the report be adopted and its recommendations carried into effect", which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman; and be subject to the rules of debate as set out in Rule 13.4.

In these Rules, "motion" includes a deemed motion in respect of a report. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) of the Local Government Act 1972 applies to that motion).

Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (a) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded,

## **11. MOTIONS OF WHICH NOTICE IS GIVEN**

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection

11.2 If a member satisfies the Mayor that:

- (a) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (b) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

The Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

### **11.3 Scope**

- (a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.
- (b) The Monitoring Officer may reject a Motion (or an amendment to a motion) if it:
  - (i) is not about a matter for which the local authority has a responsibility or which affects the borough;
  - (ii) is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive
  - (iii) is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;
  - (iv) requires the disclosure of confidential or exempt information;

- (v) seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints
- (c) Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.
- (b) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

#### **11.4 Motion set out in agenda**

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that, in the order in which the group submitting the motions expresses a preference.

#### **11.5 Amendments to motions**

- (a) Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.
- (b) An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.
- (c) An amendment shall not be debated unless it has been moved and seconded. The mover or seconder of an amendment may not move or second any other amendment on the same motion without the consent of the Mayor.
- (d) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

provided that the effect of (ii) to (iv) is not to negate the motion.
- (e) If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) before accepting any

further amendments, or if there is none, before a vote is taken on the substantive motion.

#### **11.6 Alteration of motion and/or amendment to a motion**

- (a) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity.
- (b) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, must seek the consent of the Council to alter that motion or amendment.
- (c) No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.
- (d) The meeting's consent will be signified without discussion and be determined by vote only.
- (e) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

#### **11.7 Withdrawal of motion or amendment**

A motion or amendment issued with the final agenda may be withdrawn or amended via a procedural motion (12.1(g)) but only once the meeting has commenced and at any time before the agenda item is called. The withdrawal or amendment of a motion will require the consent of Full Council. No member may speak on the motion or amendment after the mover has withdrawn it.

#### **11.8 Amendments to motions and reports at the Council Tax setting meeting**

- (a) An amendment to a motion/report at the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer enable a robust budget to be set.
- (b) Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test, and:

- (f) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.
- (g) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, that officer shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.
- (h) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, that officer shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(3)(b).
- (c) As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Chief Finance Officer.

#### **11.9 Time allowed**

The total time for consideration of any motions or amendments for ordinary meetings shall not exceed 75 minutes. Any motion or amendment on the agenda that is not reached shall be deemed moved and seconded and/or any debate in progress shall be ceased by the Mayor and be moved to the vote without discussion.

### **12. PROCEDURAL MOTIONS**

#### **12.1 Procedural motions**

The following procedural motions may be moved and seconded at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (a) in relation to the accuracy of the minutes
- (b) to change the order of business in the agenda
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (f) to apply to a motion (including a deemed motion relating to a report the vote only procedure (rule 13.6);

- (g) to withdraw a motion or amendment;
- (h) to clarify a motion or amendment;
- (i) to adjourn a debate to a time specified;
- (j) that the meeting continue beyond 10.30 p.m;
- (k) to suspend a particular council procedure rule in accordance with Rule 20
- (l) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (m) not to hear further a member named or to exclude them from the meeting under Rule 18;

## **12.2 Special procedural motions**

A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (a) “That the question be put”, or
- (b) “That the Council proceed to the next business”, or
- (c) “That the Council adjourn”.

If the special procedural motion is seconded, it shall be put to the vote forthwith and, if it is carried, then:

- (i) in case (a): the rights of reply given by Rule 13.6 may be exercised. The motion before the meeting shall then be put to the vote, or
- (ii) in case (b): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- (iii) in case (c): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (c)

## **12.3 PREVIOUS DECISIONS AND MOTIONS**

### **12.3.1 Motion to rescind a previous decision**

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months shall not be moved unless the notice of motion is signed by at least 25 per cent of the members.

- (b) A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

### **12.3.2 Motion similar to one previously rejected**

- (a) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months shall not be moved unless the notice of motion or amendment is signed by at least 25 percent of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (b) This rule shall not apply to motions moved in respect of a report or recommendation of a committee but shall apply to amendments to such a recommendation.

## **13 RULES OF DEBATE**

### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal until the motion has been seconded.

### **13.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed and may require it to be made available to all members. The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

### **13.3 Length of speeches**

No speech may exceed the following time limits without consent of the Mayor.

- (a) five minutes for a mover of a motion or an amendment
- (b) three minutes for other speeches in any debate

Except that, at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

At the close of each debate upon a motion or report, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (a) The Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition), or, if the mover is not a member of a Group, that Member.



(b) Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

(c) The Leader of the Council

In each case the appropriate Leader may nominate another member of their Group to reply on their behalf.

#### **13.4 Vote only procedure**

Where this procedure is invoked, the Mayor shall put the matter to a vote without debate. The motion and any amendment shall be deemed to have been moved and seconded, and shall be voted upon as if there are been a full debate of the matter.

#### **13.5 Seconding a motion or amendment**

No motion or amendment shall be debated or voted upon unless it has been seconded by a Member other than its proposer. A Member seconding a motion or amendment shall do so formally, without making a speech.

#### **13.6 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply;
- (b) on a point of order;
- (c) by way of personal explanation;
- (d) by way of clarification; or
- (e) on a point of information.

#### **13.7 Point of order (breach of council rules)**

A member may raise a point of order at any time. The Mayor will hear this immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

#### **13.8 Personal explanation (when a member is referred to)**

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of

the speech. A personal explanation may only relate to the statement made by the other member in their speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

### **13.9 Clarification (of a member's own statement)**

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

### **13.10 Point of Information (a question to seek clarification on a factual statement by others)**

A member may seek to make a point of information at any time but may not pursue it if the member speaking declines to give way. It shall be a simple question to clarify factual statements made during the course of a speech. It may not be a long or rhetorical question or become a cross-examination of the speaker. The ruling of the Mayor on the admissibility of, and the time allowed for, any point of information will be final.

## **14. PETITIONS**

Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

## **15. VOTING**

### **15.1 Majority**

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

### **15.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **15.3 Recording of Votes**

All votes shall be recorded.

### **15.4 Voting on appointments**

If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Mayor shall exercise a casting vote.

## **16. MINUTES**

### **16.1 Signing the minutes**

- (a) The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.
- (b) Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended.

### **16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

### **16.3 Form of minutes**

- (a) Subject to (b) following, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.
- (b) For the purpose of ensuring the accuracy of minutes, the Proper Officer is authorised to adjust the text of the substantive motion as finally carried to reflect the sense of the meeting where, in consequence of more than one amendment being carried, the meaning is not otherwise clear.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the provisions of section 100B of the Local Government Act 1972 or Rule 19 (Disturbance by Public).

## **18. MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a member speaks at full Council they must stand (unless prevented from doing so by illness or disability) and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, clarification, a point of personal explanation or information.

### **18.2 Defamatory and unparliamentarily language**

- (a) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (b) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 18.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

### **18.3 Member not to be heard further**

- (a) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (b) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

### **18.4 Member to leave the meeting**

If the member continues to behave improperly after a motion under Rule 18.3 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

## **19. DISTURBANCE BY THE PUBLIC**

### **19.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### **19.2 Clearance of part of meeting room**

If there is a disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

### **19.3 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may issue a warning and if the disturbance continues adjourn the meeting for as long as he thinks necessary. Such action shall be at the Mayor's discretion and may be taken without putting the matter to the vote.

Rules 19.1 to 19.3 shall not be suspended.

## **20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **20.1 Suspension**

- (a) Except as noted in 20.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.
- (b) The following Rules may not be suspended:
  - 15.1 – question to determined by majority vote
  - 16.1 - signing of minutes - procedure
  - 16.2 – minutes to be signed only at ordinary meetings
  - 18 - Members' conduct
  - 19 - Disturbance by the public

### **20.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the Governance Committee.

## **21. AUDIO-VISUAL AIDS**

A member, or person invited to address the Council may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

The Mayor may, however, direct that, in the circumstances of a particular meeting, such aids may not be used.

## **22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS**

### **22.1 Webcasting**

A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

### **22.2 Audio/ Visual Recording of Meetings**

Anyone is welcome to record meetings of Council and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording at the meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this all rights to record the meeting are removed.

## **23. CONFERMENT OF AWARDS FOR EMINENT SERVICE**

23.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at an extraordinary meeting held immediately before the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

23.2 In a year in which there is an ordinary election of Councillors, Council shall consider at first ordinary meeting following the Annual Meeting

- (i) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (ii) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
- (iii) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

- 23.3 Notwithstanding rules 23.1 and 23.2 above, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.
- 23.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the “eminent service”, or the reason for “distinction” for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

## **24. INTERPRETATION**

For the purposes of the Council Procedure Rules:

- (a) the term “clear days” means a normal working day, excluding:
  - (i) the day on which a document is first made available
  - (ii) the day of the meeting
  - (iii) Saturday and Sunday
  - (iv) Public or bank holidays
  - (v) Other days when the Council’s offices are closed
- (b) “Proper Officer” shall include, if the Chief Executive is absent or unable to act, reference to any SLT Director or the Monitoring Officer who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) “Group” means any Group of members constituted under the statutory rules for political balance
- (d) “Group Leader” means the member notified to the Proper Officer as leader of a Group
- (e) “Deputy Group Leader” means “the other authorised representative” of the group
- (f) “Group Secretary” means the member notified to the Proper Officer as holding that office within the Group
- (g) “Leader of the Council” means the Member elected to hold that office
- (h) “Leader of the Opposition” means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
  - (i) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is

from an address recognisably that of the person giving notice or known to be associated with him or her.

- (ii) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Head of Democratic Services or a member of their staff.
- (iii) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Head of Democratic Services or a member of their staff on behalf of the Mayor.
- (iv) any document handed to the Proper Officer, Chief Executive, Head of Democratic Services or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
- (v) where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature.



## APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

### 1 Annual Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting	Tuesday: two weeks before <b>10</b>
3	Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough	Tuesday: two weeks before <b>10</b>
4	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
5	Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda	Monday: one week before <b>6</b>
6	Publication of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before <b>5</b>
7	Last date for receipt of notice of amendment to any report published with the Final Agenda	Monday: same week <b>1</b>

## 2 Ordinary Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	Last date for receipt of questions	Monday: two week before <b>11</b>
3	Last date for receipt of notices of motion	Tuesday: two weeks before <b>10</b>
4	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before <b>10</b>
5	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before <b>6</b>
7	Last date for receipt of notice of intention to present a petition	Monday: one week before <b>6</b>
8	Issue of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before <b>5</b>
9	Last date for receipt of notice of amendments to reports issued with the Final Agenda	Monday: same week <b>1</b>

### 3 Council Tax Setting Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	<i>Cabinet meeting at which budget recommendations will be determined</i>	<i>Wednesday: two weeks before <b>9</b></i>
3	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
4	Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published)	Tuesday: one week before <b>5</b>
5	Last date for receipt of any amendment to the Council Budget	Monday: one week before <b>6</b>



## London Borough of Havering

### Pay Policy Statement 2019/20

#### Appendix 2

#### **1. Introduction**

2. This pay policy statement is produced in accordance with Chapter 8 of the Localism Act 2011 which requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force.
3. This pay policy statement was approved by a meeting of full Council on 20 March 2019. The policy is made available on the Council's website.
4. Under the Localism Act 2011, the Council's pay policy statement must set out:
  1. the remuneration of its chief officers
  2. the remuneration of its lowest-paid employees
  3. the relationship between:
    - i. the remuneration of its chief officers and
    - ii. the remuneration of its employees who are not chief officers
5. Under the Localism Act 2011, Chief Officers in Havering are defined as those remunerated on the following grades:
  1. G18 (eg Chief Executive)
  2. G16/G17 (eg Director/Chief Operating Officer)
  3. G15/G14/G13 (eg Director/Assistant Director/Deputy Director)
6. This pay policy statement excludes staff in schools.
7. The Council's next pay policy statement will be for the year 2020/21 and will be submitted to a meeting of full Council for approval by 31 March 2020.

#### **8. Remuneration of Chief Officers**

#### **9. Chief Executive**

10. The Chief Executive role is the Council's Head of Paid Service.
11. The Chief Executive role is paid on the G18 grade comprising the following spinal points and annual Full Time Equivalent salary (effective 1 April 2019).

#### G18

1. £173,976
  2. £175,590
  3. £177,204
  4. £178,815
  5. £180,432
- 
12. The values of the spinal points are increased in accordance with the Joint Negotiating Committee for Chief Executives of Local Authorities with effect from 1 April each year.
  13. Progression through the spinal points is subject to annual performance based progression.
  14. The Chief Executive role is entitled to receive a separate Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
  15. The Chief Executive role receives no other bonuses, overtime or any other additional salary payments.
  16. Director/Chief Operating Officer
  17. Director/Chief Operating Officer roles are paid on one of the following two grades comprising the following spinal points and annual Full Time Equivalent salary (effective 1 April 2019):

#### G17

1. £137,976
2. £142,224
3. £146,466
4. £150,714
5. £154,956

#### G16

1. £116,754
  2. £120,993
  3. £125,241
  4. £129,486
  5. £133,731
- 
18. The values of the spinal points are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year.

19. Progression through the spinal points is subject to annual performance based progression.
20. The Council's statutory chief officer roles currently undertaken by Director/Chief Operating Officer roles are detailed below :
  - Section 151 Officer – Chief Operating Officer (no additional payment)
  - Children's Services – Director of Children's Services (no additional payment)
  - Adults Social Services – Director Adult Social Care & Health (no additional payment)
21. Director/Chief Operating Officer roles may be entitled, if appointed for an election, to receive a fee for any Deputy Returning Officer role undertaken. The approach to the setting of these fees is set out in Appendix 1.
22. Director/Chief Operating Officer roles receive no other bonuses, overtime or any other additional salary payments.
23. Director/Assistant Director/Deputy Director
24. Director/Assistant Director/Deputy Director roles are paid on one of the three following grade comprising the following spinal points and annual Full Time Equivalent salaries (effective 1 April 2019):

G15

1. £100,833
2. £102,951
3. £105,075
4. £107,199
5. £109,320

G14

1. £90,219
2. £92,337
3. £94,464
4. £96,585
5. £98,709

G13

1. £79,605
2. £81,729
3. £83,850
4. £85,239
5. £88,095

25. The values of the spinal points are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year.
26. Progression through the spinal points of the grade is subject to annual performance based progression.
27. The following roles attract a Market Supplement of £7,664 per annum:
- Director of Exchequer & Transactional Services
  - Director of Human Resources & Organisational Development
  - Director of Asset Management
28. The Deputy Director of Legal Services is the Council's Statutory Monitoring Officer. This post attracts an allowance of £10,000 per annum.
29. Director/Assistant Director/Deputy Director roles may be entitled, if appointed for an election, to receive a fee for any Deputy Returning Officer role undertaken. The approach to the setting of these fees is set out in Appendix 1.
30. Director/Assistant Director/Deputy Director roles receive no other bonuses, overtime or any other additional salary payments.
31. **Other Remuneration for Chief Officers**
32. On appointment, Chief Officers will be placed on the appropriate spinal point within the appropriate grade and paid any other allowance/payment as set out in this pay policy statement, having regard to the knowledge, skills and competencies of the individual as well as their current and previous salary levels.
33. Where it is proposed, on appointment, to place a Chief Officer on a spinal point/grade or pay an allowance/payment outside of those set out in this pay policy statement, full Council will be given the opportunity to vote on the application of any salary package that exceeds £100,000pa.
34. The Council does not operate a performance related pay scheme or other bonus schemes for Chief Officers.
35. Chief Officers are not entitled to payment for any other charges, fees or allowances.



36. Chief Officers are not entitled to any benefits in kind as a result of their office or employment.
37. **Other Remuneration for Chief Officers and the Council's Other Employees**
38. The Council's policies regarding how the Council exercises the various employer discretions provided by the Local Government Pension Scheme (LGPS) are set out at Appendix 2. These discretions are applied equally to all employees. In general the Authority will not grant any increase or enhancement of pension entitlement as a result of its discretions policy, although each case will be determined on a case by case basis. As a result of the introduction of the new LGPS 2014 scheme all employer and Administering Authority discretions have now been reviewed and noted by Pension Committee.
39. The Council's policies regarding how the Council exercises the various employer discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are set out at Appendix 3.
40. On ceasing to be employed by the Council, all employees will only receive compensation:
- in circumstances that are relevant (e.g. redundancy) and
  - that complies with the specific terms of any compromise agreement
41. Any severance package in excess of £100,000 (excluding annual pension/pension lump sum payments) will be subject of a vote by full Council.
42. All directly employed staff, whether permanent or fixed term, will be paid via the Council's payroll system and subject to deduction of tax and national insurance in accordance with PAYE regulations.
43. **Remuneration of the Council's Other Employees and the Council's Lowest Paid Employees**
44. The Council uses the following pay and grading structures to pay its other employees:
- NJC for Local Government Employees (GLPC Outer London Pay Spine)
  - Soulbury Committee
  - JNC for Youth & Community Workers
  - School Teachers Pay & Conditions

45. The grades, incremental points and annual Full Time Equivalent salaries associated with these pay and grading structures are detailed at Appendix 4. The values of the spinal points are increased in accordance with the respective negotiating body with effect from a variety of dates each year.
46. The remuneration of the Council's other employees also includes the payments/allowances detailed at Appendix 5.
47. For the purpose of this pay policy statement the Council's lowest paid employees are defined as those paid at G1/2, spinal column point 1 of the NJC for Local Government Employees (GLPC Outer London Pay Spine), for which the annual Full Time Equivalent salary is £20,103.
48. For the purposes of this pay policy statement the Council's median paid employee is paid at G5, spinal column point 23 of the NJC for Local Government Employees (GLPC Outer London Pay Spine), for which the annual Full Time Equivalent salary is £29,766.
49. **Relationship between the remuneration of the Council's top earner, its lowest paid employees and other employees**
50. Although the Council does not have a policy regarding the ratio between the remuneration of its top earner, its lowest paid employees and other employees, the current ratios are detailed below.

Top Earner : Lowest Paid Employee	1:9
Top Earner : Median Paid Employee	1:6

### **Approach to the Setting of Returning Officer/Deputy Returning Officer Fees**

#### Local Elections

Returning Officer fees are paid in accordance with the scale of fees agreed by the Leaders Committee of London Councils. The fees are funded by the Council which provides a budget every fourth year for running local elections. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

#### Greater London Authority Elections

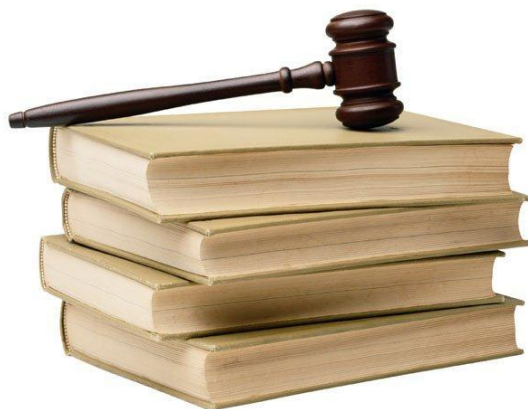
Returning Officer fees are set by the Greater London Returning Officer. The fees are funded by the Greater London Authority. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance (and/or by allocation of some of the Returning Officer fee) and vary in accordance with duties and responsibilities undertaken.

#### European Parliamentary and Parliamentary Elections and National Referenda

Returning Officer fees are set by the Central Government usually through the publication of a Statutory Instrument. The fees are funded by Central Government. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance (and/or by allocation of some of the Returning Officer fee) and vary in accordance with duties and responsibilities undertaken.



**London Borough of Havering**  
**Employing Authority Discretions and Administration**  
**Authority Discretions**  
**Statement of Policy**



**1) Determination of contribution rate and how it will be determined (9(1) and 9(3))**

- The employee contribution band will be reviewed each April.
- Contributions are payable on all pay received such as non-contractual overtime or additional hours. Reductions in pay due to sickness, child related leave etc. are ignored. The salary used to determine the band will be assessed by taking into account basic salary each April plus any additional hours or overtime that were paid for in the previous financial year.

**2) Funding of additional pension contributions (16(2)(e) and 16(4)(d)) (LGPS 2013)**

**Where APCs are to be paid by regular contributions, whether to fund in whole or in part a members additional pension contribution. The maximum additional pension which can be purchased from 1 April 2014 is £6,500. (16(2)(e))**

**Where APCs are to be paid by a lump sum contribution, whether to fund in whole or in part members additional pension contribution. The maximum additional pension which can be purchased from 1 April 2014 is £6,500. (16(4)(d))**

The Council will generally not contribute by either regular contributions or lump sum contribution towards a members additional pension contributions but may determine on a case by case basis if there has been any operational benefit gained by the employer and if so whether the APC should be wholly or partly funded. Strike action will not be funded.

**3) Flexible retirement (30(6)) (LGPS 2013)**

**Whether to allow an active member, who has attained the age of 55 or over, who reduces their working hours or grade, to receive immediate payment of all or part of their retirement pension to which the member is entitled to in respect of that employment, subject to an actuarial reduction.**

The Council has decided to allow flexible retirement in cases where there is normally no or minimal cost to the Council on a case by case basis, ensuring the detailed merits of each individual case is taken into account. Employees can choose to draw all of their pension benefits or defer payment of all or part of their fund which has accrued since 1 April 2008. The following criteria will apply: there must be at least a 25% reduction in pay or hours; the member may not move to another promotion post with the Council and/or increase their hours following flexible retirement; will not be granted a 2<sup>nd</sup> or subsequent flexible retirement.

Flexible retirement will normally result in an actuarial reduction of pension benefits. In exceptional circumstances the Council may consider waiving the actuarial reduction where it is in the Council's interest to do so.

#### **4) Waiving actuarial reduction (30(8)) (LGPS 2013)**

**Whether to waive, in whole or in part, any reduction to a members pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension.**

There will normally be a reduction to the pension where employees retire before their normal pension age with insufficient service to qualify for a full pension, except in compassionate grounds. Compassionate is normally defined as:

- The applicant had to leave employment to care for a dependent who is suffering from long term illness/incapacity. For this purpose dependent normally includes a partner, child or parent; and
- That the dependant's need is for constant supervision for both day and night and that this is supported by confirmation from the Benefits Agency that an Attendance Allowance at the higher rate is payable; and
- That the dependant has no recourse to alternative means of support from his/her immediate family nor the financial resources to provide independent care support (for this purpose a certified statement of income and expenditure will be required); and
- That the applicant is suffering or facing severe financial hardship, that the applicant has no other significant source of income and that their personal financial circumstances are unlikely to improve. For this purpose the applicant will be required to submit a certified statement of income and expenditure covering both the applicant and any partner living with them; and
- That the applicant's opportunities for employment are severely limited by the nature of the care duties they are undertaking.

Flexible retirement will normally result in an actuarial reduction of pension benefits. In exceptional circumstances the Council may consider waiving the actuarial reduction where it is in the Council's interest to do so.

**5) Award of additional pension (31) (LGPS 2013)**

**Whether to award additional pension up to a maximum of £6,500 to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the member's employment ended.**

The Council will not generally apply this discretion but in extreme cases consider on a case by case basis.

**6) Applying the rule of 85 (Transitional 2014)**

**'Switch on' the 85 year rule protection, allowing a member to receive fully or partly unreduced benefits subject to the Scheme employer paying a strain cost to the Pension Fund (Schedule 2 paragraph 1 (1) (c) ( Application of the 85 year rule between age 55 & 60) and that is correct).**

The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However in exceptional circumstances, to be considered on individual merits on a case by case basis, where this is of benefit to the Council then the Council may exercise discretion to pay the cost waiving actuarial reductions.

**7) Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60. NB: The rule of 85 currently applies for members for member who qualify for the rule and it cannot be turned off.**

Elections made under this Regulation by members aged less than 60 are ineffective without employer consent of the employing authority or former employing authority. No employees will be permitted to receive early payment of benefits prior to age 60 except in compassionate cases. Applications may be granted on a case by case basis in circumstances where it may be considered to be to the Council's operational or financial advantage.

**8) Regulation 30 (5) (Waiving of actuarial reduction)**

**Whether to waive, on compassionate grounds, any actuarial reduction applying to a member's deferred benefits that are paid early.**

Elections made under this Regulation by members aged less than 60 are ineffective without employer consent of the employing authority or former employing authority. No employees will be permitted to receive early payment of benefits prior to age 60 except in compassionate cases. Applications may be granted on a case by case basis in circumstances where it may be considered to be to the Council's operational or financial advantage.

## Local Government Pension Scheme Regulations 2013

		Discretion application
9(1)	Determination of contribution rate and how it will be determined.	<p>For new employees - Where possible a reasonable assessment is made and the contribution rate relevant to that annual rate is applied.</p> <p>The contribution policy is:</p> <p>The employee contribution band will be reviewed <b>each April</b>.</p> <p>Contributions are payable on all pay received such as non-contractual overtime or additional hours. Reductions in pay due to sickness, child related leave etc. are ignored. The salary used to determine your band will be assessed by taking into account basic salary each April plus any additional hours or overtime that were paid for in the previous financial year.</p> <p>A review of the initial policy is periodically undertaken to ensure a reasonable contribution collection.</p>



9(3)	To determine a revised employee contribution rate where there is a change in employment or a material change affecting the member's pensionable pay in the course of a year.	<p>Contributions are payable on all pay received such as non-contractual overtime or additional hours. Reductions in pay due to sickness, child related leave etc. are ignored. The salary used to determine your band will be assessed by taking into account basic salary each April plus any additional hours or overtime that were paid for in the previous financial year.</p> <p>We will review the banding in the event of a material change where a member requests such a review.</p>
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16(2)(e) and 16(4)(d)	Whether and how much and in what circumstances to contribute to a shared cost APC/SCAPC	Generally this discretion will not be exercised but delegated authority is given to the Pensions Panel to determine on a case by case basis if there has been any operational benefit gained by the employer and if so whether the APC should be wholly or partly funded. As a general rule the Council will not contribute to a shared cost APC/SCAPC where the absence is due to an unauthorised absence such as strike action.
17(1)	Establishment of a Shared Cost AVC (SCAVC) facility	The decision taken by the Investment Committee in 2001 is still relevant, therefore for the time being the Council does not set up a shared cost AVC facility.

19(2)	Right to a refund if member left due to offence of fraudulent character or grave misconduct	In the first instance withhold the return of contributions in all cases but each situation is considered on a case by case basis with delegated powers being given to the Pensions Panel
20(1)	Specify in an employee's contract benefits to be determined as pensionable	Where the Council wishes to specify in a contract of employment that other payments or benefits may also be pensionable it is determined by the Pension Panel on a case by case basis with the appropriate business case being presented
21(5)	Determine "regular lump sum" for Assumed Pensionable Pay	Where necessary the Transactional Manager (HR, Pensions and Payroll) is given delegated authority to make a determination on a case by case basis
22(7)(b)	Extension of time limit for deferred benefits to not be aggregated (concurrent employments)	Where a decision is required delegated authority is given to the Team Leader (Pensions Administration) to take account on a case by case basis of the relevant circumstances whether or not the 12 month time limit is to be extended and that the decision is communicated in writing to the scheme member within one month of the decision being made.
22(8)(b)	Extension of time limit for deferred benefits to not be aggregated	Where a decision is required delegated authority is given to the Team Leader (Pensions Administration) to take account on a case by case basis of the relevant circumstances whether or not the 12 month time limit is to be extended and that the decision is communicated in writing to the scheme member within one month of the decision being made.
30(6), and 11(2) of the Transitional Provisions Regulations –	Flexible retirement and waiving any actuarial reduction that would apply	<p>A business case is prepared for each request, ensuring that this includes the Fund cost and any costs of additional salaries for a new part-time post to fill the reduced capacity, as well as quantifying the benefits of agreeing to the flexible retirement.</p> <p>Any actuarial reduction will not be waived.</p>

30(8)	<p>To waive in whole or in part an actuarial reduction due for a member:</p> <ul style="list-style-type: none"> <li>• Who is allowed to take flexible retirement and is not protected by the 85 year rule</li> <li>• Who having reached age 55 but not yet their normal retirement age and who is no longer working in the employment in relation to their accrued benefits elects to receive early payment of their benefits*</li> </ul>	<p>A business case is prepared for each request, ensuring that this includes the Fund cost and any costs of additional salaries for a new part-time post to fill the reduced capacity, as well as quantifying the benefits of agreeing to the flexible retirement.</p> <p>Any actuarial reduction will not be waived.</p>
31	Power of employing authority to grant additional pension to an active member	The Council does not generally apply this discretion to award additional pension but may in extreme cases consider on a case by case basis where the full cost benefit is presented in a business case and agreed by the Pension Panel.
37(3)	Recovery of payments following date of discontinuance of third tier ill health pension entitlement	Where pension payments have continued to be paid after the date of discontinuance they should be recovered in all cases with the individual being notified of the repayment procedure and timescales.
37(7)	Subsequent determination on level of ill health benefit following review of third tier ill health award as to whether tier two ill health benefits should apply.	Where in the opinion of the medical adviser and any other relevant information available in each individual case, if the member at the time of the review of their tier 3 ill health entitlement, satisfies the requirements of a tier 2 ill health pension the Council agrees and determines to put the increased ill health pension into payment. Where the member does not satisfy the requirements of a tier 2 ill health pension all the facts of the case are presented to the Pension Panel for a final determination.

38(6)	Decision whether a deferred and deferred pensioner member meets criteria for early payment due to permanent ill health	Where the Council is required to make a determination as to agreeing to the early payment of a deferred pension on the grounds of permanent ill health once the opinion has been received from the IRMP, all the facts of the case are presented to the Pension Panel for a final determination.
91 to 93	Forfeiture of pension rights as a result of offences or misconduct	The Council will seek recovery of any loss it has suffered and any such cases are referred to the Pension Panel to be considered
95	Impact of forfeiture decision on surviving spouse or civil partner	The Council will seek recovery of any loss it has suffered and any such cases are referred to the Pension Panel to be considered.
98(1)(b)	Agreement to a bulk transfer	Each opportunity is determined on a case by case basis with delegated authority given to the Transactional Manager (Exchequer and Transactional) in consultation with the Fund actuary.
100(6)	Extension of time limit to accept a transfer value	Where discretion needs to be exercised it is determined on a case by case basis with delegated authority given to the Team Leader (Pensions Administration).

## Government Pension Scheme (Transitional Provisions and Savings and Amendment) Regulations 2014

Regulation	Description	Discretion application
3(6), 4(6)(c), 8(4), 10(2)(a), 17(2) and 17(2)(b)	Agreement to member selecting final pay period for fees	Where a scheme member's final pay consists of fees then the use of a period of three years ending on 31st March in last ten will be permitted so as to have a fairer fee figure used in the calculation of benefits.
12(6)	Use of an ill health certificate produced under the 2008 scheme	Delegated authority is given to the Team Leader (Pensions Administration) to agree the use of a certificate produced under the 2008 scheme on a case by case basis.
	Continuing contribution in to a Shared Cost AVC (SCAVC) facility	The Council did not agree to the setting up of a Shared Cost AVC (SCAVC) facility so therefore this discretion does not apply.
15(1)(d)	Allow late application to convert scheme AVCs into membership credit	Where an election is received late then delegated authority is given to the Team Leader (Pensions Administration) to determine on a case by case basis.
Schedule 2 paragraph 1(1)(c)	<p>To allow the rule of 85 to apply for members (who otherwise qualify for the rule) electing to take early payment of their pension on or after age 55 and before age 60 under regulation 30(5) of the Local Regulations 2013.</p> <p>i.e. Use of the discretion waives the actuarial reduction that would otherwise arise. NB: This applies only to members who were members of the LGPS after 1 April 2014.</p>	<ul style="list-style-type: none"> <li>If the member satisfies the 85 year rule, that part of the member's benefits accrued under the Earlier Scheme(s) which is calculated by reference to any period of membership before the 1 April 2014 is reduced by reference to the period between the date of the request and age 60.</li> </ul>

		<ul style="list-style-type: none"> <li>If the member does not satisfy the 85 year rule, that part of the member's benefits accrued under the Earlier Scheme(s) which is calculated by reference to any period of membership before the 1 April 2014 is reduced by reference to the period between the date of the request and the date the member would satisfy the 85 year rule, or age 60 if later.</li> </ul> <p>Each case be dealt with on a case by case basis and although generally the 85 year rule will be applied as above, where there may be a circumstance for a different application agreement is sought from the Pension Panel.</p>
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## Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

Regulation	Description	Discretion Application
11(2)	Final pay period to be used where a member's pay consists of fees	Where a scheme member's final pay consists of fees then the use of a period of three years ending on 31st March in last ten will be permitted so as to have a fairer fee figure used in the calculation of benefits.
12	Increase total membership for an active member (This will be spent after 30 September 2014)	For the remaining period for which this discretion will apply that the Council will not agree to the award of increased membership.
30(2)	Consenting to the immediate payment of benefits between age 55 and 60	No applications are permitted to receive early payment of their unreduced benefits prior to age 60 except in compassionate cases. Applications may be granted on a

		case by case basis in circumstances where it may be considered to be to the Council's operational or financial advantage subject to a business case to the Pension Panel.
30(5)	Waiving an actuarial reduction to pension benefits on compassionate grounds	<p>The waiving of an actuarial reduction on compassionate grounds will be considered on a case by case basis with the following criteria taken into consideration–</p> <p>Leave employment to care for dependent</p> <p>Dependents need for constant supervision</p> <p>No recourse to alternative care</p> <p>Suffering severe hardship</p> <p>Opportunity for employment severely limited</p> <p>If all the above criteria are met the Pension Panel will consider such cases, and that any costs that are incurred are paid by the relevant service/department. Any actuarial reduction that may apply will not be waived.</p>
30A(3)	Consenting to application of payment for a suspended tier 3 ill health pension	<p>Generally applications will not be agreed but may be granted on a case by case basis with all circumstances being taken account and to be determined by the Pension Panel.</p> <p>Where the Council is required to make a determination as to agreeing to the early payment of a deferred pension on the grounds of permanent ill health that once the opinion has been received from the IRMP, all the facts of the case will be presented to the Pension Panel for a final determination.</p>
30A(5)	To waive actuarial on compassionate grounds	The Pension Panel will determine each application on a case by case basis and that it will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their

		control.
Regulation 31(4) and 31(7)-	Determine payment of deferred pension on health grounds. Decision whether a deferred or deferred pensioner member meets criteria for early payment due to permanent ill health	Where the Council is required to make a determination as to agreeing to the early payment of a deferred pension on the grounds of permanent ill health once the opinion has been received from the IRMP all the facts of the case are presented to the Pension Panel for a final determination.

## Discretions in relation to the Local Government Pension Scheme (Administration) Regulations 2008

		Discretion application
Regulation 47(2)	Payment of a refund of contributions in misconduct cases	In the first instance the return of contributions will be withheld in all cases but each situation is considered on a case by case basis with delegated powers being given to the Pension Panel.
Regulation 72	Forfeiture of pension rights as a result of offences or misconduct	The Council seeks recovery of any loss it has suffered and any such cases are referred to the Pension Panel.



## Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

There are a number of regulations within the former 1997 Pension Regulations that apply to councillors who elect to join the LGPS. Where discretions are applicable in relation to active councillor members they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
22(1)(b)	Allow post 31 March 1998 / pre 1 April 2008 member to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving	Delegated powers have been given to the Pension Panel
23 (4)	Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay reduction / restrictions occurring pre 1 April 2008)	Delegated powers have been given to the Pension Panel
31(2)*	Whether to grant applications for the early payment of pension benefits on or after age 55 and before age 60. NB: The rule of 85 currently applies for members who qualify for the rule and it cannot be turned off.	No employees are permitted to receive early payment of benefits prior to age 60 except in compassionate cases, where the payment of such benefits would arise on a voluntary basis.  Applications may be granted on a case by case
31(5)*	Whether to waive, on compassionate grounds, any actuarial reduction applying to a member's benefits that are paid before age 65.	Will be considered on a case by case basis.

31 (7A)	Whether to allow an employee who opted out to receive their benefits from their normal retirement date.	This to be allowed
34(1)(b)	Where a scheme member would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of scheme membership, the employer can choose which benefits is to be paid if the member does not make a choice within 3 months of becoming entitled to elect.	Delegated powers have been given to the Pension Panel
71(7)(a)	Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy (pre 1 April 2008 non-councillor leavers)	No SCAVC payments are permitted.
88(2)	No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1 April 2008 leavers)	Delegated powers have been given to the Pension Panel
92	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor or pre 1 April 2008 leaver)	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions will be recovered from the Pension Fund
111(2) & (5)	Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1 April 2008 leavers)	Delegated powers have been given to the Pension Panel
112(1)	Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (pre 1 April 2008 leavers)	Delegated powers have been given to the Pension Panel

113(2)	Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights ) (pre 1 April 2008 leavers)	Delegated powers have been given to the Pension Panel
115(2) & (3)	Recovery from Fund of financial loss caused by employee, or amount of refund if less (pre 1 April 2008 leavers)	Delegated powers have been given to the Pension Panel

## Discretions in relation to the Local Government Pension Scheme Regulations 1995 (the "1995 Pension Regulations")

There are some regulations within the former 1995 Pension Regulations that still apply scheme members who ceased active membership before 1 April 1998. Where discretions are also applicable in relation to active members in the LGPS2014 Regulations they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
D11(2)(c)	Grant application from a pre 1 April 1998 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds	Delegated powers have been given to the Pension Panel
D10	Decide in the absence from a pre 1 April 1998 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	Delegated powers have been given to the Pension Panel

## SCHEME EMPLOYER CONFIRMATION

The Pension Committee (24 June 2014) delegated to the Group Director of Resources, the Director of Human Resources and Organisational Development, and the Council's Monitoring Officer, acting jointly, the setting of the discretion decisions and Policy Statement.

It is understood that the discretions contained within this statement of policy are applicable to all eligible members of the Scheme. The Scheme rules allow for a revised statement to be issued at least one month in advance of the date that any new policy takes effect. The revised statement must be sent to the administering authority and the employer must publish its statement as revised in a place that is accessible to all of its eligible scheme members.

The policies made above:

- Have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- Will not be used for any ulterior motive;
- Will be exercised reasonably;
- Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- Will be duly recorded when applied.

Agreed on behalf of the Scheme Employer by the Group Director of Resources, the Director of Human Resources and Organisational Development, and the Council's Monitoring Officer, acting jointly.

Scheme Employer's Name: The London Borough of Havering

Date: 29 July



**The Local Government (Early Termination Of Employment)  
(Discretionary Compensation) (England And Wales)**

**Regulations 2006**

**Statement of Policy**

**(as amended)**

**(Published March 2010, effective from 1st April 2010)**

*The Council has made decisions under the above Regulations, which have resulted in the following policies being adopted. (Please note the above Regulations only apply to employees of the Council who are eligible to be members of the Local Government Pension Scheme (LGPS) and who have been employed for 2 years or more – **they do not apply to teachers**). All awards are subject to the Pension Scheme Regulations.*

**Increase of Statutory Redundancy Payments**

All redundancy payments will be based on an employee's actual weekly rate of pay.

**Compensation for Redundancy: General**

Employees whose employment is terminated by reason of redundancy will be paid according to the statutory redundancy table based on actual pay. Those who receive immediate pension benefits will have their redundancy payment capped at a maximum of £30,000.

**Added Pension Years Award for those aged 55 and over**

Employees aged 55 or over who are members of the LGPS and whose employment is terminated by reason of redundancy or in the interests of the efficient exercise of the authority's functions will be eligible for immediate payment of pension benefits. The Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 do not provide for the award of compensatory added years.

# **Grades, Incremental Points and Annual Full Time Equivalent Salaries for the Council's Other Employees**

## **1. NJC for Local Government Employees (with effect from 1/4/19 to 31/3/20)**

Administrative, Professional, Technical, Clerical Staff & Principal Officers & Social Workers

GLPC Outer London Pay Spine (Havering Council)

Spinal Point	Grade 1/2	Spinal Point	Grade 3	Spinal Point	Grade 4	Spinal Point	Grade 5	Spinal Point	Grade 6
1	£20,103	5	£21,591	10	£23,607	18	£27,228	25	£30,711
2	£20,466	6	£21,981	12	£24,462	19	£27,717	26	£31,548
3	£20,835	7	£22,377	13	£24,903	20	£28,215	27	£32,430
4	£21,210	8	£22,779	14	£25,353	23	£29,766	28	£33,291
5	£21,591	9	£23,187	15	£25,809	24	£30,213	29	£33,948

Spinal Point	Grade 7	Spinal Point	Grade 8	Spinal Point	Grade 9	Spinal Point	Grade 10	Spinal Point	Grade 11	Spinal Point	Grade 12
30	£34,794	35	£39,774	40	£44,607	45	£49,464	51	£55,638	60	£65,367
31	£35,724	36	£40,728	41	£45,585	46	£50,448	52	£56,682	61	£66,732
32	£36,711	37	£41,706	42	£46,560	47	£51,450	53	£57,735	62	£68,127
33	£37,842	38	£42,684	43	£47,511	48	£52,482	55	£59,823	64	£71,016
34	£38,799	39	£43,590	44	£48,492	49	£53,544	57	£61,929	66	£73,670

**\*\*Please Note\*\***

The Spinal Points below are not in use:

**SP 11 / 16 / 17 / 21 / 22 / 50 / 54 / 56 / 58 / 59 / 63 / 65**

## **2. Soulbury Committee (with effect from 1/9/18 to 31/8/20)**

### **2.1 Educational Improvement Professionals**

<b>Spine Point</b>	<b>01.09.18</b>	<b>01.09.19</b>
1	£34749	£35444
2	£35993	£36713
3	£37168	£37912
4	£38359	£39127
5	£39543	£40334
6	£40727	£41542
7	£41971	£42811
8	£43168*	£44032*
9	£44563	£45455
10	£45807	£46724
11	£47035	£47976
12	£48223	£49188
13	£49569**	£50561**
14	£50769	£51785
15	£52095	£53137
16	£53293	£54359
17	£54495	£55585
18	£55674	£56788
19	£56891	£58029
20	£57519***	£58670***
21	£58727	£59902
22	£59780	£60976
23	£60939	£62158
24	£61978	£63218
25	£63089	£64351
26	£64173	£65457
27	£65282	£66588
28	£66405	£67734
29	£67532	£68883
30	£68656	£70030
31	£69771	£71167
32	£70903	£72322
33	£72036	£73477
34	£73197	£74661
35	£74353	£75841
36	£75544	£77055
37	£76715	£78250
38	£77899	£79457
39	£79066	£80648
40	£80233	£81838
41	£81406	£83035
42	£82578	£84230
43	£83749	£85424

44	£84925	£86624
45	£86099	£87821
46	£87274	£89020
47	£88454	£90224
48	£89623****	£91416****
49	£90797****	£92613****
50	£91972****	£93812****

#### Note

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit and motivate staff.

\*normal minimum point for EIP undertaking the full range of duties at this level.

\*\*normal minimum point for senior EIP undertaking the full range of duties at this level.

\*\*\*normal minimum point for leading EIP undertaking the full range of duties at this level.

\*\*\*\*extension to range to accommodate structured professional assessments.

## 2.2 Young People's Community Service Managers

Spine Point	01.09.18	01.09.19
1	£36040	£36761
2	£37219	£37964
3	£38398	£39166
4	£39601*	£40394*
5	£40824	£41641
6	£42016	£42857
7	£43236**	£44101**
8	£44622	£45515
9	£45387	£46295
10	£46568	£47500
11	£47742	£48697
12	£48918	£49897
13	£50086	£51088
14	£51265	£52291
15	£52446	£53495
16	£53630	£54703
17	£54820	£55917
18	£56003	£57124
19	£57179	£58323
20	£58380***	£59548***
21	£59604***	£60797***
22	£60857***	£62075***
23	£62134***	£63377***
24	£63438***	£64707***

#### Notes:

The minimum Youth and Community Service Officers' scale is 4 points.

Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.



\*normal minimum point for senior youth and community service officers undertaking the full range of duties at this level (see paragraph 5.6 of the Soulbury Report).

\*\*normal minimum point for principal youth and community service officer undertaking the full range of duties at this level (see paragraph 5.8 of the Soulbury Report).

\*\*\*extension to range to accommodate discretionary scale points and structured professional assessments.

## 2.3 Educational Psychologists

### Trainee Educational Psychologists

Spine Point	01.09.18	01.09.19
1	£23415	£23884
2	£25129	£25632
3	£26841	£27378
4	£28556	£29128
5	£30269	£30875
6	£31983	£32623

### Assistant Educational Psychologists

Spine Point	01.09.18	01.09.19
1	£28783	£29359
2	£29959	£30559
3	£31134	£31757
4	£32303	£32950

### Educational Psychologists – Scale A

Spine Point	01.09.18	01.09.19
1	£36,446	£37,175
2	£38,296	£39,062
3	£40,146	£40,949
4	£41,994	£42,834
5	£43,844	£44,721
6	£45,693	£46,607
7	£47,434	£48,383
8	£49,175	£50,159
9	£50,806*	£51,822*
10	£52,439*	£53,488*
11	£53,961*	£55,040*

#### Notes

Salary scales to consist of six consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.

\*Extension to scale to accommodate structured professional assessment points.

### Senior & Principal Educational Psychologists

Spine Point	01.09.18	01.09.19
1	£45693	£46607
2	£47434	£48383
3	£49,175*	£50,159*
4	£50806	£51822
5	£52439	£53488
6	£53961	£55040
7	£54586	£55678
8	£55754	£56869
9	£56911	£58050
10	£58089	£59251
11	£59243	£60428
12	£60420	£61628
13	£61617	£62849
14	£62774**	£64029**
15	£63986**	£65266**
16	£65186**	£66490**
17	£66395**	£67723**
18	£67602**	£68954**

#### Notes

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.

\*Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level.

\*\*Extension to range to accommodate discretionary scale points and structured professional assessments.

### London Area Payments

With effect from 1 September 2018 and 1 September 2019 staff in the London area shall receive the following:

(a) at the rate of £3119 (2018) and £3182 (2019) per annum to officers serving in the Inner area.

(b) at the £2057 (2018) and £2099 (2019) per annum to officers serving in the Outer area.

(c) at the rate of £795 (2018) and £811 (2019) per annum to officers serving in the Fringe area.

(d) officers normally serving in the London area but temporarily employed elsewhere shall continue to receive London area payments at the rate appropriate to their normal area of employment.

(e) in the case of an officer required to serve in different parts of the London areas or partly outside that area the officer shall be deemed to be serving in the area in which he is required to spend more than one half of his time.

(f) for the purpose of this paragraph –

**The “Inner Area”** means the area of the London Boroughs of: Camden City of London Greenwich Hackney Hammersmith & Fulham Islington Kensington & Chelsea Lambeth Lewisham Southwark Tower Hamlets Wandsworth Westminster (the former Inner London Education Authority) and the London Boroughs of Barking and Dagenham Brent Ealing Haringey Merton and Newham.

**The “Outer Area”** means Greater London excluding the Inner area.

**The “Fringe Area”** means:

Berkshire: the districts of Bracknell Slough Windsor and Maidenhead.

Buckinghamshire: the districts of Beaconsfield and Chiltern.

Essex: the districts of Basildon Brentwood Epping Forest Harlow and Thurrock.

Hertfordshire: the districts of Broxbourne Dacorum East Hertfordshire Hertsmere St.

Albans Three Rivers Watford and Welwyn Hatfield.

Kent: the districts of Dartford and Sevenoaks.

Surrey: the whole County.

West Sussex: the district of Crawley.

**The “London Area”** comprises the Inner area the Outer area and the Fringe area.

### 3. JNC for Youth & Community Workers (with effect from 1/9/18 to 31/8/20)

#### Support Worker Level

Spine Point	1/9/18	1/9/19
2	16,757	-
3	17,267	18,117
4	17,681	18,431
5	18,141	18,791
6	18,556	19,106
7	19,009	19,389
8	19,645	20,038
9	20,456	20,865
10	21,090	21,512
11	22,116	22,558
12	23,118	23,580
13	24,153	24,636
14	25,225	25,729
15	25,955	26,474
16	26,718	27,252
17	27,468	28,017

<u>Grade</u>	<u>Spine Points</u>	<u>Grade</u>	<u>Spine Points</u>	<u>Grade</u>	<u>Spine Points</u>
First Level		Second Level		Second Level (Contd.)	
YSW 11	1-4	YSW 21	7-10	YSW 25	11-14
YSW 12	2-5	YSW 22	8-11	YSW 26	12-15
YSW 13	3-6	YSW 23	9-12	YSW 27	13-16
		YSW 24	10-13	YSW 28	14-17

#### Professional Level

Spine Point	1/9/18	1/9/19
13	24,153	24,636
14	25,225	25,729
15	25,955	26,474
16	26,718	27,252
17	27,468	28,017
18	28,223	28,787
19	28,972	29,551
20	29,724	30,318
21	30,568	31,179
22	31,525	32,155
23	32,456	33,105

24	33,392	34,060
25	34,335	35,022
26	35,277	35,983
27	36,221	36,945
28	37,175	37,918
29	38,122	38,884
30	39,070	39,851
31	39,709*	40,503*
32	40,760*	41,575*

\* Discretionary Points

#### London Area Allowance

	2018	2019
Outer	£2,039	£2,080

#### Sleeping In Duty Allowance

	2018	2019
Sleeping in Allowance	£35.37	£36.08
Disturbance Element	£19.76	£20.16

#### **4. School Teachers Pay & Conditions (with effect from 1/9/18 to 31/8/19)**

##### Unqualified Teachers

<b>Spine Point</b>	<b>Salary</b>
1	£20,441
2	£22,443
3	£24,445
4	£26,450
5	£28,450
6	£30,452

##### Main Pay Scale

<b>Spine Point</b>	<b>Salary</b>
M1	£27,596
M2	£29,307
M3	£31,120
M4	£33,047
M5	£35,850
M6a	£38,580
M6b	£38,963

##### Upper Pay Scale

<b>Spine Point</b>	<b>Salary</b>
UPR 1	£40,310
UPR 2	£41,801
UPR 3	£43,348

##### Lead Practitioner

Minimum	£43,348
Maximum	£64,245

##### Teaching and Learning Responsibility

Minimum	£540
Maximum	£2,683

##### Additional Payments for Class Teachers

TLR 2 min	£2,721
TLR 2 max	£6,646
TLR 1 min	£7,853
TLR 1 max	£13,288
SEN min	£2,149
SEN max	£4,242

## Leadership Scale

<b>Leadership Scale</b>	<b>Salary</b>	<b>Leadership Scale</b>	<b>Salary</b>
L1	£43,136	L21	£68,559
L2	£44,139	L22	£70,177
L3	£45,158	L23	£71,836
L4	£46,208	L24	£73,541
L5	£47,281	L25	£75,290
L6	£48,383	L26	£77,074
L7	£49,604	L27	£78,905
L8	£50,673	L28	£80,785
L9	£51,857	L29	£82,704
L10	£53,110	L30	£84,684
L11	£54,401	L31	£86,704
L12	£55,588	L32	£88,773
L13	£56,900	L33	£90,906
L14	£58,231	L34	£93,073
L15	£59,601	L35	£95,306
L16	£61,106	L36	£97,584
L17	£62,438	L37	£99,936
L18	£63,930	L38	£102,330
L19	£65,437	L39	£104,743
L20	£66,978	L40	£107,283
		L41	£109,883
		L42	£112,551
		L43	£114,147

**Additional Payments/Allowances**

The following additional payments/allowances may be paid to employees.

Additional Allowance  
Additional Hours  
Additional Payments  
Additional Pension  
Additional Programmed Activity  
Additional Statutory Paternity Pay Birth  
Advance of Pay  
Agreed Programme Activity (NHS)  
Annual leave not taken  
Bank Holiday Enhanced  
Bicycle Mileage  
Callout Allowance  
Casual Pay  
Childcare Allowance  
Contractual overtime  
Electoral registration  
Electoral duties  
Enhanced payments  
Excess Leave  
FE Lecturer Pay  
First Aid  
GTC Payment  
Gritting Allowance  
Holiday Pay  
Honorarium  
Invigilation  
Keep In Touch Days Payment  
Leave Not Taken  
Local Authority Liaison Officer Allowance  
London Allowance  
London Living Wage Allowance  
Market Supplement  
Mileage  
New Starter Arrears  
Night rates  
Occupational Adoption Pay  
Occupational Maternity Pay  
Occupational Sick Pay  
On-call allowance  
Out of school activity  
Overtime  
Pay adjustment  
Pay In Lieu Of Notice



Pension  
Protected rate  
Redeployment payment  
Relocation expenses  
Session payment  
Shared Parental Salary Offset  
Shift payment  
Sleep in allowance  
Special Needs Allowance  
Standby allowance  
Statutory Adoption Pay  
Statutory Maternity Pay  
Statutory Paternity Pay  
Statutory Shared Parental Pay Birth  
Statutory Sick Pay  
Supplement  
Supply  
Teaching Assistant 2 Allowance  
Travel Allowance  
TLR2  
TLR7  
Unsocial hours

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## Appendix 3

FULL COUNCIL, Wednesday 20 March 2019

### MEMBERS' QUESTIONS

#### Prioritisation of Road and Pavement Repairs

1) **To the Cabinet Member for Environment (Councillor Osman Dervish)**  
**From Councillor Barry Mugglestone**

Given the Administration's policy of dealing with the worst roads and pavements first, would the Cabinet Member precisely confirm the process as to how the list of roads and pavements are arrived at by the Horizon system?

**Answer**

Horizons is the Council's system which aids the prioritisation of highway maintenance schemes.

As condition is the primary driver when determining the programme of remedial works, UKPMS (United Kingdom Pavement Management System) survey data is collected by specialist survey vehicles and through walked and driven visual inspections. This is in accordance with industry best practice.

To enable Horizons to come up with a meaningful works plan all current resurfacing treatment types that are carried out in Havering are included within the system, together with an approximate cost rate. Not all treatments are suitable for all classifications of roads and footways, so a set of rules has been written within Horizons to make the treatment selection process appropriate.

Horizons then assesses the worst condition highways, suggests the most appropriate treatment and calculates a cost for repair. A report is produced listing the locations for repair in priority order.

This list is then checked by suitably qualified and experienced engineers and consideration given to the feedback from residents, ward members and area liaison officers.

Finally the works are amalgamated into sensible work packages and then compared to all other works in the Borough, for example utility works, to ensure there are no conflicts.

A supplementary question asked for details of the Capital and ongoing costs of the Horizons system. The Cabinet member indicated that he would provide these to Councillor Mugglestone.

## **Newtons Primary use of Leisure Facilities**

- 2) **To the Cabinet Member for Education, Children & Families (Councillor Robert Benham)**  
**From Councillor Natasha Summers**

The Head Teacher of Newtons Primary School has told the Council that irrespective of the decision on Chafford Sports Complex, her pupils deserved to use the brand new facilities at Sapphire “as the school was being offered the opportunity”.

Please explain what “as the school was being offered the opportunity” means and does it involve Council support regarding travel, expenses and funding to relocate from Chafford to Sapphire?

### **Answers**

Newtons Primary School were offered the opportunity to reserve a regular weekly spot at Sapphire so they would be able to continue swimming lessons for their pupils should the decision be taken for the Council to withdraw from the management of Chafford Sports Complex. The Head Teacher decided they would take up that offer, but then decided to start using Sapphire from January irrespective of any decision being taken on Chafford Sports Complex.

The costs to the school remained the same, as they already hire a coach to transport pupils to Chafford Sports Complex so the coach now drives them to Sapphire rather than Chafford. The Council are not contributing any costs towards Newtons Primary School using Sapphire.

## **CCTV in the Borough**

- 3) **To the Cabinet Member for Public Protection and Safety (Councillor Viddy Persaud )**  
**From Councillor Denis O’Flynn**

Will the Lead Member set out her proposals for extending and improving CCTV in the Borough?

### **Answer**

An independent review was commissioned into Havering Council’s CCTV system in 2017, which highlighted that much of the CCTV infrastructure for both Housing and within town centres is over 10 years old, and in some areas beyond economical repair. The Council has committed £250,000 in capital investment for the new financial year and prioritised the investment in the short-term for purchase of wireless mobile cameras.

Wireless mobile CCTV can be used anywhere. Mobile cameras can be quickly set up on buildings or street lamps wherever there is access to electrical power. This will enhance enforcement capability and increase the council and police’s

ability to respond quickly to issues such as violent crime, antisocial behaviour and fly-tipping.

Deployment will be strictly prioritised on an intelligence-led basis at the direction and oversight of the Tasking Enforcement Group.

A wider review, in line with the Havering's CCTV Strategy will be undertaken over the next 12 months in consultation with the Council's current contractor on upgrading and modernising the existing system to maximise the life of CCTV and continue to assist the reduction of crime, anti-social behaviour and the fear of crime in Havering.

A supplementary question asked if money on CCTV would be better spent elsewhere given that cameras would have had very little effect on the recent murder incident in Harold Hill. The Cabinet Member stated in response that the decision on where wireless CCTV cameras were located was led by the intelligence that was available.

#### **Legal Action in respect of Travellers**

**4) To the Cabinet Member for Environment (Councillor Osman Dervish)  
From Councillor Martin Goode**

Last year, we had traveller incursions on council land all over Harold Hill, Harold Wood and other parts of Havering. Could the Cabinet Member confirm the progress of the Legal Action that the Council was taking last year and what actions are being proposed to prevent this from happening again in the coming months of Spring and Summer when it seems to be the peak period for travellers?

**Answer**

The Council at present is reviewing its position and working on obtaining key evidence for a case in respect of unlawful encampments within London Borough of Havering. Action under The Criminal Justice and Public Order Act 1988 may be considered if further encampments take place within the Borough as has been the case previously.

A further response will be provided to all members following this meeting giving further detail which is exempt from publication.

#### **Void Properties**

**5) To the Cabinet Member for Housing (Councillor Joshua Chapman)  
From Councillor Stephanie Nunn**

Would the Cabinet Member confirm what steps are taken to ensure that Council properties that are re-let after becoming void are fit for purpose?

**Answer**

When a property becomes void, a survey is carried out by a Council surveyor and a specification is prepared detailing any works required to bring the property up to Havering's Void Lettable Standard. The works are then carried out and, on completion, the surveyor will re-inspect the property to ensure the works have been completed in accordance with the specification and to the required quality. This is to confirm that the Lettable Standard has been achieved and is fit for purpose. The property will then be returned for re-letting.

A void inspection allows a decision to be made on whether a property meets the Council's lettable standard. The fit to occupy standard requires a property to meet a number of criteria including having drinkable water, acceptable sanitary ware, clear food preparation surfaces, no infestation, being clear of rubbish, swept out and washed down. A welcome pack is also provided to new tenants.

A supplementary question asked if inspections of void properties were deteriorating in quality. In response, the Cabinet Member stated that he was happy to look into this specific case if details could be provided by Councillor Nunn as returned properties had to be of the highest order. Havering had some of the best void turnaround performance in the country.

## **Traveller Sites in Noak Hill**

**6) To the Leader of the Council (Councillor Damian White)  
From Councillor David Durant**

Has the Council Leader sought an explanation for the police raid on traveller sites in Noak Hill, including who was in charge, what forces and how many police were involved, what was it all about, what was the outcome and will he be sharing that information with Members?

**Answer**

The raid carried out on 6th was a Metropolitan Police operation and the Police are not answerable to the Leader of the Council.

The Council was made aware of the raid so that we could provide support for residents who were displaced – If members wish to discuss this further then the Crime and Disorder sub-committee is the correct forum for this to be initiated.

A supplementary question asked if the Leader of the Council would seek from the Police an explanation for the raid. In response, the Leader of the Council stated that the operation had been of interest to all members of the Council and that requests such as this should be referred to the Crime and Disorder Sub-Committee.

## **Domestic Violence**

**7) To the Cabinet Member for Housing (Councillor Joshua Chapman )  
From Councillor Tele Lawal**

Are Council Housing Officers trained to identify victims of Domestic Violence?

**Answer**

Yes, we take this very seriously and we train our housing officers to recognise victims of domestic violence. There are a number of courses arranged each year to improve staff awareness and how to deal with complex situations. The training includes Domestic Abuse Procedures, Coercive and Controlling Behaviour and specific training for Domestic Violence Champions.

A supplementary question asked if the Cabinet Member was aware of recent failures in domestic abuse cases such as not logging cases properly. The Cabinet Member responded that a domestic violence response was about the coordination of expertise and specific teams were available such as anti-social behaviour teams in Housing. There was also a Housing MASH link officer who dealt with safeguarding concerns and housing management was represented across multi-agency groups.

## **Lease arrangements for Council Held Properties**

**8) To the Leader of the Council (Councillor Damian White)  
From Councillor Ray Morgon**

At January Council, Cllr Mugglestone asked the Leader of the Council to confirm that all council owned properties that are occupied by third parties all had current and up to date leases in place. The response was that the information could not be provided in public because of commercial sensitivity. I challenged this response on the night and I have since been advised that the response provided to the Leader was indeed incorrect. Would the Leader of the Council advise why he did not challenge the initial response provided by officers in the same way that I did?

**Answer**

As you know, officers have apologised to me and also to Councillor Mugglestone and to you Councillor Morgon for giving incorrect advice at the last Council meeting.

A few days before the last Council meeting, officers provided me with a draft written response that addressed the question in relation to Council owned properties that are occupied by third parties and whether they all had current and up to date leases in place. However, on the night a different written answer was given to me that said that the information could not be provided in public because of commercial sensitivity.

## **Council, 20 March 2019**

It is rare for officer advice to be incorrect and as you should be fully aware it is not possible to stop proceedings for the opportunity to query with officers during the Full Council meeting, the advice provided.

As is usually this case, I relied on the advice given to me by officers just prior to the meeting, but on this occasion it was later found to be incorrect.

I hope you accept this apology and we can now move on.

A supplementary question asked why the Leader of the Council had not challenged officer advice. The Leader of the Council responded that the relevant answer had been e-mailed to all Members and he would ensure that these circumstances would not happen again.

### **Veolia Grant Funding**

#### **9) To the Leader of the Council (Councillor Damian White) From Councillor Jeffrey Tucker**

Please provide details of actual and promissory Veolia grant funding to Havering groups and schemes over the last 12 months and in particular details of the £50,000 payment to Queens Theatre mentioned by the Council Leader during the budget meeting.

#### **Answer**

Since funding became available from Veolia Havering Riverside Maintenance Trust, 87 Successful applications have been submitted.

From October 2017 to February 2019, 50 of these bids are from the Council, that total £1,824,676 and 37 are external bids which total £1,331,390.

This makes a combined total of £3,156,066 actual and promissory Veolia grant funding to Havering groups.

Funding applications from ("the Trust") was originally established to provide an endowment to enable long term funding to ensure aftercare of the restored Rainham landfill as public open space, as part of Rainham Wildspace.

Councillor Tucker has requested information regarding an application for The Queens Theatre. This application was originally made in May 18 and was subsequently reviewed and agreed at the February Board

The application was made by The Queens Theatre, Relationships Officer and this project was awarded £50k. The application is appended to this report.

A supplementary question asked if the Leader of the Council agreed that the health of people in the south of the borough was as important as that of the rest of Havering and that the Chafford swimming pool should therefore remain open. The Leader of the Council responded that the Administration was committed to delivering a new sports centre for the south of the borough. The Chafford



complex was not owned by the Council and required significant capital and revenue investment. A report to Cabinet regarding the new sports centre was due to be tabled later this year.

**“Living in Havering” Magazine**

**10) To the Leader of the Council (Councillor Damian White)  
From Councillor Keith Darvill**

What arrangements are in place to ensure each publication of Living in Havering complies with the Parliaments code of recommended practice on Local Authority Publications?

**Answer**

*Living in Havering* is an efficient, effective and well-received way of keeping residents in-touch and involved in what the council is doing. Residents in the borough, when surveyed by the Local Government Association, were 10% more likely to say their council keeps residents informed than the national average. More residents in that survey said that *Living in Havering* is their main way of hearing from the Council than any other means of communication.

The officer team within the communications department prepares copy and layout for each issue of the publication, which the Chief Executive signs off.

The publication meets the principles set out in the MCHLG Code of Recommended Practice and the frequency of publication is right for the Borough given the alternative in raising awareness of issues as diverse as homelessness, healthy living and fostering would be prohibitively high advertising spend.

A supplementary question asked if the Leader was certain that *Living in Havering* satisfied the code requirements re objectiveness and even-handedness. The Leader responded that he was happy to look at specific examples if Councillor Darvill felt this was not the case.

**Dedicated Ward Officers**

**11) To the Leader of the Council (Councillor Damian White)  
From Councillor Reg Whitney**

This Council was advised that Dedicated Ward Officers (DWO) would only be taken out of their wards in very rare circumstances. Would the Cabinet Member advise why this Administration has allowed the regular abstraction of DWO's from their wards and explain how this keeps Havering safe?

**Answer**

As I am sure that Cllr. Whitney should be aware, operational policing matters are the responsibility of the Metropolitan police. Permission to make changes to Dedicated Ward Officers (DWO) deployment is not required from this

administration/or Council. The Council has no influence on how DWO's are deployed in Havering, to state otherwise is misleading.

DWO abstraction levels are monitored and reviewed by the Crime and Disorder Overview and Scrutiny Committee on a Quarterly basis, and concerns can be raised with the Borough Commander at this forum and through the appropriate channels.

However, the location of the DWOs will be influenced by current policing needs, which by its very nature is often unpredictable and subject to change.

A supplementary question asked if the local policing system was working. The Leader of the Council responded that tri-borough police arrangements were decided by the Metropolitan Police and MOPAC and were not the responsibility of the Council. The crime and disorder sub-committee could be asked to establish a topic group looking at the abstraction of DWOs away from Havering.

## **Knife Crime in the Borough**

**12) To the Cabinet Member for Public Protection and Safety (Councillor Viddy Persaud)  
From Councillor Jan Sargent**

In light of the recent stabbing in Harold Hill in which a beautiful young soul lost her life.

Can you please explain how the Administration will be working with the Police, Ward Members, Senior officers and the Community in addressing the youth knife crime epidemic which has now reached the front line of Havering.

### **Answer**

Like all Members, I was deeply affected by the news of Jodie's murder. That a life so rich in potential should be callously taken away appalls us all and Jodie's family and friends are in our thoughts tonight.

I want to pay tribute to the police who have investigated the incident with pace and professionalism. Our police really are the best in the world. I also want to thank the Council officers who have supported Havering Sixth Form College in the aftermath of the incident.

As awful and tragic as this murder was, it is a dreadful symptom of a much wider issue and we have been working hand-in-hand with community safety partners to tackle violent crime and knife crime in our borough, including the preparation of a serious group violence and anti-knife crime strategy which is due to come to Cabinet in April.

Work already underway includes targeted engagement with young people and at front-line professionals from a range of services. Many of these interventions

are frank, hard-hitting and are delivered alongside emergency services and those who specialise in talking with young people about these issues, including former gang members like Junior Smart from the highly respected St Giles Trust.

As part of the delivery of the strategy, the borough is developing an adolescent safeguarding hub which will be a multi-disciplinary team working across the partnership, to earlier identify and intervene with those children, young people and their families who are potentially susceptible to crime and exploitation. This means identifying and working with children as young as ten who, without intervention would be susceptible to peer pressure and criminal exploitation, in particular related to the drugs market.

At the same time the hub will work with those already victims of criminal exploitation such as used to sell drugs and going missing, potentially involved in 'county lines' activity. Many have prior trauma in their lives and the systemic practice model, working with families and their children, will be a factor in the work of the hub.

In October, the Council held an all member briefing, attended by 21 members, to provide members with an understanding of issues related to gang and knife crime. A further all member briefing is scheduled for April to discuss wider community safety concerns. We are also working on a crime summit with neighbouring boroughs, key partners and members of the local community later in the year.

### **Compensation for Personal Injury and Damage to Vehicles**

**13) To the Cabinet Member for Environment (Councillor Osman Dervish)  
From Councillor Paul McGeary**

What is the total annual amount of compensation paid by the Council for the past three financial years arising from claims against the Borough as a result of personal injury and damage to vehicles caused by pot holes and poorly maintained surfaces of the Borough's footpaths and highways?

**Answer**

We know potholes and road repairs are a major concern for our residents. This is why we are investing £40 million over the next four years to improve our roads through resurfacing and fixing potholes.

However, due to the weather and heavy use, problems do arise. And this can lead to claims for compensation from drivers. Over the last three years we have paid out, on average, £200,000 in compensation claims which is exactly why we need this investment programme.

A supplementary question asked if the paving gaps Priory Park, Harold Hill caused by the hot summer weather could be prioritised. In response, the Cabinet Member explained that the first list of roads for the investment programme was currently being awaited. The Cabinet Member was happy to

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meet with ward Councillors to resolve the issue or conduct a walkabout. It was not possible however to guarantee that any specific roads would be included in the programme.

VOTING RECORD

<i>DIVISION NUMBER:</i>	<i>1</i>	<i>2</i>	<i>3</i>		
<b>The Mayor [Cllr. Dilip Patel]</b>	✕	✓	✓		
The Deputy Mayor [Cllr. Michael Deon Burton]	✕	✓	✓		
<b><u>CONSERVATIVE GROUP</u></b>					
Cllr Robert Benham	✕	✓	✓		
Cllr Ray Best	✕	✓	✓		
Cllr Joshua Chapman	✕	✓	✓		
Cllr John Crowder	A	A	A		
Cllr Philippa Crowder	✕	✓	✓		
Cllr Osman Dervish	✕	✓	✓		
Cllr Jason Frost	✕	✓	✓		
Cllr Judith Holt	✕	✓	✓		
Cllr Robby Misir	✕	✓	✓		
Cllr John Mylod	✕	✓	✓		
Cllr Nisha Patel	✕	✓	✓		
Cllr Bob Perry	✕	✓	✓		
Cllr Viddy Persaud	✕	✓	✓		
Cllr Roger Ramsey	✕	✓	✓		
Cllr Timothy Ryan	✕	✓	✓		
Cllr Carol Smith	✕	✓	✓		
Cllr Christine Smith	✕	✓	✓		
Cllr Matt Sutton	✕	✓	✓		
Cllr Maggie Themistocli	✕	✓	✓		
Cllr Christine Vickery	✕	✓	✓		
Cllr Ciaran White	✕	✓	✓		
Cllr Damian White	✕	✓	✓		
Cllr Michael White	✕	✓	✓		
<b><u>RESIDENTS' GROUP</u></b>					
Cllr Nic Dodin	✓	✕	✕		
Cllr Paul Middleton	✓	✕	✕		
Cllr Sally Miller	✓	✕	✕		
Cllr Raymond Morgon	✓	✕	✕		
Cllr Barry Mugglestone	✓	✕	✕		
Cllr Stephanie Nunn	✓	✕	✕		
Cllr Gerry O'Sullivan	✓	✕	✕		
Cllr Reg Whitney	✓	✕	✕		
<b><u>INDEPENDENT RESIDENTS' GROUP</u></b>					
Cllr David Durant	✓	✕	✕		
Cllr Tony Durdin	✓	✕	✕		
Cllr Jan Sargent	✓	✕	✕		
Cllr Natasha Summers	✓	✕	✕		
Cllr Jeffrey Tucker	✓	✕	✕		
Cllr Graham Williamson	✓	✕	✕		
<b><u>UPMINSTER &amp; CRANHAM RESIDENTS' GROUP</u></b>					
Cllr Gillian Ford	✓	✕	✕		
Cllr Linda Hawthorn	✓	✕	✕		
Cllr Ron Ower	✓	✕	✕		
Cllr John Tyler	✓	✕	✕		
Cllr Christopher Wilkins	✓	✕	✕		
<b><u>LABOUR GROUP</u></b>					
Cllr Carole Beth	✓	✕	0		
Cllr Keith Darvill	✓	✕	0		
Cllr Tele Lawal	✓	✕	0		
Cllr Paul McGeary	✓	✕	0		
Cllr Denis O'Flynn	✓	✕	0		
<b><u>NORTH HAVERING RESIDENTS' GROUP</u></b>					
Cllr Brian Eagling	✕	✓	✓		
Cllr Martin Goode	✕	✓	✓		
Cllr Darren Wise	✕	✓	✓		
<b><u>INDEPENDENT</u></b>					
Cllr Melvin Wallace	✕	✓	✕		
<b><u>TOTALS</u></b>					
<b>✓ = YES</b>	24	28	27		
<b>✕ = NO</b>	28	24	20		
<b>0 = ABSTAIN/NO VOTE</b>	0	0	5		
<b>ID =INTEREST DISCLOSED/NO VOTE</b>	0	0	0		
<b>A = ABSENT FROM MEETING</b>	1	1	1		
	<b>53</b>	<b>53</b>	<b>53</b>		

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