

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Committee Room 3A - Town Hall
7 March 2019 (7.30 - 9.10 pm)**

Present:

COUNCILLORS

Conservative Group	Robert Benham (Vice-Chair), Michael White (Chairman), Joshua Chapman, Roger Ramsey and Damian White
Residents' Group	Ray Morgon and Barry Mugglestone
Upminster & Cranham Residents' Group	Ron Ower
Independent Residents Group	David Durant
Labour Group	Keith Darvill
North Havering Residents Group	Darren Wise

The Chairman reminded Members of the action to be taken in an emergency.

17 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies and substitutions were received as follows:

Councillor Michael White tendered apologies and was substituted by Councillor Christine Vickery. Councillor Roger Ramsey tendered apologies and was substituted by Councillor Carol Smith. Councillor Damian White tendered apologies and was substituted by Councillor Dilip Patel. Councillor Darren Wise tendered apologies and was substituted by Councillor Martin Goode.

Councillor Robert Benham took the Chair.

18 DISCLOSURE OF INTERESTS

There were no declarations of interest.

19 MINUTES

The minutes of the meeting held on 9th January 2019 were agreed as a correct record and signed by the Chairman.

20 COUNCIL PROCEDURE RULES

Anne Brown, Deputy Head of Legal and Governance and Monitoring Officer for Havering detailed the report to members of the Governance Committee. The meeting of full Council on 23rd January 2019 referred this matter back to the Governance Committee for further consideration of the proposed revisions to the Council Procedure Rules.

The recommendations were:

(a) *That the number of ordinary meetings of Council be reduced from 7 to 6 so that the pattern of meetings be:*

- a. *January*
- b. *February (Council Tax and budget)*
- c. *March*
- d. *May (the Annual Meeting)*
- e. *July*
- f. *September*
- g. *November*

(b) *The Leader's statement is to take place at the annual meeting (May), without any subsequent debate.*

(c) *Consideration of Council questions (to remain at 15 allocated proportionately amongst opposition groups) will be limited to 45 minutes in duration.*

(d) *Consideration of motions will be limited to 75 minutes in duration (or such lesser time before the three hour meeting duration time permits).*

(e) *Any motions or amendments not finished in the time available will be dealt with by vote only.*

(f) *Rules of debate will be a single debate procedure in the following format (with the intermediate debate procedure being deleted):*

- *five minutes for a mover of a motion or an amendment or an amendment to a report*

- *three minutes for other speeches in any debate*

Rights of reply (up to three minutes) may be exercised in the following order:

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

- *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.*

- *The Leader of the Council*

(g) Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm whichever is earlier) provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without debate.

(h) If there are motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover with the agreement of members) 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.

The Council Meeting in January resolved to refer back to Governance for further consideration on these recommendations. Any amendments will be considered by Full Council in March.

Paragraphs 1.3 and 1.4 of the report detail paragraphs to assist members when tendering amendments at the Council Tax setting meeting and will allow Members to be assisted through the process by the s151 Officer.

It is incumbent on the s151 Officer of the Council to ensure any amendments meet the “robust budget test” and it is hoped these added recommendations will add definition to the process. It will also allow as much time as possible for finance officers to assist and support Members. Therefore, Members would be encouraged to submit amendments as soon as ever possible to allow this process to commence.

21 **REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

On 31 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation. The report is attached at Appendix 1 of the report under consideration.

Members of the Governance Committee considered the full report and noted particularly the recommendations as follows:

Lord Evans, Chair of the CSPL, summed up the review’s findings as follows:

“The evidence we received supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. Most of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

“We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.”

Findings and recommendations

The CSPL’s key findings and recommendations include:

- **Code of Conduct:** An updated model code of conduct should be available to local authorities in order to enhance the consistency and quality of local authority codes. The updated model code should be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor’s public behaviour, including comments made on publicly accessible social media, was in their official capacity.
- **Declaring interests:** The current arrangements for declaring and managing interests are “unclear, too narrow and do not meet the expectations of councillors or the public”. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test.
- **Standards Committee:** Local authorities should maintain a standards committee. This committee may advise on standards issues and decide on alleged breaches and sanctions or a combination of these. Independent members of decision-making standards committees should be able to vote.
- **Complaints:** There should be greater transparency about the number and nature of code of conduct complaints.
- **Sanctions:** The current sanctions available to local authorities are insufficient. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, who are suspended, should be given the right to appeal to the Local Government Ombudsman.

The current criminal offences relating to disclosable pecuniary interests are “disproportionate in principle and ineffective in practice, and should be abolished”.

- **Independent Person:** The safeguard provided by the Independent Person should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed

terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

- **Monitoring officer:** The Monitoring Officer is the lynchpin of the current standards arrangements. The Monitoring Officer has responsibility for filtering complaints and undertaking/arranging investigations into alleged breaches of the code of conduct. Employment protections for the Monitoring Officer and the other statutory officers (i.e. the Head of Paid Service/Chief Executive and s151/Chief Finance Officer) should be extended, and for statutory officers to be supported through training on local authority governance.

Other points of interests include:

- **Role of political groups:** Political groups should require their members to attend code of conduct training provided by a local authority.
- All of the CSPL's 26 formal recommendations are listed on pages 14-17 of the appended report. Most of these recommendations require legislative change and it will be for the government to decide whether they should be implemented and when to find the parliamentary time.

Best practice

The CSPL's report also lists 15 best practice recommendations (see pages 18 – 19 of the report within the agenda pack) which local authorities are expected to implement.

The recommendations are wide-ranging. They include:

Code of conduct changes (e.g. including prohibitions on bullying and harassment and trivial or malicious allegations by councillors);

Changes to the complaints handling procedure (e.g. a public interest test against which allegations are filtered and the requirement to consult an Independent Person about whether an allegation should be investigated);

Annual reviews of the code of conduct;

Quarterly updates of gifts and hospitality published in an accessible format;

Publication of the outcome of complaints formally investigated; and

Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Following discussion and careful consideration and assessment of the CSPL's best practice recommendations, The Governance Committee decided that:

- **Officers will report back for the Committee to decide the next steps.**

22 APPOINTMENTS TO OTHER ORGANISATIONS, 2018/19

Following consideration of the report of Jacqui Barr, Appointment to other Organisations, the Governance Committee considered the appropriate appointments to the Hornchurch Housing Trust.

The Governance Committee appointed the following Members:

Cllr Joshua Chapman, Cllr John Mylod and Cllr Melvin Wallace.

Chairman