



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Wednesday 11 March 2009	Haverling Town Hall Main Road, Romford
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Members 10: Quorum 4

COUNCILLORS:

**Conservative Group
(6)**

Frederick Thompson
(Chairman)
Gary Adams
(Vice-Chairman)
Steven Kelly
Eric Munday
Roger Ramsey
Michael White

**Residents' Group
(2)**

Clarence Barrett
Gillian Ford

**Independent Local
Residents' Group
(1)**

Jeffrey Tucker

**Labour Group
(1)**

Keith Darvill

For information about the meeting please contact:

Ian Buckmaster (01708) 432431

e-mail ian.buckmaster@haverling.gov.uk

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

The Council is committed to protecting the health and safety of everyone who attends meetings of its Committees.

At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. **For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.**

2. MOBILE COMMUNICATIONS DEVICES

Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Committee, they have no right to speak at them. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the meeting room can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

The Chairman of the meeting has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

**2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS
(if any) - receive.**

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES

To approve as correct records the minutes of the meeting of the Committee held on 14 January 2009, and to authorise the Chairman to sign them

**5 CONSULTATION ON CODE OF RECOMMENDED PRACTICE ON LOCAL
AUTHORITY PUBLICITY**

6 APPOINTMENTS TO OTHER ORGANISATIONS, 2008/09 – further report

**7 AMENDMENTS TO THE CONSTITUTION – PLANNING PERFORMANCE
AGREEMENTS**

8 CORPORATE GOVERNANCE UPDATE

9 COUNCILLOR CALL FOR ACTION

10 OVERVIEW & SCRUTINY: ADDITIONAL POWERS

11 **FACILITIES FOR MEMBERS – ICT, including communications equipment**

12 **COUNCIL PROCEDURE RULES – possible amendments** (to follow, if available)

13 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Cheryl Coppel
Chief Executive

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
14 January 2009 (7.30pm – 8.20pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), Gary Adams, +Robert Benham, Steven Kelly, Eric Munday and Michael White

Residents' Group Clarence Barrett and Gillian Ford

**Rainham & Wennington -
Independent Residents'
Group**

Labour Group Keith Darvill

Councillor Frederick Thompson declared an interest in the matter referred to in minute 15

Except as shown, all decisions were taken with no vote against

Agenda item 7, Council Procedure Rules – possible amendments, was withdrawn without being considered

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

17 MINUTES

The Minutes of the meeting of the Committee held on 8 October 2009 were agreed as a correct record and were signed by the Chairman.

18 APPOINTMENT OF SCHOOL GOVERNOR

Councillor Frederick Thompson declared a personal interest in this matter

The Committee noted that the panel established to make recommendations as to the re-appointment of school governors by the Council as LEA had recently met. The name of a prospective governor identified by the panel who was a Member of the Council was now submitted for approval.

RESOLVED:

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That Councillor Wendy Brice-Thompson be reappointed to the Governing Body of Royal Liberty School.

19 AMENDMENTS TO THE CONSTITUTION

The Committee considered a number of suggested amendments to the Constitution:

1 Appointment of a Member Champion for Standards

The Committee noted that the Strategy Advisor, Governance and Accountability from the Audit Commission, had recommended that a Standards Champion be appointed by Councils to drive forward the ethical agenda and raise standards of conduct. The Audit Commission's Ethical Governance Survey of the Council and its Corporate Governance action plan had contained a number of criteria regarding the improvement of standards. The Committee concurred that the Council should be invited to approve the appointment of a Member Champion for Standards, who would need to be a Member of the Standards Committee.

The Committee agreed that such an appointment should be made at the Annual Meeting of the Council in May 2009.

2 Annual Report of the Standards Committee

Within the Audit Commission's Governance Action Plan for the Council was making provision for the reporting of the work of the Committee to Council annually. The Constitution currently provided for the Council to receive reports at the first ordinary meeting in the Municipal Year (which is usually the July meeting), from the Overview & Scrutiny Committee, the Audit and Pension Commissions and the Member Champions. It was now recommended that, in order to meet the requirements of the Governance Action Plan, a report also be received by Council on the work of the Standards Committee, which could be presented by the Member Champion as the Chairman of the Committee is by statute an Independent Member.

3 Appointment of a Member Champion of the Voluntary Sector Compact

It was proposed that a Member Champion be appointed for the Voluntary Sector Compact, whose role it would be to take forward the Local Compact agreement between the Council, local public bodies and the local voluntary and community sector. The Local Compact adopted relevant national Compact principles and provided a framework for working together at local level to improve quality of life for individuals and communities. All top tier local authorities would have a Local Compact for their area. The Champion will be responsible for making the Compact known, understood and used within the Council and through local partnerships, forums and events. Champions were key in taking the Compact forward.

The Committee agreed that such an appointment should be made at the Annual Meeting of the Council in May 2009.

4 Delegation of powers to clean private courtyards and passages to Head of StreetCare

The Environmental Health Service was authorised under the Constitution to exercise powers under Section 78 of the Public Health Act 1936 – power to clean private courtyards and passages. A recent case had highlighted the need for this power also to be delegated to the Head of StreetCare and the Committee was asked to approve this. Section 78 enabled a local authority to clean private courtyards and passageways and to recover the cost from the occupiers of the building which fronts or abuts the court or yard in relevant proportions.

5 Applications for external grants

From time to time, applications were made for external grant monies for specific purposes that were then spent on programmes of work within the conditions of such grants. Although both the Head of Regeneration and Strategic Planning and the Assistant Director of Customer and Community Engagement had authority to lead and co-ordinate efforts to secure external funding, they were not specifically authorised to enter into funding agreements or grant terms and conditions and the related expenditure of the monies for that purpose; and other directorates also frequently sought, and expended, specific grant monies, using a general power to all Group Directors and Heads of Service to apply for grants and other financial assistance on behalf of the Council provided that any financial contributions by the Council were made from within existing budgets.

Recent difficulties had highlighted a need to provide specific authority for expenditure of the grant monies.

Members accepted in principle that there was need for such powers but required further information, including specific examples, before they could agree to them, and in particular consider the threshold at which reference to Members for approval before application would be appropriate.

6 Planning Performance Agreement

The DCLG had taken the view that, where applications were part of a Planning Performance Agreement (PPA) and the timetable agreed with developers is adhered to, the time taken to process them would be excluded from the calculation of performance indicators. PPAs provided an agreed framework between a local planning authority and a planning applicant for the management of complex development proposals within the planning process, allowing them to agree a project plan and programme that would include the appropriate resources necessary to determine the planning application to a firm timetable.

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It was suggested that it was in the Council's interest to enter into agreements where appropriate so that the time taken to deal with complex cases would not adversely affect the Council's performance indicators.

Members were not, however, persuaded that it was appropriate to authorise the entering into of PPAs and deferred consideration of the report to enable further information to be obtained.

- A The Committee **agreed to RECOMMEND TO THE COUNCIL** that:
- 1 With effect from the Annual Meeting of the Council in May 2009, a Champion for Standards be appointed who should be a member of the Standards Committee.
 - 2 An Annual Report on the work of the Standards Committee be presented by the Champion to Council.
 - 3 With effect from the Annual Meeting of the Council in May 2009, a Champion for the Voluntary Sector Compact be appointed.
 - 4 The Head of StreetCare be authorised to enforce Section 78 of the Public Health Act 1936.
- B The Committee deferred to its next meeting consideration of the matters referred to in sections 5 and 6 above.

20 **AMENDMENTS TO THE CONSTITUTION – Monitoring Officer's corrections**

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted amendments made by her and published in Notification 34 (as set out in the Appendix to these minutes).

Notification No. 34**Date 18th December 2008****Notification of amendments to the constitution****Amendments made by the Monitoring Officer**

Part 2, Article 15.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution effective from the respective dates shown in the attached document headed Transitional Arrangements.

Part and article/section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.7.8	130	Reinstate paragraph 14 omitted in error. <i>"14. In relation to the submission of a planning application, to determine whether an environmental assessment is required to be submitted with the application."</i> Renumber section.	Error
Part 3 Section 3.7.4.8	127	Benefits Manager The Benefits Manager be authorised to lay informations on behalf of the Council before the Magistrates Court and to prosecute or defend all actions before the Court in respect of benefit fraud offences	Error
Part 3 Section 3.7.1.11	125	Delete paragraph 11 and renumber	Governance Committee 8.10.08 & Council
Part 3 Section 3.7.9.9	134	Delete reference to the Group Director Finance and Commerce and insert Head of Finance and Performance	Governance Committee 8.10.08 & Council
Part 3 Section 3.8.1.20	136	Delete reference to the Group Director Finance and Commerce and insert the Head of Finance and Performance	Governance Committee 8.10.08 & Council
Part 3 Section 3.7.3.10	126	Insert a new paragraph "To act and make decisions as a Pensions Panel consisting of the Head of Finance and Performance Head	Governance Committee 8.10.08 & Council

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Part and article/section	Page reference	Substance of amendment / amended wording	Reason for amendment
		of Human Resources and Assistant Chief Executive Legal and Democratic Services for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme	
Part 3 Section 3.5.3.39	103	Delete paragraph	Error
Part 3 Section 3.5.4.1	104	Delete reference to Assistant Chief Executive Human Resources and replace with Head of Human Resources	Error
Part 3 Section 3.7.3.1	126	Amend £140,000 to £145,000	Delegated uplift figures within the Constitution
Part 3 Section 3.6.3.11	112	Remove Note immediately underneath paragraph 11	Error
Part 4 Section 5 Paragraph 2(xv)	245	Delete. This is a duplication	Error
Part 3 Section 4	139-152	Insert amended Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended by the Local Authorities (Functions and Responsibilities)(England) (Amended No.3) Regulations 2008 <i>See annex attached</i>	Legislation
Part 4	183	Change Head of Financial Services to Head of Finance & Performance	Error
Part 3.2	74	28 (b) & (c) are one sentence and should be combined. (d) will become (c) renumber	Error

4 Functions not to be the responsibility of an authority's Executive

The following functions are specified as functions that are not to be the responsibility of an authority's Executive by Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
A. FUNCTIONS RELATING TO TOWN AND COUNTRY PLANNING AND PLANNING CONTROL			
1. Power to determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
4. Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
5. Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419 and directions made there under	Head of Development & Building Control	
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town & Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 192/1492)	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)	Head of Development & Building Control	
8. Power to enter into agreement regulating development or use of	Section 106 of the Town and Country Planning Act 1990	Regulatory Services	Councillors

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
land		Committee	
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 19(4) and 192(2) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Assistant Chief Executive Legal & Democratic Services (Use and Development) Head of Development & Building Control (Development) 	
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
11. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990	Head of Development & Building Control	
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
14. Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
[14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990]	<ul style="list-style-type: none"> Head of Development and Building Control in consultation with ACE Legal & Democratic Services 	
15. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control, in consultation with Assistant Chief Executive Legal & 	Councillors

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		Democratic Services	
17. Power to determine applications for hazardous substances consent, and related powers	Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10)	Head of Development & Building Control	Councillors
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of the Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act	Regulatory Services Committee	Councillors
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
20. Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, [...] and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Regulatory Services Committee	Councillors
21. Power to determine applications for conservation area consent	Sections 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990], as applied by section 74(3) of that Act.	Regulatory Services Committee	Councillors
22. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the [Planning (Listed Buildings and Conservation Areas) Act 1990] and regulations 3 to 6 and 13 of the [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI1990/1519) and paragraph 8, 15 and 26 of Department of Environment, Transport and the Regions Circular 01/01]	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
23. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
24. Power to issue enforcement notice in relation to demolition of [an unlisted] building in conservation area and in respect of particular unauthorised works to	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & 	Councillors

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
listed buildings		Building Control	
25. Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Regulatory Services Committee	Councillors
26. Power to apply for an injunction in relation to a listed building	Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Head of Development & Building Control	
27. Power to execute urgent works	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Head of Development & Building Control	
B. LICENSING AND REGISTRATION FUNCTIONS (IN SO FAR AS NOT COVERED BY ANY OTHER PARAGRAPH OF THIS SCHEDULE)			
1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Head of Housing & Public Protection, with reference to Adjudication and Review Committee where the matter is contested	
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	Head of Housing & Public Protection, with reference as above	
3. Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
5. Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 ¹ [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order]	<i>Not applicable</i>	

¹ To which there are amendments not relevant to these Regulations
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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
7. Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 ² . [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference to Licensing Committee where the matter is contested	
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 ³ [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 ⁴ [as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 ⁵ [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 ⁶ [as saved for certain purposes by the article 5(2)(d) and (5) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985	<i>Not applicable</i>	
13. Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968 ⁷	<i>Not applicable</i>	
14. Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part 1 of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>	
14A. All functions relating to licensing under the Licensing Act 2003	Sections 5 to 8 of the Licensing Act 2003	Head of Housing & Public Protection: Licensing Committee;	

² To which there are amendments not relevant to these Regulations

³ Schedules 5ZA was inserted by SI 195/3231, art. 5(6)

⁴ To which there are amendments not relevant to these Regulations

⁵ To which there are amendments not relevant to these Regulations

⁶ To which there are amendments not relevant to these Regulations

⁷ Amended by the Local Government Act 1972, s.204(6) and the Local Government, Planning and Land Act 1980, s.1(6), Sch.6.para 11 and Sch.34, Pt VI

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		Council as appropriate	
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	Head of Housing & Public Protection	
14AB. Functions relating to exchange of information	Section 30 of the 2005 Act	Head of Housing & Public Protection	
14AC. Functions relating to occasional use notices	Section 39 of the 2005 Act	Head of Housing & Public Protection	
14B. Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act	Licensing Committee	
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	Head of Housing & Public Protection	
14CA Power to make order disapplying section 279 or 282 (1) of the 2005 Act in relation to specified premises]	[Section 284 of the 2005 Act	Head of Public Protection Licensing Committee as appropriate	
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	Head of Housing & Public Protection ACE Legal & Democratic Services as appropriate	
14E. Power to exchange information	Section 350 of the 2005 Act	Head of Housing & Public Protection	
14F. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	Head of Housing & Public Protection Licensing Committee as appropriate	
14G Functions relating to the registration and regulation of small society lotteries	[Part 5 of Schedule 11 to the 2005 Act]	Head of Housing & Public Protection	
15. Power to license sex shops, sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Head of Housing & Public Protection, with reference as above	
16. Power to license performances of hypnotism	The Hypnotism Act 1952	Head of Housing & Public Protection, with reference as above	
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Head of Housing & Public Protection, with reference as above	
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 ⁸	Head of Housing & Public Protection, with	

⁸ Amended by the Local Government Act 1974, Sch.6, para. 1, s.18 of the Local Government (Miscellaneous Provisions) Act 1976 and s.186 of the Local Government, Planning and Land Act 1980. S.94(9) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187)

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		reference as above	
19. Power to register door staff	Paragraph 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995	<i>Not applicable</i>	
20. Power to license markets and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c.xii)	Head of Regeneration & Strategic Planning, with reference as above	
21. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 ⁹ , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.	<i>Not applicable</i>	
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 ¹⁰	Head of Housing & Public Protection, with reference as above	
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	<i>Not applicable</i>	
24. Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	Head of Housing & Public Protection, with reference as above	
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	Head of Housing & Public Protection, with reference as above	
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 ¹¹	Head of Development & Building Control, with reference as above	
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987	Head of Development & Building Control, with reference as above	

⁹ Amended by the Local Government Act 1972, s.204(9) and the London Local Authorities Act 1990, s.20.

¹⁰ Section 5 was amended by the Local Government, Planning and land Act 1980, Sch.6, para 13(1)

¹¹ Amended by the Fire Safety of Places of Sport Act 1987. See, in particular Part II of, and Schedule 2 to, that Act.

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971	<i>Not applicable</i>	
29. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	Head of Housing & Public Protection, with reference as above	
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951 ¹² ; section 1 of the Animal Boarding Establishment Act 1963 ¹³ ; the Riding Establishments Acts 1964 and 1970 ¹⁴ ; section 1 of the Breeding of Dogs Act 1973 ¹⁵ ; and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Head of Housing & Public Protection, with reference as above	
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925 ¹⁶	Head of Housing & Public Protection, with reference as above	
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 ¹⁷	Head of Housing & Public Protection, with reference as above	
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	Head of Housing & Public Protection, with reference as above	
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)	Head of Housing & Public Protection, with reference as above	
35. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Head of Learning & Achievement Services, with reference as above	
36. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) ¹⁸	Head of Housing & Public Protection, with reference as above	

¹² Amended by the Local Government Act 1974, section 42 and Schedule 8

¹³ Amended by the Local Government Act 1974, Schedule 6, paragraph 17 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

¹⁴ Amended by the Local Government Act 1974, section 35(1) and (2) and Schedule 6, paragraph 18 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

¹⁵ Section 1 was amended by the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6, Schedule 34, paragraph 15 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

¹⁶ Amended by the Local Government Act 1974 sections 35(1) and (2) and 42, Schedule 6, paragraph 2(1) and Schedule 8.

¹⁷ Amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988.

¹⁸ Section 46A was inserted by section 1 of the Marriage Act 1994

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Assistant Chief Executive Legal & Democratic Services, with reference as above	
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471) ¹⁹	Assistant Chief Executive Legal & Democratic Services, with reference as above	
39. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 ²⁰	<i>Not applicable</i>	
40. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Head of Housing & Public Protection, with reference as above	
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Head of Streetcare, with reference as above	
42. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957	<i>Not applicable</i>	
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)	Head of Housing & Public Protection, with reference as above	
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	Head of Housing & Public Protection, with reference as above	
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	Head of Housing & Public Protection, with reference as above	
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998 (S.I. 1998/871).	Head of Housing & Public Protection, with reference as above	
46A. Power to grant permission for provision, etc, of services, amenities, recreation and refreshment facilities on highway, and related powers	Sections 115E, 115F and 115K of the Highways Act 1980	Head of Housing and Public Protection with reference as above	

¹⁹ Amended by S.I. 1968/657

²⁰ The 1939 Act was amended by the Local Government Act 1972, Schedule 29 paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
[47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980]	Head of Streetcare Services, with reference as above	
48. Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
49. Power to authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980	Head of Development & Building Control, with reference as above	
50. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
54 Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980 ²¹	Head of Streetcare Services, with reference as above	
55. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	Head of Housing & Public Protection, with reference as above	
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) ²²	Head of Housing & Public Protection, with reference as above	
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)	Head of Housing & Public Protection, with reference as above	
59. Power to approve dairy	Regulations 6 and 7 of the Dairy	Head of Housing &	

²¹ Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982

²² Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (SI 1999/683

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
establishments	Products (Hygiene) Regulations 1995 (S.I. 1995/1086) ²³	Public Protection, with reference as above	
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)	Head of Housing & Public Protection, with reference as above	
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763) ²⁴	<i>Not applicable</i>	
62. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998 (SI 1998/994)	Head of Housing & Public Protection, with reference as above	
63. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
65. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
66. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
67. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)	Head of Housing & Public Protection, with reference as above	
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991	Head of Housing & Public Protection, with reference as above	
[69. Power to issue near beer licence	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.	Head of Housing & Public Protection, with reference as above	
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)]	Head of Housing & Public Protection, with reference as above	

²³ Amended by S.I. 1966/1699

²⁴ Schedule 1A was inserted by S.I. 2000/930

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
71. Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	Head of Housing & Public Protection, with reference as above	
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	ACE Legal & Democratic Services	
C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK			
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer	Part I of the Health & Safety at Work etc. Act 1974 ²⁵	Head of Housing & Public Protection, with reference as above	
D. FUNCTIONS RELATING TO ELECTIONS			
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983 ²⁶	Full Council	All councillors
2. Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	Chief Executive	
3. Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	<i>Not applicable</i>	
4. Power to dissolve small parish councils	Section 10 of the Local Government Act 1972	<i>Not applicable</i>	
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972	<i>Not applicable</i>	
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Full Council	All councillors
7. Duty to provide assistance at European Parliamentary elections	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002]	Chief Executive	
8. Duty to divide constituency into	[Sections 18A and 18E of, and	Full Council	

²⁵ For the definition of "the relevant statutory provisions" see section 53(1) of the Health & Safety at Work etc. Act 1974. See also the definitions of "the existing statutory provisions" and "health and safety regulations" in section 51(1) and, as to "health and safety regulations", section 15(1) of that Act which was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 5.

²⁶ Subsection (4) of section 52 was substituted by the Representation of the People Act 1985, Schedule 4.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
polling districts	Schedule A1 to,] the Representation of the People Act 1983		
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Full Council	
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	Chief Executive Returning Officer	
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	Chief Executive	
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	<i>Not applicable</i>	
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Chief Executive	
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	Chief Executive	
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	<i>Not applicable</i>	
16. Deleted from legislation			
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000 ²⁷²⁸	Full Council	All councillors
18. Duty to consult on change of scheme for elections.	Sections 22(2), 38(2) and 40(2) of the 2007 Act	Full Council	
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive	
20. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act	Chief Executive	
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	<i>Not applicable</i>	
22 Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Full Council	
E. FUNCTIONS RELATING TO NAME AND STATUS OF AREAS AND INDIVIDUALS			
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	Full Council	All councillors
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	<i>Not applicable</i>	
3. Power to confer title of honorary alderman or to admit to be an	Section 249 of the Local	Full Council	All Councillors

²⁷ [Section 14A of the Local Government Act 1992 was inserted by section 55 of the Local Government and Public Involvement in Health Act 2007

²⁸ Sections 33A, 33B, 33E, 44A, 44B and 44C of the Local Government Act 2000 were inserted by sections 64 and 67 of the Local Government and Public Involvement in Health Act 2007]

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
honorary freeman	Government Act 1972		
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972	<i>Not applicable</i>	
EA FUNCTIONS RELATING TO COMMUNITY GOVERNANCE			
1. Duties relating to community governance reviews	Section 79 of 2007 Act	Full Council	
2. Functions relating to community governance petitions	Section 80, 83 to 85 of the 2007 Act	Governance Committee	
3. Functions relating to terms of reference review	Sections 81(4) to (6)	Full Council	
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Full Council	
5 Functions relating to making recommendations	Sections 87 to 92 of the 2007 Act	Governance Committee	
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Governance Committee	
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Democratic Services Manager	
8. Duty to send two copies of the order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act	Democratic Services Manager	
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Governance Committee	
F. POWER TO MAKE, AMEND, REVOKE OR RE-ENACT BYLAWS			
Power to make, amend, revoke or re-enact bylaws	Any provision of any enactment (including local Act), whenever passes, and section 14 of the Interpretation Act 1978 ²⁹	Full Council	All Councillors
FA. FUNCTIONS RELATING TO SMOKE-FREE PREMISES, ETC.			
1. Duty to enforce Chapter 1 and regulations made under	Section 10(3) of the 2006 Act		
2. Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to the 2006 Act		
3. Functions relating to fixed penalty notices	Paragraph 13, 15 and 16 of Schedule 1 to the 2006 Act		
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement Regulations 2006 (SI 2006.3368).]		
G. POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS			
Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council	All Councillors
H. FUNCTIONS RELATING TO PENSIONS ETC			

²⁹ Section 14 of the Interpretation Act 1978 is applied to byelaws made under section 235 of the local Government Act 1972 by section 22(1) of, and paragraph 3 of Part I of Schedule 2 to, the Interpretation Act 1978.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
1. Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 ³⁰	Pension Committee	Councillors and 2 trade union observers
[2. Functions under the Firefighter's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.]	[Sections 34 and 36 of the Fire and Rescue Services Act 2004	<i>Not applicable</i>	
I. MISCELLANEOUS FUNCTIONS			
Part I: functions relating to public rights of way			
1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	Regulatory Services Committee	Councillors
2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980	Regulatory Services Committee	Councillors
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Head of Steetcare	
4. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	Regulatory Services Committee	Councillors
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	Regulatory Services Committee	Councillors
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Regulatory Services Committee	Councillors
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Regulatory Services Committee	Councillors
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	Regulatory Services Committee	Councillors
9. Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980	Regulatory Services Committee	Councillors
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Regulatory Services Committee	Councillors
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Regulatory Services Committee	Councillors
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Regulatory Services Committee	Councillors
13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Regulatory Services Committee	Councillors
14. Duty to keep register with respect to applications under	Section 121B of the Highways Act 1980	Head of Development & Building Control	

³⁰ As to section 7 see *also* section 99 of the Local Government Act 2000. Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980			
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Regulatory Services Committee	Councillors
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Head of Streetcare	
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Regulatory Services Committee	Councillors
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Regulatory Services Committee	Councillors
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Head of Development & Building Control	
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Regulatory Services Committee	Councillors
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Regulatory Services Committee	Councillors
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Regulatory Services Committee	Councillors
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Regulatory Services Committee	Councillors
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Head of Development & Building Control	
27. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
28. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
29. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984	<ul style="list-style-type: none"> • Regulatory Services Committee • Area committee 	<ul style="list-style-type: none"> • Councillors • Councillors
30. Power to extinguish public right	Section 294 of the Housing Act	Regulatory Services	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
of way over land acquired for clearance	1981	Committee	
30A. Power to authorise stopping up or diversion of the highway	Section 247 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee 	Councillors
31. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Area committee 	<ul style="list-style-type: none"> Councillors Councillors
32. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
33. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Regulatory Services Committee	Councillors
34. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Regulatory Services Committee	Councillors
Part II: other miscellaneous functions			
35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966	<i>Not applicable</i>	
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Full Council	All councillors
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> Full Council (appointment etc of Head of Paid Service) Appointments Committee (appointment etc of Group Directors and Heads of Service) Head of Paid Service, or the relevant Group Director or Head of Service or Assistant Chief Executive on his or her behalf (appointment etc of all staff under Head of Service or Assistant Chief Executive) 	<ul style="list-style-type: none"> All Councillors Councillors
38. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Full Council	All Councillors
39. Duty to make arrangements for proper administration of financial affairs etc	Section 151 of the Local Government Act 1972	<ul style="list-style-type: none"> Appointments Committee (appointment of 	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		Chief Finance Officer <ul style="list-style-type: none"> Chief Finance Officer (arrangements for proper administration of financial affairs) 	
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	Full Council	All Councillors
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	<i>Not applicable</i>	
42. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>	
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989	Full Council	All Councillors
44. Duty to designate officer as the monitoring officer, and to provide staff, etc	Section 5(1) of the Local Government and Housing Act 1989	<ul style="list-style-type: none"> Appointments Committee (designating Monitoring Officer) Full Council (providing staff) 	Councillors
44A. Duty to provide staff, etc. to person nominated by Monitoring Officer.	Section 82A(4) of the Local Government Act 2000	Council	Councillors
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]	Council	Councillors
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	The Accounts and Audit Regulations 1996 (SI 1996 No. 590)	Audit Committee	Councillors
46. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997 No. 1160)	Head of Development & Building Control	
47. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999 No. 1892)	Head of Development & Building Control	
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003		
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	Governance Committee	Councillors
49. Power to make an order identifying a place as a designated public place for the purposes of	Section 13(2) of the Criminal Justice and Police Act 2001.	Regulatory Services Committee	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
police powers in relation to alcohol consumption			
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	Head of Housing & Public Protection Licensing Committee as appropriate	
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	ACE Legal & Democratic Services	
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	ACE Legal & Democratic Services	
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	ACE Legal & Democratic Services	

Governance Committee, 14 January 2009

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		Executive Legal and Democratic Services for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme	
Part 3 Section 3.5.3.39	103	Delete paragraph	Error
Part 3 Section 3.5.4.1	104	Delete reference to Assistant Chief Executive Human Resources and replace with Head of Human Resources	Error
Part 3 Section 3.7.3.1	126	Amend £140,000 to £145,000	Delegated uplift figures within the Constitution
Part 3 Section 3.6.3.11	112	Remove Note immediately underneath paragraph 11	Error
Part 4 Section 5 Paragraph 2(xv)	245	Delete. This is a duplication	Error
Part 3 Section 4	139-152	Insert amended Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended by the Local Authorities (Functions and Responsibilities)(England) (Amended No.3) Regulations 2008 <i>See annex attached</i>	Legislation
Part 4	183	Change Head of Financial Services to Head of Finance & Performance	Error
Part 3.2	74	28 (b) & (c) are one sentence and should be combined. (d) will become (c) renumber	Error

4 Functions not to be the responsibility of an authority's Executive

The following functions are specified as functions that are not to be the responsibility of an authority's Executive by Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
A. FUNCTIONS RELATING TO TOWN AND COUNTRY PLANNING AND PLANNING CONTROL			
1. Power to determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
4. Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
5. Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419 and directions made there under	Head of Development & Building Control	
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town & Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 192/1492)	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)	Head of Development & Building Control	

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
8. Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 19(4) and 192(2) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Assistant Chief Executive Legal & Democratic Services (Use and Development) Head of Development & Building Control (Development) 	
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
11. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990	Head of Development & Building Control	
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
14. Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
[14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990]	<ul style="list-style-type: none"> Head of Development and Building Control in consultation with ACE Legal & Democratic Services 	
15. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control 	Councillors
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> Regulatory Services Committee Head of Development & Building Control, in consultation with Assistant Chief Executive Legal & 	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		Democratic Services	
17. Power to determine applications for hazardous substances consent, and related powers	Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10)	Head of Development & Building Control	Councillors
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of the Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act	Regulatory Services Committee	Councillors
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Development & Building Control 	Councillors
20. Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, [...] and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Regulatory Services Committee	Councillors
21. Power to determine applications for conservation area consent	Sections 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990], as applied by section 74(3) of that Act.	Regulatory Services Committee	Councillors
22. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the [Planning (Listed Buildings and Conservation Areas) Act 1990] and regulations 3 to 6 and 13 of the [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI1990/1519) and paragraph 8, 15 and 26 of Department of Environment, Transport and the Regions Circular 01/01]	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Development & Building Control 	Councillors
23. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Development & Building Control 	Councillors
24. Power to issue enforcement notice in relation to demolition of [an unlisted] building in conservation area and in respect of particular unauthorised works to listed buildings	Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	<ul style="list-style-type: none"> • Regulatory Services Committee • Head of Development & Building Control 	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
25. Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Regulatory Services Committee	Councillors
26. Power to apply for an injunction in relation to a listed building	Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Head of Development & Building Control	
27. Power to execute urgent works	Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990]	Head of Development & Building Control	
B. LICENSING AND REGISTRATION FUNCTIONS (IN SO FAR AS NOT COVERED BY ANY OTHER PARAGRAPH OF THIS SCHEDULE)			
1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Head of Housing & Public Protection, with reference to Adjudication and Review Committee where the matter is contested	
2. Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936	Head of Housing & Public Protection, with reference as above	
3. Power to license hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
5. Power to license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	<i>Not applicable</i>	
6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 ¹ [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order]	<i>Not applicable</i>	
7. Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 ² . [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act	Head of Housing & Public Protection, with reference to Licensing Committee where the matter is contested	

¹ To which there are amendments not relevant to these Regulations

² To which there are amendments not relevant to these Regulations

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
	Order.]		
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 ³ [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 ⁴ [as saved for certain purposes by article 4(2)(1) and (m) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 ⁵ [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 ⁶ [as saved for certain purposes by the article 5(2)(d) and (5) of the Gambling Act Order.]	Head of Housing & Public Protection, with reference as above	
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985	<i>Not applicable</i>	
13. Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968 ⁷	<i>Not applicable</i>	
14. Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part 1 of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>	
14A. All functions relating to licensing under the Licensing Act 2003	Sections 5 to 8 of the Licensing Act 2003	Head of Housing & Public Protection: Licensing Committee; Council as appropriate	
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	Head of Housing & Public Protection	
14AB. Functions relating to exchange of information	Section 30 of the 2005 Act	Head of Housing & Public Protection	

³ Schedules 5ZA was inserted by SI 195/3231, art. 5(6)

⁴ To which there are amendments not relevant to these Regulations

⁵ To which there are amendments not relevant to these Regulations

⁶ To which there are amendments not relevant to these Regulations

⁷ Amended by the Local Government Act 1972, s.204(6) and the Local Government, Planning and Land Act 1980, s.1(6), Sch.6, para 11 and Sch.34, Pt VI

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
14AC. Functions relating to occasional use notices	Section 39 of the 2005 Act	Head of Housing & Public Protection	
14B. Power to resolve not to issue a casino premises licence	Section 166 of the 2005 Act	Licensing Committee	
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	Head of Housing & Public Protection	
14CA Power to make order disapplying section 279 or 282 (1) of the 2005 Act in relation to specified premises]	[Section 284 of the 2005 Act	Head of Public Protection Licensing Committee as appropriate	
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	Head of Housing & Public Protection ACE Legal & Democratic Services as appropriate	
14E. Power to exchange information	Section 350 of the 2005 Act	Head of Housing & Public Protection	
14F. Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	Head of Housing & Public Protection Licensing Committee as appropriate	
14G Functions relating to the registration and regulation of small society lotteries	[Part 5 of Schedule 11 to the 2005 Act]	Head of Housing & Public Protection	
15. Power to license sex shops, sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Head of Housing & Public Protection, with reference as above	
16. Power to license performances of hypnotism	The Hypnotism Act 1952	Head of Housing & Public Protection, with reference as above	
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Head of Housing & Public Protection, with reference as above	
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 ⁸	Head of Housing & Public Protection, with reference as above	
19. Power to register door staff	Paragraph 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995	<i>Not applicable</i>	
20. Power to license markets and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London	Head of Regeneration & Strategic Planning, with reference as above	

⁸ Amended by the Local Government Act 1974, Sch.6, para. 1, s.18 of the Local Government (Miscellaneous Provisions) Act 1976 and s.186 of the Local Government, Planning and Land Act 1980. S.94(9) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187)

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
	Local Authorities Act 1994 (c.xii)		
21. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 ⁹ , Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.	<i>Not applicable</i>	
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 ¹⁰	Head of Housing & Public Protection, with reference as above	
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	<i>Not applicable</i>	
24. Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990	Head of Housing & Public Protection, with reference as above	
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964	Head of Housing & Public Protection, with reference as above	
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 ¹¹	Head of Development & Building Control, with reference as above	
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987	Head of Development & Building Control, with reference as above	
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971	<i>Not applicable</i>	
29. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	Head of Housing & Public Protection, with reference as above	
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a	Section 1 of the Pet Animals Act 1951 ¹² ; section 1 of the Animal Boarding Establishment Act	Head of Housing & Public Protection, with reference as above	

⁹ Amended by the Local Government Act 1972, s.204(9) and the London Local Authorities Act 1990, s.20.

¹⁰ Section 5 was amended by the Local Government, Planning and Land Act 1980, Sch.6, para 13(1)

¹¹ Amended by the Fire Safety and Places of Sport Act 1987. See, in particular Part II of, and Schedule 2 to, that Act.

¹² Amended by the Local Government Act 1974, section 42 and Schedule 8

¹³ Amended by the Local Government Act 1974, Schedule 6, paragraph 17 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
business	1963 ¹³ ; the Riding Establishments Acts 1964 and 1970 ¹⁴ ; section 1 of the Breeding of Dogs Act 1973 ¹⁵ ; and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.		
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925 ¹⁶	Head of Housing & Public Protection, with reference as above	
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 ¹⁷	Head of Housing & Public Protection, with reference as above	
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	Head of Housing & Public Protection, with reference as above	
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646)	Head of Housing & Public Protection, with reference as above	
35. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Head of Learning & Achievement Services, with reference as above	
36. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) ¹⁸	Head of Housing & Public Protection, with reference as above	
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Assistant Chief Executive Legal & Democratic Services, with reference as above	
38. Power to register variation of	Regulation 29 of the Commons	Assistant Chief	

¹⁴ Amended by the Local Government Act 1974, section 35(1) and (2) and Schedule 6, paragraph 18 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

¹⁵ Section 1 was amended by the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6, Schedule 34, paragraph 15 and by the Protection of Animals (Amendment) Act 1988, section 3(2) and (3) and the Schedule.

¹⁶ Amended by the Local Government Act 1974 sections 35(1) and (2) and 42, Schedule 6, paragraph 2(1) and Schedule 8.

¹⁷ Amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988.

¹⁸ Section 46A was inserted by section 1 of the Marriage Act 1994

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
rights of common	Registration (General) Regulations 1966 (SI 1966/1471) ¹⁹	Executive Legal & Democratic Services, with reference as above	
39. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 ²⁰	<i>Not applicable</i>	
40. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Head of Housing & Public Protection, with reference as above	
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Head of Streetcare, with reference as above	
42. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957	<i>Not applicable</i>	
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)	Head of Housing & Public Protection, with reference as above	
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995	Head of Housing & Public Protection, with reference as above	
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	Head of Housing & Public Protection, with reference as above	
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998 (S.I. 1998/871).	Head of Housing & Public Protection, with reference as above	
46A. Power to grant permission for provision, etc, of services, amenities, recreation and refreshment facilities on highway, and related powers	Sections 115E, 115F and 115K of the Highways Act 1980	Head of Housing and Public Protection with reference as above	
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
[47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980]	Head of Streetcare Services, with reference as above	
48. Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
49. Power to authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980	Head of Development & Building Control, with reference as above	

¹⁹ Amended by S.I. 1968/657

²⁰ The 1939 Act was amended by the Local Government Act 1972, Schedule 29 paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
50. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
52. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
54. Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980 ²¹	Head of Streetcare Services, with reference as above	
55. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	Head of Streetcare Services, with reference as above	
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922	Head of Housing & Public Protection, with reference as above	
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082) ²²	Head of Housing & Public Protection, with reference as above	
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)	Head of Housing & Public Protection, with reference as above	
59. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086) ²³	Head of Housing & Public Protection, with reference as above	
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520)	Head of Housing & Public Protection, with reference as above	
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763) ²⁴	<i>Not applicable</i>	
62. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998 (SI 1998/994)	Head of Housing & Public Protection, with reference as above	
63. Power to approve dispatch or	Regulation 11 of the Food Safety (Fishery Products and Live	Head of Housing & Public Protection, with	

²¹ Amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1982

²² Amended by regulation 2 of the Meat Products (Hygiene) (Amendment) Regulations 1999 (SI 1999/683)

²³ Amended by S.I. 1966/1699

²⁴ Schedule 1A was inserted by S.I. 2000/930

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
purification centres	Shellfish)(Hygiene) Regulations 1998	reference as above	
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
65. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
66. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Head of Housing & Public Protection, with reference as above	
67. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828)	Head of Housing & Public Protection, with reference as above	
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991	Head of Housing & Public Protection, with reference as above	
[69. Power to issue near beer licence	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.	Head of Housing & Public Protection, with reference as above	
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)]	Head of Housing & Public Protection, with reference as above	
71. Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3).	Head of Housing & Public Protection, with reference as above	
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	ACE Legal & Democratic Services	
C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK			
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's	Part I of the Health & Safety at Work etc. Act 1974 ²⁵	Head of Housing & Public Protection, with reference as above	

²⁵ For the definition of "the relevant statutory provisions" see section 53(1) of the Health & Safety at Work etc. Act 1974. See also the definitions of "the existing statutory provisions" and "health and safety regulations" in section 51(1) and, as to "health and safety regulations", section 15(1) of that Act which was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 5.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
capacity as an employer			
D. FUNCTIONS RELATING TO ELECTIONS			
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983 ²⁶	Full Council	All councillors
2. Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983	Chief Executive	
3. Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	<i>Not applicable</i>	
4. Power to dissolve small parish councils	Section 10 of the Local Government Act 1972	<i>Not applicable</i>	
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972	<i>Not applicable</i>	
6. Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983	Full Council	All councillors
7. Duty to provide assistance at European Parliamentary elections	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002]	Chief Executive	
8. Duty to divide constituency into polling districts	[Sections 18A and 18E of, and Schedule A1 to,] the Representation of the People Act 1983	Full Council	
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	Full Council	
10. Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983	Chief Executive Returning Officer	
11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	Chief Executive	
12. Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985	<i>Not applicable</i>	
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Chief Executive	
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972	Chief Executive	
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	<i>Not applicable</i>	
16. Deleted from legislation			

²⁶ Subsection (4) of section 52 was substituted by the Representation of the People Act 1985, Schedule 4.

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000 ²⁷²⁸	Full Council	All councillors
18. Duty to consult on change of scheme for elections.	Sections 22(2), 38(2) and 40(2) of the 2007 Act	Full Council	
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive	
20. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act	Chief Executive	
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	<i>Not applicable</i>	
22 Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Full Council	
E. FUNCTIONS RELATING TO NAME AND STATUS OF AREAS AND INDIVIDUALS			
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	Full Council	All councillors
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	<i>Not applicable</i>	
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	Full Council	All Councillors
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972	<i>Not applicable</i>	
EA FUNCTIONS RELATING TO COMMUNITY GOVERNANCE			
1. Duties relating to community governance reviews	Section 79 of 2007 Act	Full Council	
2. Functions relating to community governance petitions	Section 80, 83 to 85 of the 2007 Act	Governance Committee	
3. Functions relating to terms of reference review	Sections 81(4) to (6)	Full Council	
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Full Council	
5 Functions relating to making recommendations	Sections 87 to 92 of the 2007 Act	Governance Committee	
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Governance Committee	
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Democratic Services Manager	
8. Duty to send two copies of the order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act	Democratic Services Manager	

²⁷ [Section 14A of the Local Government Act 1992 was inserted by section 55 of the Local Government and Public Involvement in Health Act 2007

²⁸ Sections 33A, 33B, 33E, 44A, 44B and 44C of the Local Government Act 2000 were inserted by sections 64 and 67 of the Local Government and Public Involvement in Health Act 2007]

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Governance Committee	
F. POWER TO MAKE, AMEND, REVOKE OR RE-ENACT BYLAWS			
Power to make, amend, revoke or re-enact bylaws	Any provision of any enactment (including local Act), whenever passes, and section 14 of the Interpretation Act 1978 ²⁹	Full Council	All Councillors
FA. FUNCTIONS RELATING TO SMOKE-FREE PREMISES, ETC.			
1. Duty to enforce Chapter 1 and regulations made under	Section 10(3) of the 2006 Act		
2. Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to the 2006 Act		
3. Functions relating to fixed penalty notices	Paragraph 13, 15 and 16 of Schedule 1 to the 2006 Act		
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement Regulations 2006 (SI 2006.3368).]		
G. POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS			
Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council	All Councillors
H. FUNCTIONS RELATING TO PENSIONS ETC			
1. Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 ³⁰	Pension Committee	Councillors and 2 trade union observers
[2. Functions under the Firefighter's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.]	[Sections 34 and 36 of the Fire and Rescue Services Act 2004	<i>Not applicable</i>	
I. MISCELLANEOUS FUNCTIONS			
Part I: functions relating to public rights of way			
1. Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	Regulatory Services Committee	Councillors
2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980	Regulatory Services Committee	Councillors
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Head of Steetcare	
4. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	Regulatory Services Committee	Councillors

²⁹ Section 14 of the Interpretation Act 1978 is applied to byelaws made under section 235 of the local Government Act 1972 by section 22(1) of, and paragraph 3 of Part I of Schedule 2 to, the Interpretation Act 1978.

³⁰ As to section 7 see also section 99 of the Local Government Act 2000. Section 12 of the Superannuation Act 1972 is amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body		Membership
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	Regulatory Committee	Services	Councillors
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Regulatory Committee	Services	Councillors
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Regulatory Committee	Services	Councillors
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	Regulatory Committee	Services	Councillors
9. Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980	Regulatory Committee	Services	Councillors
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Regulatory Committee	Services	Councillors
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Regulatory Committee	Services	Councillors
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Regulatory Committee	Services	Councillors
13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Regulatory Committee	Services	Councillors
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	Head of Development & Building Control		
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Regulatory Committee	Services	Councillors
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Head of Streetcare		
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	Regulatory Committee	Services	Councillors
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Regulatory Committee	Services	Councillors
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Head of Development & Building Control		
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Regulatory Committee	Services	Councillors
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Regulatory Committee	Services	Councillors
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Regulatory Committee	Services	Councillors
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Regulatory Committee	Services	Councillors
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Regulatory Committee	Services	Councillors

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Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Head of Development & Building Control	
27. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
28. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Regulatory Services Committee	Councillors
29. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984	<ul style="list-style-type: none"> • Regulatory Services Committee • Area committee 	<ul style="list-style-type: none"> • Councillors • Councillors
30. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981	Regulatory Services Committee	Councillors
30A. Power to authorise stopping up or diversion of the highway	Section 247 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Regulatory Services Committee 	Councillors
31. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> • Regulatory Services Committee • Area committee 	<ul style="list-style-type: none"> • Councillors • Councillors
32. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Regulatory Services Committee	Councillors
33. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Regulatory Services Committee	Councillors
34. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Regulatory Services Committee	Councillors
Part II: other miscellaneous functions			
35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966	<i>Not applicable</i>	
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Full Council	All councillors
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> • Full Council (appointment etc of Head of Paid Service) • Appointments Committee (appointment etc of Group Directors) 	<ul style="list-style-type: none"> • All Councillors • Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
		and Heads of Service) <ul style="list-style-type: none"> Head of Paid Service, or the relevant Group Director or Head of Service or Assistant Chief Executive on his or her behalf (appointment etc of all staff under Head of Service or Assistant Chief Executive) 	
38. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Full Council	All Councillors
39. Duty to make arrangements for proper administration of financial affairs etc	Section 151 of the Local Government Act 1972	<ul style="list-style-type: none"> Appointments Committee (appointment of Chief Finance Officer) Chief Finance Officer (arrangements for proper administration of financial affairs) 	Councillors
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	Full Council	All Councillors
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	<i>Not applicable</i>	
42. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982	<i>Not applicable</i>	
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989	Full Council	All Councillors
44. Duty to designate officer as the monitoring officer, and to provide staff, etc	Section 5(1) of the Local Government and Housing Act 1989	<ul style="list-style-type: none"> Appointments Committee (designating Monitoring Officer) Full Council (providing staff) 	Councillors
44A. Duty to provide staff, etc. to person nominated by Monitoring Officer.	Section 82A(4) of the Local Government Act 2000	Council	Councillors
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]	Council	Councillors
45. Duty to approve authority's statement of accounts, income and expenditure and balance	The Accounts and Audit Regulations 1996 (SI 1996 No.	Audit Committee	Councillors

Governance Committee, 14 January 2009

Function	Provision of Act or Statutory Instrument	Decision-making body	Membership
sheet, or record of payments and receipts (as the case may be)	590)		
46. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997 No. 1160)	Head of Development & Building Control	
47. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999 No. 1892)	Head of Development & Building Control	
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003		
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	Governance Committee	Councillors
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001.	Regulatory Services Committee	Councillors
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	Head of Housing & Public Protection Licensing Committee as appropriate	
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	ACE Legal & Democratic Services	
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	ACE Legal & Democratic Services	
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	ACE Legal & Democratic Services	

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REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: CONSULTATION ON CODE OF RECOMMENDED PRACTICE
ON LOCAL AUTHORITY PUBLICITY**

SUMMARY

A consultation paper has been received seeking views on the future of the Publicity Code which requires a response by 12th March 2009

RECOMMENDATION

To determine what, if any, response should be made to the Department for Communities and Local Government (DCLG)

REPORT DETAIL

1. A consultation paper entitled '*Code of Recommended Practice on Local Authority Publicity*' has been received from the DCLG which requires a response by tomorrow, 12th March 2009. A response can be sent by e-mail.
2. The consultation paper invites views on the content of the Publicity Code as an instrument for protecting public money (of either national or local taxpayers) while allowing Councils to issue effective publicity.

3. The Publicity Code has been in place for 20 years and the DCLG want to ensure that Councillors and Councils do not consider themselves unduly restricted in the types of communication they can engage in.
4. The DCLG are asking whether there is other guidance that Councils consider create a barrier to the provision of publicity or support and whether the Code should specifically address the presentation of publicity on an authority's website. Officers are not aware of any.
5. The Consultation on the Publicity Code lists some other questions which the DCLG would like a response to;
 - a. Should criteria be specified to determine whether publicity can be judged to be cost effective?
 - b. Should the Code contain advice about Ethical Standards?
 - c. Should the Code be modified to address the issue of privacy?
 - d. Should anything be added to the section on advertising?
 - e. Should adverts for political assistants be advertised in political publications and websites?
 - f. Given the emphasis to supporting and raising awareness of the role of Councillor in the White Paper, is there any aspect of the section on Councillors that is not required, or anything should be added?
 - g. Should anything be added to the Code in respect of the timing of the publicity at election time
6. A copy of the consultation paper has been separately circulated to members of the Committee.

Financial Implications and risks:

There are none.

Legal Implications and risks:

The Consultation paper was published on 17th December but was not able to be reported on early enough for consideration at the meeting on 14th January. This is the first available meeting after that date. An e-mail response to the DCLG is acceptable and can be prepared and sent by 12th March incorporating the Council's comments.

Human Resources Implications and risks:

There are none.

Equalities and Social Inclusion Implications and risks:

There are none

Staff Contact Christine Dooley
Designation: ACE Legal & Democratic Services
Telephone No: 01708 432442
E-mail address Christine.dooley@haverling.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

Code of Recommended Practice of Local Authority Publicity –
Consultation Paper

Governance Committee, 11 March 2009



MEETING	DATE	ITEM
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REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENTS TO OTHER ORGANISATIONS, 2008/09 – further report

HORNCHURCH HOUSING TRUST

The Council appoints the six Trustees of the Hornchurch Housing Trust. Each serves for a (renewable) four year term, with pairs of trustees retiring in successive years. Trustees do not need to be Members of the Council.

The terms of office of Councillor Eric Munday and Mr Chris Oliver have recently expired. It is understood that both are willing to be re-appointed for a further four year term.

RECOMMENDATION

That two Trustees be appointed to the Hornchurch Housing Trust for the term expiring in February 2013.

**Cheryl Coppel
Chief Executive**

**Staff Contact: Ian Buckmaster
Manager of Committee and Overview & Scrutiny Support**

Telephone: 01708 432431

Background papers:
There are no papers

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REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: AMENDMENTS TO THE CONSTITUTION – PLANNING
PERFORMANCE AGREEMENTS**

SUMMARY

1. Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, the Monitoring Officer shall have power to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, to insert recommendations made pursuant to a written report agreed by Council, to clarify the Constitution, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, the Standards Board and/or any other government appointed inspection regime.
2. Power to clarify the Constitution, insert obvious omissions or to comply with accepted recommendations of external bodies shall only be exercised after first giving five working days' notice to Group Leaders.
3. If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.
4. Other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - Monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - Make recommendations to the Council about amending the Constitution

6. This report concerns Planning Performance Agreements seeking authority for these to be delegated to the Head of Development and Building Control. The report provides further background and information in response to issues raised when this item was considered at the last Governance Committee.

RECOMMENDATION

That the Head of Development and Building Control be authorised to negotiate, complete and sign Planning Performance Agreements.

REPORT DETAIL

1. This further report on Planning Performance Agreements clarifies their purpose and process in response to issues raised at the 14 January Governance Committee.
2. Guidance issued by DCLG in April 2008 in relation to Planning Performance Agreements (PPA) defines a PPA as a framework agreed between a local planning authority and a planning applicant for the management of complex development proposals within the planning process. A PPA allows both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application to a firm timetable.
3. Essentially a PPA is a voluntary agreement between the Council and developer - it has no statutory or legal status but seeks an agreed commitment by both parties to deal with a planning application in a certain way. It can also include agreement over the way in which any pre-application process will take place.
4. For the local planning authority, entering into a PPA on certain complex major proposals has a number of advantages:
 - Resources required to deal with the application can be identified at an early stage, following an agreed project plan that includes pre-application work and flagging of any issues at an early stage.
 - Pre-application consultation can be agreed. Meaningful pre-application work including consultation often results in an improved standard of planning submission, and takes on board community comments as part of the formal proposal, rather than a reaction post-submission.
 - The Council can agree the scope of material required to be submitted in a planning application and who will be consulted, resulting in a streamlined validation process.

- At an early stage of the process, enables the developer to become aware of the importance of achieving high quality development that meets the Council's stated priorities.
 - Those applications subject to PPA are excluded from performance returns in relation to NI57 – the type of application subject to PPA are complex applications requiring extensive consultation and consideration of the issues such that it would be advantageous to work to an agreed determination period, rather than the current arbitrary 13 week target for major planning applications.
5. For developers, entering into a PPA on certain complex major proposals has a number of advantages:
- Certainty in regard to when a planning application will be determined.
 - Assurance that adequate resource is available at the Council to deal with the proposal.
 - Agreement over type and extent of pre-application consultation.
 - Agreement over what material needs to be submitted to make the application valid.
 - Meaningful pre-application discussion.
 - Ability to identify the main milestones in the planning application process and more realistically incorporate these into the overall project and concentrate resources accordingly.
6. In entering into a PPA, no guarantee over the recommendation or decision is made. If the agreement fails there is no recourse and the time taken to determine the application forms part of the NI157 return to government.
7. To date, three PPA's have been entered into, two for new primary schools and one for the Mardyke Estate redevelopment. Experience of both Staff and applicants is positive, that the PPA has been helpful in the planning application process.
8. Accordingly it is recommended that the Head of Development and Building Control be given authority within the Constitution to negotiate, complete and sign Planning Performance Agreements
9. **Financial Implications and Risks**
- 9.1 None.
10. **Legal Implications and Risks**
- 10.1 None.

11. **Human Resources Implications and Risks**

11.1 None.

12. **Equalities and Social Inclusion Implications**

12.1 Governance Committee are able to recommend constitutional changes to full Council. While Planning Performance Agreements are not agreements under statutory powers they must be entered into selectively as either party can resile from the agreement at any time.

CHERYL COPPELL
Chief Executive

Staff Contact: Christine Dooley
Designation: Assistant Chief Executive Legal & Democratic Services
Telephone No: 01708 432442

Background Papers

1. Email correspondence regarding proposed changes

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REPORT OF THE CHIEF EXECUTIVE

SUBJECT: CORPORATE GOVERNANCE UPDATE

SUMMARY

This report updates the Committee on Corporate Governance arrangements and the work of the officer Governance Group to date in 2008/09.

RECOMMENDATION

To consider the contents of the report.

To note the progress on the Governance Action Plan.

To note the progress in addressing the internal control / governance issues identified in the Annual Governance Statement (AGS).

To agree any comment on the draft version of the 2008/09 AGS.

REPORT DETAIL

Background

1. There were significant changes in the suggested best practice and statutory requirements placed on the Council in 2007/08 with regards Corporate Governance.

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These included:

- The recommendation that Council's assessed themselves against a new CIPFA/Solace 'Developing Good Governance in Local Government' framework. A task that the officer Governance Group undertook. The results of this exercise and the resulting 'Governance Action Plan' were presented to the Governance Committee in May 2008.
 - New guidance regarding the Code of Corporate Governance led to a review of the Council's code and an update to ensure compliance with current guidance. The updated code was approved by the Governance Committee and the Committee confirmed their commitment to continue to promote 'Good Governance' in Havering.
 - The Council was also required to produce an AGS to be presented as part of its Annual Accounts. The statement was agreed by the Governance Committee in June and noted by the Audit Committee later that month when the accounts were approved.
2. During 2008/09 the officer Governance Group has reviewed the self assessment against the CIPFA/Solace framework and updated progress and actions. The full self assessment has not been included within this report but the main area of focus related to community engagement and as a result the Group Director – Culture & Community is now represented on the officer Governance Group.
 3. In May 2008 the group agreed by consensus that from a score of a possible 510 the Council was achieving 396. The self assessment scores and action plan have been monitored during the period to January 2009 and the overall score is now 418, with no individual score equalling less than six and four areas achieving full marks of ten.
 4. The main areas where progress with the action plan, is noted by the Governance Group for 2008/09 related to: Partnership working; Quality of services; Consultation; Managing potential conflicts of interest; Values of the organisation; Systems and Processes; Role of the Standards Committee; Decision making; Compliant handling; Identifying financial and legal implications; Whistleblowing; Utilisation of legal powers and limits of lawful action. The group will continue to monitor the action plan and progress towards implementing actions.
 5. An action plan was also devised based on the issues identified in the AGS. Appendix 1 provides an update to the issues and details progress to date and further actions planned.
 6. The process to develop the AGS has also been reviewed in preparation for compiling the 2008/09 statement. The following changes will be applied for 2008/09 to the approach agreed by the Committee for 2007/08.

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- The process will start earlier with a first draft ready for March 2009 – as required by the External Auditor;
 - Include more detail on the work of the Standards Committee – as specified in recent guidance.
 - The assurances provided by senior management will cover a broader range of control and governance issues and emphasis will be put on ensuring a consistent level of quality for all submissions and inclusion of relevant evidences; and
 - Supporting evidence will be gathered in year to reduce the burden at year end.
7. Feedback was received from the External Auditor with regards the 2007/08 AGS, it stated that the AGS should:
- State where someone who does not have access to the intranet can access a copy of the statement;
 - Describe the systems and processes that comprise the arrangements for identifying and communicating the authorities vision and its intended outcomes; and
 - Outline the implications of the Council's vision on its governance arrangements.
8. The draft AGS for 2008/09 is attached as Appendix 2 for comment. A final version will be submitted for approval to the May meeting when the annual process is complete.

Financial Implications and risks:

There are none arising directly. The risk relating to incorporating new best practice guidance into current governance arrangements is an increased expectation from stakeholders that is not delivered through the actions of the Council. However this risk is unlikely as the Council is committed to openness and transparency. The risks of not reviewing our arrangements against best practice are the Council not being viewed as open and transparent and the External Auditor assessing Corporate Governance adversely. Failure to produce a robust AGS could result in the Council's accounts being qualified.

Legal Implications and risks:

None arising directly from this report.

Human Resource implications and risks:

None arising directly from this report.

Equalities and Social Inclusion implications:

None arising directly from this report. Equality and Social Inclusion are key factors to consider in the Council's Governance arrangements and any changes to the Code of

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Governance or other related policies and procedures are assessed to ensure the impact is appropriately identified.

Staff Contact: Vanessa Bateman
Internal Audit & Corporate Risk Manager

Telephone: 01708-433733

E-mail address: Vanessa.Bateman@haverling.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers

None.

Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
1. Complaints Handling. <ul style="list-style-type: none"> ➤ Review by overview and scrutiny, adjudication and review and Corporate Management Team. ➤ Enhancements to technology. ➤ New approach approved by Cabinet – including a strong commitment to complaint resolution. 	Implement and Promote new approach; Monitor and report on performance inc Customer Satisfaction; and Implementation of a new system.	Group Director Culture & Community	<ul style="list-style-type: none"> ➤ New complaints procedure went live September 2008. ➤ Will have 1st set of Management Information in October, full months in November. ➤ Agreed to attend adjudication & review in January 2009 to discuss 1st quarter results with Members, however attending the Nov meeting to give a progress update & preliminary findings. ➤ Review & evaluation post implementation to start from January 2009 ➤ Review & evaluation is underway & this will continue for a period of six months to ensure all feedback is taken on board & where necessary changes to improve the process are made.

Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
Complaints Handling cont.....			<ul style="list-style-type: none">➤ At next Adjudication & Review meeting (April) members have asked for a further drill down of the management information in order for them to understand the process more fully.➤ Feedback generally from users including members has been very positive & Heads of Service are finding the management information extremely helpful.

Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
2. Partnership working including changes to funding arrangements. <ul style="list-style-type: none"> ➤ Partnership toolkit rolled out. ➤ Increased emphasis on partnership working. ➤ Robust arrangements in place regarding strategic partners. 	Re-promote toolkit and ensure it clearly guides lead officers in the Council's approach to partnership management; Extend good practice from strategic partnerships throughout organisation; and Audit 2008/09.	Group Director Culture & Community	<ul style="list-style-type: none"> ➤ A review of the Partnership toolkit was completed June 2008 and results reported to Corporate Management Team. ➤ Corporate Management Team agreed that a detailed review and re-launching of the toolkit was required, but that given the restructure and the time span to recruit to the new Assistant Director post this may not be completed until 2009/10. ➤ An internal audit has been completed which has highlighted some weaknesses which also need to be addressed during the review.

Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
<p>3. Homes in Havering (HiH).</p> <ul style="list-style-type: none"> ➤ Close links between organisations. ➤ Worked together to prepare for 2007 inspection of Arms Length Management Organisation. ➤ Performance Management process in place and regular meetings occur. 	<p>Develop relationships and protocols further and have clear shared objectives; implement joint risk management procedures to ensure maximum achievement of objectives.</p> <p>Reduce bureaucracy between the two organisations and prepare for next inspection.</p>	<p>Group Director Culture & Community</p>	<ul style="list-style-type: none"> ➤ Monthly meetings between Head of Housing and Public Protection as client and Chief Executive of Homes in Havering. ➤ Monthly liaison meetings between Head of Housing and Public Protection and Executive Management Team of HiH. ➤ Monthly meetings between Housing Needs and Strategy Manager and HiH's Directors for Performance and Operations. ➤ Monthly meetings between Group Finance Manager and HiH's Director of Finance. ➤ Meetings between Group Director Culture and Community and Chief Executive HiH, including weekly Recovery Plan meetings; feedback to LBH Chief Executive. ➤ 2007 inspection held – 1* and promising. Performance Manager and Performance and Monitoring Officer attend HiH's monthly

Homes in Havering cont.....			<p>Paths to Excellence meeting, preparing for the 2009 re-inspection; papers placed in Administration Priority Projects website.</p> <ul style="list-style-type: none">➤ A group has been set up to ensure that LBH service contribute where necessary➤ Head of Housing and Public Protection formally sign-off annual PI outturns as client.➤ Monthly Performance Board with HiH to review Performance Indicators in Delivery Plan, attended also by Lead Member and Chairman of HiH; regular reports to Housing Overview and Scrutiny.➤ Performance and Monitoring Officer is supporting the preparation of the annual Delivery Plan and the weekly recovery plan meetings, and is a member of HiH's Paths to Excellence meeting. The officer also works with the external consultant – see bullet point below.➤ There are issues about governance and
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			finance that are being closely scrutinised by the Council and an external consultant.
Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
<p>4. Data Quality – including Partner organisations.</p> <ul style="list-style-type: none"> ➤ Development of a data quality strategy; and ➤ Implementation of an electronic performance management system that will enable timelier reporting by partners. 	<p>Data quality training, policies and guidance rolled out with Havering Performs – the performance management system;</p> <p>Refresh the strategy – annual review due July 2008; and</p> <p>Internal and External Audits planned 2008/09.</p>	<p>Group Director Finance & Commerce</p>	<ul style="list-style-type: none"> ➤ Data Quality Training is planned for early 2009. As this is linked to the roll out of Havering Performs all users will receive training including those in partner organisations. ➤ Data quality strategy has been refreshed and the council now has a Data Quality Policy. ➤ The Councils External Audit noted only minor changes to the Performance Indicators reviewed. ➤ Work has commenced, involving a small group of officers, to consider the risks and define the councils system of internal control over data quality. This work includes focusing on the risks that may materialise as

			<p>we move to the new system.</p> <ul style="list-style-type: none"> ➤ An unqualified Internal Audit report has been issued.
Significant Issue and action already taken	Planned action	CMT Lead	Progress to date
<p>5. Community Engagement</p> <ul style="list-style-type: none"> ➤ Completed governance self assessment to highlight areas of weakness; ➤ Senior Managers away day dedicated to equality and diversity and new values launched; ➤ Restructure of Senior Management to support the increased impetus and joint working in this area. 	<p>Monitor action plan resulting from self assessment.</p> <p>Implement robust procedures for collection of National Indicators.</p> <p>Internal Audit on Local Area Agreements/ Community Strategy 2008/09 plan.</p>	<p>Group Director Culture & Community</p>	<ul style="list-style-type: none"> ➤ A new board to be set up “Customer & Community Engagement” to provide strategy & direction towards delivery. ➤ Senior manager’s event in November focusing on customers in the community. ➤ Reviewing AD structure to further support the increased impetus & joint working across the council ➤ 1st meeting of the Culture & Community Engagement Board took place in January, next meeting scheduled for w/c 02/03/09. ➤ Assistant Director structure still under review (specifically Policy/Equalities & Diversity and Community Engagement) awaiting for new Assistant Director to own this & she joins us

Governance Committee, 11 March 2009

London Borough of Havering

APPENDIX 1 - Annual Governance Statement Action Plan

			on 02/03/09.
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DRAFT ANNUAL GOVERNANCE STATEMENT

This statement provides assurance to all stakeholders that within the London Borough of Havering processes and systems have been established, which ensure that decisions are properly made and scrutinised, and that public money is being spent economically and effectively to ensure maximum benefit to all citizens of the Borough.

Scope of responsibility

The London Borough of Havering is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The London Borough of Havering also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, The London Borough of Havering is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk.

The London Borough of Havering has approved and adopted a code of corporate governance, which is consistent with the principals of the CIPFA/SOLACE* Framework *Delivering Good Governance in Local Government*. The code sets out details of how the public and staff can expect the Council to be managed. Accountability, effectiveness, integrity, and openness are among the principles the code is based upon. The code also details how the Council conducts its business and how it relates to the community. This includes service delivery arrangements; structures and procedures; risk management and standards of conduct. The code is available on the Council's website and is within the Constitution of the Council. Other information on governance can also be found on the Council's website by following the link to council and then democracy / corporate governance. A copy of the code can be requested in other formats and languages or in paper copy from the Council's Communications Department.

This statement explains how London Borough of Havering has complied with the code and also meets the requirements of regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations 2006 in relation to the publication of a statement on internal control.

The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the authority is directed and controlled and its activities through

which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of London Borough of Havering's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at London Borough of Havering for the year ended 31 March 2009 and up to the date of approval of the draft statement of accounts.

The governance framework

The key elements of the systems and processes that comprise the Council's governance arrangements are described in more detail below:

Vision and purpose

In 2007/08 the Council's Leader launched his 'Living Ambition' - aiming for the highest quality of life in London is a 20 year vision for the London Borough of Havering.

The Council will work with partners and the local community to seize opportunities and shape a future for Havering that is bright, bold and rewarding for everyone who lives, visits, or works in the borough. The 'Living Ambition' agenda will be delivered by striving towards five goals:

- Goal for Environment : to ensure a clean, safe and green borough;
- Goal for Learning : to achieve excellence in education and learning;
- Goal for Towns and communities : to provide opportunities for all through economic, social and cultural activity;
- Goal for Individuals : to value and enhance the lives of every individual; and a
- Goal for Value : to deliver high customer satisfaction and a stable council tax.

Underpinning the Vision are new Values, to which all officers will be expected to work, in order to build a more effective organisation. The Council's Values are:

- One Council
- Learning from experience
- Integrity
- You matter

- Can do
- Fair to all

To achieve the Council's Vision the Council is working with Partners and other organisations to ensure available resources are optimising the benefits to the community. This approach although essential to the Council's success going forward does pose new Governance issues for the Council and procedures are as a result subject to review to ensure that roles and responsibilities and the Council's expectations in terms of governance are clearly communicated.

The 'Living Ambition' was widely communicated both internally to officers and externally to the community via a number of events and presentations, using the Council's internet and intranet sites and within the publication 'Living' which is regularly distributed to the stakeholders in the Borough.

The Council's Goals have been integrated into the Council's business planning processes to ensure adequate resources are being applied in the pursuit of the Vision and the Council's Values are a key driver in the development of the new competency based appraisal framework which will be rolled out in 2009/10.

Performance Management

The performance management framework has several functions:

- Focussing priority setting around needs along with the priorities of the Council and the public;
- Maximising the effective delivery of the services and the efficient use of resources through the facilitation of joint planning both across Council services and with partner organisations; and
- Ensuring relevant, timely and accurate information is available to measure and monitor performance and on which to base decisions.

Performance management is carried out via a series of meetings individually and at team level across the services. Performance monitoring is undertaken as part of those processes and the information collected feeds into a report to all Members, through the Members Monthly Pack. The Improvement and Delivery Board, comprising both members and officers, meet to review performance on a regular basis. The Overview & Scrutiny Committees also consider the performance reports – along with those that they have independently commissioned – and carry out their own reviews. Heads of Service also produce a quarterly pack which summarises their service performance and progress against objectives. The performance management process is currently undergoing changes as the Council moves towards an electronic reporting system, Havering Performs!, or HP.

An annual summary of performance against the statutory and key local performance indicators is published on the website. An annual report, summarising performance and plans, is also available on the website and produced for distribution as hard copy.

The Council's strategy and policy and guidelines on data quality lay down clear guidelines to the effect that all performance measures must be produced to the same robust standard; any performance data that is to be considered for publishing can be subject to either internal or external audit.

The Council's financial management approach is led through its Medium Term Financial Strategy, which is produced in the summer, setting out the approach to financial planning for the subsequent three financial years. A series of Star-Chamber style sessions review performance, define the savings and spending targets for each Service area; these along with the results of market research into public opinion, studies of the needs in the Borough and the requirements of the Council's priorities go to define the objectives in Service Plans, which are linked to the Council's objectives via 'the Golden Thread'.

There are a number of strategies linked directly with the MTFS; this includes the Capital Strategy, the Corporate Asset Management Plan, the Risk Management Strategy, the ICT Strategy and the Workforce Planning Strategy.

Council's Constitution

The constitution sets out the roles and responsibilities of officers and members and provides details of how decisions are made and who can make them. It also contains the rules for managing our finances and resources effectively.

Details of those functions remaining with full Council are set out together with full Cabinet and individual Cabinet Member powers. All the terms and references of the various Committees of the Council are set out. All these provide clear accountability and effective leadership and decision making. There is an extensive Scheme of Delegation to officers enabling them to manage their areas of responsibility on a day to day basis. Where a key decision is to be taken, the Council publishes details in the Forward Plan.

Codes of Conduct

The Council has Employee and Member Codes of Conduct supported by the requirement to make declarations of interest and to declare gifts and hospitality. Interests must be declared by officers above a certain grade or who hold specific decision making and procurement positions. Officers and Members are required to decline gifts and hospitality to ensure that they are not inappropriately influenced. The Codes and related policies and procedures are communicated via induction sessions and are available via the intranet. Periodically awareness campaigns occur to remind individuals of their responsibilities. The relevant Corporate Management Team member is tasked with ensuring that appropriate arrangements are in place and the systems are reviewed at least every three years by internal audit.

Financial Rules and Regulations

The Council has Financial and Contract Procedure Rules and Financial and Procurement Frameworks along with other policy and procedural documents in place to guide officers in their every day duties and ensure appropriate process and controls are adhered to. Schemes of delegation are also in place along with authorised signatories lists to detail appropriate levels of responsibility. Compliance with the various financial rules and regulations is monitored by Management and considered during audits of systems and processes

Effective Audit Committee

The Audit Committee operates in accordance with the relevant CIPFA guidance. Its effectiveness is reviewed annually and an annual report is produced for the Committee. The Committee's terms of reference, outlined in the Constitution, contain responsibilities relating to internal control, external audit, and internal audit. Eight members sit on the Audit Committee representing the Conservative and Residents Groups of the Borough. The Audit Committee meets five times per year. The Committee has an annual work plan and training programme and reports on its performance to Council annually.

Compliance with laws, regulations and internal policies

The Constitution sets out the legal framework for decision making and the publishing of those decisions. There is a scrutiny system in place to ensure that the work of the Council complies with all appropriate policies, laws and regulations. Overview and Scrutiny has the power to call in and challenge all decisions of Cabinet and individual Cabinet Members and key decisions of staff. Legal, Finance and Human Resources staff clear every Cabinet, Council and Committee report and every Lead Member decision, for compliance with laws, policies and regulations. The Statutory Officers also provide advice to Members at all appropriate times. Statutory appointments have been made for Adults and Children and a Lead Member for Children has been appointed.

Internal policies and procedures exist to guide officers and ensure compliance with legislation and proper practice. Policies and procedures are reviewed at least annually.

Counter Fraud and Confidential Reporting

The Council has a corporate strategy for the prevention and detection of fraud and corruption. The effectiveness of the arrangements in place is reviewed annually and results reported to the Audit Committee. Ad hoc promotion of the strategy takes place throughout the year as part of the fraud strategy action plan. Integral to these arrangements is the Confidential Reporting, also known as Whistleblowing, policy which is communicated to staff via induction, the intranet and ad hoc awareness initiatives. The effectiveness of arrangements are reviewed annually and reported to

Audit Committee. The results of fraud investigations are publicised to further promote the arrangements in place, as appropriate.

The Council also participates in the National Fraud Initiative (NFI) a computerised data matching exercise, lead by the Audit Commission, designed to detect fraud perpetrated on public bodies. Havering has been praised on their efforts on this exercise.

Complaints

In 2008/09 a new Corporate Complaints procedure was implemented to ensure that all standard complaints effectively recorded and dealt with in the same way. The new procedure is supported by the relevant technologies to ensure efficiency and requires officers nominated as 'Complaint Owners' to respond within set timescales. The process includes an escalation procedure where target timescales are not achieved. An extensive programme of training for officers has taken place during the year and it is anticipated that greatly improved results, in an area which was previously identified for improvement, will be evident in 2009/10.

Training and Development

The Council has a commitment that every member of staff has a review and annual appraisal to discuss performance, targets and personal development. It also has a commitment to provide a minimum of three days training. The Council provides a range of training opportunities for managers and staff to ensure they can deliver services effectively. These include a Leadership Programme, Leaders' and Managers' toolkit, recruitment and selection, Health and Safety, Project Management and IT training. It also provides training / briefing on procurement procedures, finance for non-financial managers and risk management.

The Council has a Member Development Charter and development programme to keep them up to date with changes and support their training needs. Training is supplemented by information through briefings, bulletins and it is planned to run a series of mini-conferences. Their training includes Finance and the Code of Conduct, Licensing and secure accommodation review.

Communication and Consultation

The Council strives to identify and develop new effective mechanisms to communicate and consult with the community. The Corporate Plan takes account of consultation as well as local and national priorities. The Council has adopted and implemented the Equality Standard, achieving level one and aiming to achieve levels two by the end of 2008/09. A wide number of forums take place to consult with all members of the community, particularly targeting hard to reach groups.

The Council maintains a website to provide information and a point of contact to the residents of the Borough. The publication 'Living' is also issued two weekly communicating information regarding Council activities.

An extensive consultation process is carried out as part of the development of the MTFs and detailed annual budget. Views are sought through various media and the budget itself is subject to scrutiny through Cabinet, Overview & Scrutiny and Area Committees.

Partnerships

There are seven theme areas and champions within the Havering Strategic Partnership (HSP) structure. These are:

- Community Participation;
- Community Safety;
- Environment;
- Prosperous Community;
- Older People;
- Health and Wellbeing; and
- Children and Young People.

Theme Delivery Champions, for accountability purposes, report to the Programme Board on progress against the Community Strategy Action Plan and any other relevant work for the theme. Delivery Champions relate the aims and progress of the theme area to the Assembly in very general and accessible terms making it accessible for smaller groups and businesses to be involved in local decision making and scrutiny.

Through the HSP structure elected members and other community representatives can engage more fully in the work of the HSP. Each theme champion will work with Cabinet members to develop and implement the LAA programme.

The HSP is not legally constituted, and the Council, as the accountable body, has to ensure clear and robust financial and performance monitoring arrangements are in place. The council's own performance management arrangements are strong and its performance team works closely with the HSP.

Changes in grant funding including an increase in the provision of 'Area Based Grants' brings new Governance challenges to the organisation.

A partnership toolkit has been developed by the Council to log and rank the partnerships to which resources are applied. The toolkit aims to promote a consistent approach to partnership working across the organisation and provide guidance and support to officers regarding the Council's requirements regarding Governance issues.

Review of effectiveness

The London Borough of Havering has responsibility for conducting, at least annually,

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a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the Governance Group within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

Outlined below are the arrangements in place to review the effectiveness of the governance framework and the sources of information and assurance on which this statement is based:

Constitution

The Monitoring Officer keeps the Constitution under continual review having delegated powers to make amendments arising from written reports, organisational changes, and legal requirements and to correct errors. Other amendments are considered by Governance Committee and Council. Following a Senior Management Restructuring in May 2008, a substantial part of the Constitution has been reviewed and amended to reflect the new officer structure.

Governance Group and Corporate Management Team

The Council's officer governance group is charged with reviewing the governance arrangements and monitoring any actions designed to improve the framework; close links exist between this group and the Corporate Management Team, who take an active interest in Governance issues. The group have continued to monitor the action plan, derived from a self assessment against the six principles of good governance, throughout 2008/09. In March 2009 the group reported significant progress to deliver the action plan and improved scores, to the Governance Committee.

Governance and Audit Committees

The Council's Governance Committee, attended by the Leader of the Council, and other Group Leaders, is charged with overseeing the Council's governance arrangements and received a report outlining the on-going work of the governance group during the financial year in March 2009. The Governance Committee is responsible for approving the code and the Annual Governance Statement and members who attend both this and the Audit Committee, are responsible for monitoring the work of Internal Audit regarding internal control. This monitoring is integral in the process to produce to produce a robust Governance Statement.

Standards Committee

The Standard's Committee is made up of nine councillors, other than the Leader and limited to only one Cabinet member, and three independent members i.e. individuals

who have not been councillors or employees of the Council in the last five years or are a close relatives or friends of anyone who has. This Committee has a role in promoting and maintaining high standards of conduct by all members of the authority.

Overview and Scrutiny

The overview and scrutiny function reviews decisions made by members. The focus of their role is to provide a challenge and to support the development of policies. At their meetings they have the opportunity to consider performance information; using such things as the quarterly Head of Service packs and monthly Members packs.

In 2008/09 specific key activities, for example Housing Benefit Fraud, were identified by overview and scrutiny and officers were asked to present performance and strategic information to task groups for discussion and challenge.

Internal Audit

Internal Audit is an independent appraisal function that measures, evaluates and reports upon the effectiveness of the controls in place to manage risks. In doing so Internal Audit supports the Group Director Finance and Commerce in her statutory role as Section 151 officer. Annually a Head of Internal Audit Opinion and annual report provide assurance to officers and members regarding the system of internal control; this assurance has also been considered in the production of this statement.

Risk Management

The responsibility for the system of internal control sits with management therefore each Head of Service is required to complete their own assessment and declaration with regards to the arrangements in place within their respective areas. These declarations have been considered when compiling this statement. The Council has embedded risk management processes and relevant policies and the strategy are reviewed and approved annually by Audit Committee. Service Risk Registers are maintained as part of business planning process and reviewed as part of the audit planning process. In preparation for 2009/10 the service planning and risk management processes have been aligned and risk identified during the service planning process will be considered by Risk Management Group for inclusion in the Corporate Risk Register, which is reviewed and approved by Corporate Management Team bi-annually.

External Inspectors

The Council is subject to review and appraisal by a number of external bodies; results of such reviews are considered within the performance management framework. The work of the Council's External Auditor, currently the Audit Commission, is reported to the Audit Committee. The Audit Commission provided an unqualified opinion for 2006/07 within their Annual Governance Report with

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London Borough of Havering

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regards to Value for Money. The Council's accounts are audited annually by the external auditor. An unqualified opinion was given for 2008/09. The results of all external reviews have also been considered in the process of compiling this statement.

We have been advised on the implications of the result of the review of the effectiveness of the governance framework by the Corporate Management Team and the Governance Committee, and a plan to address weaknesses and ensure continuous improvement of the system is in place.

Significant governance issues

The issues identified in the 2007/08 Annual Governance Statement have been monitored by management throughout the year with review periodically to challenge actions and progress by both Corporate Management Team and the Governance Committee. Of the five issues highlighted in the 2007/08 Annual Governance Statement, one, relating to Community Engagement, had been fully addressed at the end of March 2008, the remaining four were issues with wide reaching implications and although significant progress has been made in each area it is felt that the issues remain open. The remaining four issues are therefore detailed below along with the further planned actions to ensure that focus on these areas is maintained throughout 2009/10.

Significant Issue and action already taken	Planned action	CMT Lead
1. Complaints Handling. <ul style="list-style-type: none">➤ New procedure went live September 2008;➤ First complete set of management information reviewed November 2008, presented to members January 2009.	Full review and evaluation commences January 2009. Six month review planned to identify and feed in improvements. Report to Adjudication and Review in April. Internal Audit planned 2009/10.	Group Director Culture & Community
2. Partnership working including changes to funding arrangements. <ul style="list-style-type: none">➤ Planned development of partnership toolkit reported to Corporate Management Team; and	Further development of Partnership Toolkit. Review of Partnerships working. Extend Governance from Strategic Partnership to	Group Director Culture & Community

<ul style="list-style-type: none"> ➤ Internal Audit completed. 	<p>operational levels.</p> <p>Implement audit and locally identified action plans.</p>	
<p>3. Homes in Havering.</p> <ul style="list-style-type: none"> ➤ A number of meetings are held, on a monthly basis, between key Homes in Havering and Council officers; ➤ Monthly Performance Board to discuss PIs and Delivery Plan; and ➤ Some consultancy advice regarding the management agreement. 	<p>New programme of meetings and communication links to continue into new financial year.</p> <p>Agreement of revised management agreement.</p>	<p>Group Director Culture & Community</p>
<p>4. Data Quality – including Partner organisations.</p> <ul style="list-style-type: none"> ➤ Development of a data quality policy and review and refresh of the strategy; ➤ Implementation of an electronic performance management system that will enable timelier reporting by partners; ➤ Internal and External Audits. 	<p>Full roll out of Havering Performs.</p> <p>Training to all relevant officers.</p> <p>Review of system of control over data quality.</p> <p>Further planned audit work.</p>	<p>Group Director Finance & Commerce</p>

In 2008/09 the Council, like many others, were affected by the collapse of the Landsbanki and Heritable Icelandic Banks. The resolution with regards the investments is not yet finalised, however as a result of the incident has instigated both an internal and independent review of the Council's procedures has been instigated in this area to ensure firstly compliance with the approved procedures and secondly to ensure going forward the procedures are robust enough to effectively manage the risks that the Council faces when investing public funds. The Council has also undertaken a major review of its Treasury Management Policy and Strategy and these were subsequently approved by Council in February 2009.

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The Council acknowledges that the needs of the community will be heightened by the countries economic downturn. The risks the Council faces due to the 'credit crunch' have been identified in the business planning processes and how services need to adapt to support those in the greatest need will continue to be considered throughout 2009/10.

In addition to those issues carried forward from 2007/08 the procedures to review and monitor Governance Arrangements to date in 2008/09 have highlighted one further issue:

Significant Issue and action already taken	Planned action	CMT Lead
5. Information Governance ➤ Policies & Procedures are in place; ➤ Reviews by ICT officers to identify weaknesses in current systems; and ➤ Independent viewpoint provided by Internal Audit.	Make more explicit the Council's Corporate requirements regarding information Governance; Invest in new technologies to reduce risk; Raise awareness within teams and services and encourage identification of specific local risks and then action to address; Further audit work planned for 2009/10.	Group Director Finance & Commerce.

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

Lead Member

Chief Executive.....

MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	11 MARCH 2009	9

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COUNCILLOR CALL FOR ACTION

SUMMARY

From 1 April 2009, the provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) known as “Councillor Call for Action” (CCA), will be brought into force. Compliance with the new process will be mandatory. The Committee received a report on these provisions in January 2008 and noted them. A suggestion that a pilot scheme be established at that time to test the working of the legislation was not pursued.

This report reminds the Committee of the new provisions and invites approval of the manner in which it is suggested that they are to operate within Havering. If agreed, the Assistant Chief Executive will exercise previously-delegated powers to give effect to the new provisions.

RECOMMENDATIONS

That the proposed means of operating CCA be agreed.

REPORT DETAIL

Introduction

- 1 CCA in effect places on a statutory footing the constituency work and community leadership role that has traditionally always been undertaken by Members. It builds on existing statutory provisions that enable individual Members of OSCs to require particular issues within an OSC’s remit to be

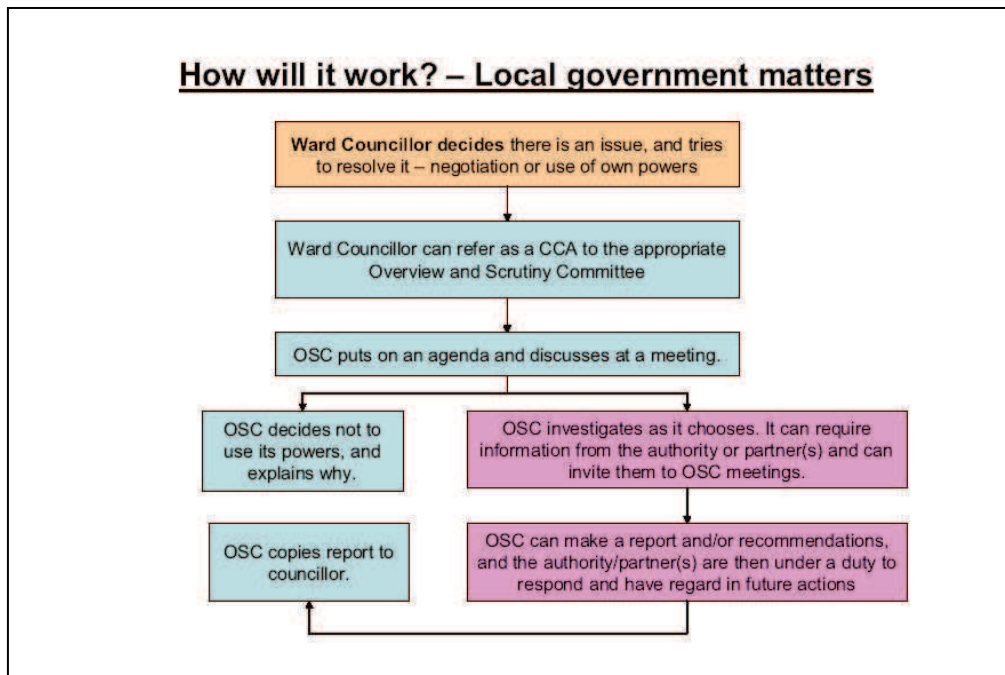
placed on Committees' agendas by extending that ability, for matters affecting their wards, to all Members (including Cabinet Members acting in their capacity as ward Members).

- 2 The intention is that Members will be able to refer local issues that concern them to the relevant OSC with a request that the OSC look into them. There is no limitation to the scope of CCA referrals other than that they should be concerned with "local government functions" within the OSC's remit, although it should be noted that it is intended for matters affecting the community at large rather than as a way of dealing with matters concerning specific individuals. That is, in fact, a broad scope given that, with powers such as "general well-being", a very wide range of activity potentially comes within it.
- 3 The Crime & Disorder Committee is excluded from this process, although a very similar process under different legislation is also expected to come into force imminently.
- 4 Some categories of potential activity for referral are excluded:
 1. Planning Matters
 2. Licensing Matters
 3. Anything vexatious, discriminatory or unreasonable
 4. Anything relating to an individual or entity that is already subject to an appeal or review (other than matters that have been referred to the Ombudsman: to have excluded them would render virtually everything an "excluded matter")
- 5 It is not open to the Council to seek to impose its own definitions as to what may be considered within the scope of CCA. Most referrals are likely to be obviously about Council functions but those that relate to issues that appear marginal will need to be considered individually, on their merits.

The statutory procedure

- 6 The Act sets out a precise procedure to be followed when handling CCAs. It should be noted that there is little scope for departure from the prescribed process and that any such departure, unless very clearly justifiable, is likely to result in a finding of maladministration if those who had sought the Member's support complain to the Ombudsman.
- 7 The first stage is for a Member to consider whether an issue warrants treatment as a CCA. This will be a personal matter for the Member: he/she alone has the ability to decide whether to make the referral. If the Member decides not to make a referral, that decision is unchallengeable by a third party (although there needs to be some mechanism for putting a decision not refer "on the record"). In coming to a decision, the Member must take into account guidance from the Secretary of State. A Member will be able to refer a matter under CCA only where it relates to his or her ward; where, as in Havering, there are multi-Member wards, there will be no need for more than one ward Member to refer it.

- 8 Assuming that the Member is minded to pursue the issue as a CCA, he/she is expected initially to pursue it informally through the usual channels, and to refer it formally as a CCA only if the Member in question considers the informal attempts to resolve it to have been unsuccessful.
- 9 Once the Member has decided to deal with the issue as a CCA and has been unable to resolve the matter by informal means, he/she will be able to refer it to the relevant OSC, and that referral must be placed on the agenda of the next available meeting of that OSC. The OSC is bound to consider the referral but retains complete discretion as to whether or not to pursue it.
- 10 If the OSC declines to pursue a CCA, it must give reasons for that decision.
- 11 If, however, the OSC decides to pursue the CCA, it is free to do so as it thinks fit, although the two most likely approaches are:
 - To call for a detailed report from the relevant Head(s) of Service; or
 - To commission a group of Members to investigate and reportThere is no set time limit for this.
- 12 To avoid confusion with the Topic Groups set up by OSCs to look at policy issues, it is suggested that groups of Members looking into CCAs be termed "CCA Groups".
- 13 Once the matter has been investigated, the OSC can:
 - Decide not to pursue the matter further
 - Report formally on it to Cabinet or Council, or to another Committee, with or without recommendations
 - Report formally to any partner authority, again with or without recommendations
- 14 Where a report or recommendation to a partner authority relates to a matter specified in the local area agreement (LAA), the OSC can require the partner authority to have regard to the report or recommendations in exercising its functions (please see the separate report on enhanced OSC powers for a definition of "partner authority").
- 15 The steps of the procedure are illustrated in the following flowchart:



Operating CCA in Havering

- 16 Members have already noted that CCA is effectively an adjunct to Members' constituency work. As such, it is intended that the existing support offered to them through the Members' Support Service within Democratic Services will continue to be Members' initial point of support for CCA matters.
- 17 Members' Support staff will assist individual Members with assembling the information needed to deal with a CCA, including facilitating contact between the Member and relevant staff, as well as those seeking assistance. Once a Member has been unable to resolve the matter locally and has decided to proceed with the CCA, Members' Support staff will assist in preparing the formal reference.
- 18 It is intended that there will be a specific form to be used for such referrals – see Appendix 1 for a draft of such a form. The use of a form is proposed in order to ensure that all relevant information is gathered together for presentation in a meaningful format to the OSC. Members will not be obliged to use the form to make a referral but it will be more convenient administratively – and make for more efficient and effective use of resources – if they do so.
- 19 Once completed, the Member's referral and any background correspondence will be passed from Members' Support to Committee Support and the Committee Officer who supports the OSC will then take charge of the process. The Member's referral and background papers, together with the formal response from the relevant HoS, will be submitted to the OSC at its next available meeting and the OSC will be invited to determine what, if any, further action is to be taken. The normal categories of exempt information will apply, ensuring that personal and other sensitive information is kept out of the public domain.

- 20 Follow up action will be taken by the relevant Committee Officer, in consultation where necessary with the Chairman of the OSC.

Dealing with the outcome of a CCA

- 21 The Act has refined the process for dealing with the outcome of OSC investigations generally, amending the existing provisions for reporting to Cabinet and/or Council. In brief, the amendments require Cabinet or Council (as appropriate) to consider OSC reports within two months of their being referred for Cabinet/Council consideration, and also require that Cabinet/Council indicate what, if any, action is proposed to follow up the OSC recommendations.
- 22 In this context, the findings of an OSC on a CCA referral are no different from other activities resulting in a formal report by an OSC. Thus, where following a CCA there is a set of recommendations requiring Cabinet or Council consideration, their submission and consideration will follow the same path as recommendations on policy reviews etc. This process is dealt with in more detail in another report in the agenda for this meeting.
- 23 Where a partner authority is involved, the same considerations will apply.
- 24 The Member who initiated the CCA will be entitled to receive a copy of the OSC report.

Financial implications and risks

- 25 The costs of administering CCAs will be met from within existing Democratic Services budgets for Member Support and Committee Support. At present, levels of demand for CCA-related activity are unknown and no assessment of additional workload is possible. If the workload turns out to be significant, and more staff resources become needed, a report will be submitted at that time.
- 26 The cost of supporting and investigating CCAs within service departments, is similarly unknown at this stage. It is anticipated however, that this will also be met from within existing budgets.
- 27 The financial implications of individual CCA referrals, if any, will be addressed in the reports that emanate from them.

Legal Implications and risks

- 28 The process of CCA is introduced by the Local Government & Public Involvement in Health Act 2007. As such, its implementation is a statutory obligation which the Council cannot avoid.
- 29 The Committee has previously authorised the Assistant Chief Executive, Legal and Democratic Services, to make all necessary changes to the Constitution, and in particular the Overview & Scrutiny Procedure Rules, to give effect to the consequences of the introduction of CCA.

Human Resource Implications and risk

30 There are no HR implications or risks known at present, as the new work will be absorbed by existing staff. Should circumstances change, a further report will be submitted.

Equalities Implications and risk

31 There are no obvious equalities implications or risks.

**Cheryl Coppel
Chief Executive**

Contact: Ian Buckmaster, Manager of Committee and Overview & Scrutiny
Support
Telephone: 01708 432431
E-mail: ian.buckmaster@havering.gov.uk

Background Papers

There are no background papers

CCA referral form



**Overview & Scrutiny:
Councillor Call for Action**

If you need help to complete this form please contact your Members' Support Unit group secretary

Councillor _____

What specific issue(s) does your Councillor Call for Action involve?

To which Overview & Scrutiny Committee(s) do you wish to see this matter referred?

What do you think the Council should do to put things right? What remedy are you seeking?

Governance Committee, 11 March 2009

How have you sought to resolve the matter up to this point?

Please attach all relevant background papers, correspondence etc.

Your signature: _____

Date:

This referral will be placed on the agenda of the relevant Overview & Scrutiny Committee at its next available meeting. You will be invited to attend and to explain the reasons for your Call for Action.

MEETING

DATE

ITEM

GOVERNANCE COMMITTEE

11 MARCH 2009

10

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: OVERVIEW & SCRUTINY: ADDITIONAL POWERS

SUMMARY

From 1 April, the provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) to enhance the powers of Committees (OSCs) will be brought into force. Compliance with the new provisions will be mandatory, although it will be for the Committees to determine in any particular circumstance whether to invoke them.

This report informs the Committee of the new provisions and draws attention to their implications for the Overview & Scrutiny process, for Council and Cabinet decision making and associated issues, and recommends that the Council be so advised.

RECOMMENDATIONS

- 1 That the new provisions be noted.
- 2 That the Committee report on the provisions to Council, drawing particular attention to the new requirements on report by Overview & Scrutiny Committees to Council and Cabinet and the duties on those bodies to respond.
- 3 That the Committee recommend to Council that the Assistant Chief Executive Legal & Democratic Services be authorised to make any necessary consequential adjustments to the Overview & Scrutiny Procedure Rules in the Constitution on an interim basis, pending wider review of those Rules.

REPORT DETAIL

Introduction

- 1 As part of its programme to empower communities, the Government has decided to bring into force from 1 April 2009 powers contained in Chapter 2 of Part 5 of the Act, which are intended to enhance the powers of OSCs. One of these provisions, “Community Call for Action”, is the subject of a separate report to this meeting.
- 2 This report deals with a series of provisions that are intended to expand the powers and roles of OSCs.
- 3 Under the Local Government Act 2000 (the 2000 Act) OSCs already have powers to require Cabinet Members and officers to attend before them to answer questions. That power is extended by the Act to enable OSCs to require “partner authorities” to provide information (subject to some restrictions) relevant to overview and scrutiny activity dealing with local improvement targets. Havering’s partner authorities are set out in the Appendix to this report.
- 4 The Act imposes a duty on partner authorities “to have regard to” a report or recommendation arising from a review dealing with a local improvement target relating to that partner authority that is specified in the local area agreement for Havering. The main exceptions are the police and NHS bodies, because there is specific alternative legislation, which has a similar effect affecting those bodies (although both are within the definition of “partner authority”).
- 5 Under the 2000 Act, OSCs may report to Cabinet or to Council on matters that they have reviewed. The Act now imposes on both Council and Cabinet mandatory duties to consider any such report and to respond to it, indicating what action is to be taken in consequence, **within two months**.

Scrutiny of local area agreement activity

- 6 One of the government’s objectives for the Act was the extension of scrutiny to local area agreement (LAA) activity. Hitherto, scrutiny would only have been possible of a local authority’s own activity on LAA matters: the new legislation enables (but does not oblige) OSCs to examine the contributions made by partner authorities within the LAA to the achievement of local improvement targets (Havering’s current targets are set out in Appendix 2).
- 7 The Act accordingly imposes a duty on “partner authorities” to co-operate with OSCs in reviews of LAA/local improvement targets. Not only is there an obligation on them to provide information but they also have an obligation to have regard to the OSC findings in exercising their functions. Appendix 1 indicates the OSCs most likely to have dealings with each “partner authority” (though this is not an exhaustive list).
- 8 To date, no OSCs have dealt with issues that arise from, are affected by, or affect the LAA. Current work plans do not contain such issues. It would, however, be appropriate in future workplans to examine whether such issues should be explored: not least

because it is probable that future assessments, inspections or audits will expect to see to what extent the Council's OSCs have considered using their powers in respect of LAA-related matters.

Reports to Council and Cabinet

- 9 From time to time, individual OSCs report to Cabinet (usually on topic group review outcomes) and, more rarely, to Council. Currently, the arrangements for such report are governed by the Overview & Scrutiny Rules in the Council's Constitution, paragraph 12 of which requires that Cabinet shall consider that report "within ten weeks of the overview and scrutiny committee completing its report or recommendations" (there is no similar timescale for reports to Council). The new statutory provisions over-ride that and, as noted, require that the report be considered within two months.
- 10 For reports to Cabinet, this should not present any insuperable difficulty; although the statutory period allowed for consideration is marginally shorter than that provided by the Council's Rules, as Cabinet meets monthly in practice no great problem is anticipated.
- 11 There may, however, be difficulty if an OSC reports directly to Council on a matter; although OSCs rarely report to Council, it does not meet at an even frequency. There is no meeting at which ordinary business is conducted between late March and mid-late July, nor between mid-late July and mid-late October – but between October and March meetings occur within two months of each other. That can be overcome to some extent by carefully managing the submission dates from OSCs but that may not always be possible. Accordingly, there is a chance that, from time to time, extraordinary meetings of Council will be required to consider specific referrals from OSCs.
- 12 The provision in the Act that introduces a potentially onerous process is that Council and Cabinet must not only consider the OSC report within two months but agree a response to it, which must indicate what (if any) action the Council or Cabinet propose to take as a result. This contrasts with current practice whereby Cabinet receives and considers an OSC report, and then agrees, in full or in part, or rejects, the findings and they are then incorporated into policy or practice as appropriate.
- 13 The Act prescribes a somewhat bureaucratic process for that purpose that is at odds with Havering's current (rather more pragmatic) practice; the principal difference is that the response of the Council or Cabinet will now need to be more fully considered and formally reported to the OSC. Procedures will need to be reviewed but the aim will be to retain as much of the current method as is practicable and simply graft on what is needed to comply with the Act.
- 14 It should be noted that, as the new procedure is mandatory, failure to follow it would be good grounds for a finding of maladministration by the Ombudsman if a decision were challenged by an aggrieved party.

Overview & Scrutiny Procedure Rules

- 15 The introduction of the new statutory procedures will require revision of the Council's Overview & Scrutiny Procedure Rules (the Rules). A review of the Rules is, in any event, currently underway and a report will be submitted to a future meeting but, in the meantime, as an interim measure, it is suggested that the Committee authorise the Monitoring Officer to make such adjustments to the Rules as are needed to comply with the Act.

Further enhancement

- 16 A bill currently going through Parliament contains provisions designed to enhance further the role and scope of the scrutiny function. Present indications are that there is a strong likelihood of the new legislation passing into law, probably to become effective following the local government elections in May 2010.

Financial implications and risks

- 17 There are no significant implications or risks. The shorter timescales for reporting are not expected to result in additional expense. In the (unlikely) event that an extraordinary meeting of the Council is required to deal with a referral from an OSC, some expenditure will be incurred but it will be met from within existing budgets.
- 18 Additional expenditure may be incurred as OSC activities broaden and may need to be considered as a budget pressure in due course. Any obvious additional funding needs will be addressed as specific issues arise.

Legal implications and risks

- 19 There are no obvious implications and risks so long as the new legal provisions are complied with. Failure to comply, however, could result in adverse findings against the Council in Ombudsman or legal proceedings.

Equalities and HR implications and risks

- 20 There are none.

Cheryl Coppell
Chief Executive

Contact: Ian Buckmaster, Manager of Committee and Overview & Scrutiny Support

Telephone: 01708 432431

E-mail: ian.buckmaster@havering.gov.uk

Background Papers

There are no background papers

Partner authorities

The “partner authorities” specified in the Local Government & Public Involvement in Health Act are, in the Havering context:

Authority	Relevant OSC(s)
(a) the London Fire and Rescue Authority;	Crime & Disorder; Environment
(b) the Metropolitan Police Authority;	Crime & Disorder; Environment; Corporate
(c) the Metropolitan Police;	Crime & Disorder; Environment
(d) the East London Waste Authority;	Environment; Corporate
(e) Transport for London;	Crime & Disorder; Environment; Adult Services
(f) the Havering Primary Care Trust (NHS Havering);	Crime & Disorder; Health; Children’s Services; Adult Services
(g) the London Development Authority;	Environment; Culture & Regeneration
(h) the local probation board;	Crime & Disorder; Children’s Services; Adult Services
(i) the Havering Youth Offending Team;	Crime & Disorder; Children’s Services
(j) the Barking, Havering and Redbridge Hospitals National Health Service Trust;	Health; Crime & Disorder
(k) the London Ambulance Service National Health Service Trust;	Health; Crime & Disorder
(l) the North East London NHS Foundation Trust.	Health; Crime & Disorder
(m) the Arts Council of England;	Culture & Regeneration
(n) the English Sports Council;	Culture & Regeneration; Children’s Services
(o) the Environment Authority;	Environment;
(p) the Health and Safety Executive;	Crime & Disorder; Corporate
(q) the Historic Buildings and Monuments Commission;	Environment; Culture & Regeneration
(r) the Learning and Skills Council for England;	Culture & Regeneration; Children’s Services; Adult Services
(s) the Museums, Libraries and Archives Council;	Culture & Regeneration
(t) Natural England;	Culture & Regeneration
(u) the Secretary of State, but only in relation to—	
(i) his functions under section 2 of the Employment and Training Act 1973 (c. 60) (arrangements with respect to obtaining etc employment or employees);	Adult Services; Culture & Regeneration
(ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and	Environment
(iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).	Environment

LAA 2 Proposed Indicators

- NI 1 - % of people who believe people from different backgrounds get on well together in their local area
- NI 4 - % of people who feel they can influence decisions in their locality
- NI 7 - Environment for a thriving third sector
- NI 16 - Serious acquisitive crime rate
- NI 17 - Perceptions of anti-social behaviour
- NI 30 - Re-offending rate of prolific and priority offenders
- NI 39 - Alcohol-harm related hospital admission rates
- NI 41 - Perceptions of drunk or rowdy behaviour as a problem
- NI 50 - Emotional health of children
- NI 55 - Obesity among primary school age children in Reception Year
- NI 79 - Achievement of a Level 2 qualification by age of 19
- NI 80 - Achievement of a Level 3 qualification by age of 19
- NI 102 - Achievement gap between pupils eligible for free school meals and their peers achieving the expected level at Key Stages 2 and 4
- NI 110 - Young people's participation in positive activities
- NI 111 - First time entrants to the Youth Justice System aged 10 – 17
- NI 117 - 16 to 18 year olds who are not in education, training or employment (NEET)
- NI 119 - Self-reported measure of people's overall health and wellbeing
- NI 120 - All-age all cause mortality rate
- NI 124 - People with a long-term condition supported to be independent and in control of their condition
- NI130 - Social Care Clients receiving Direct Payments & individual budgets
- NI131 - Delayed Transfers of care from hospitals
- NI 135 - Carers receiving needs assessment or review and a specific carer's service, or advice and information
- NI 138 – Satisfaction of people over 65 with both home and neighbourhood
- NI 139 - People over 65 who say that they receive the information, assistance and support needed to exercise choice and control to live independently
- NI 149 - Adults in contact with secondary mental health services in settled accommodation
- NI 153 - Working age people claiming out of work benefits in the worst performing neighbourhoods
- NI 154 - Net additional homes provided
- NI 164 - Working age population qualified to at least Level 3 or higher
- NI 166 - Average earnings of employees in the area
- NI 173 - People falling out of work and on to incapacity benefits
- NI181- Processing Housing Benefit/Council tax new claims
- NI 186 - Per capita CO2 emissions in the LA area
- NI191- Residual household waste per head
- NI 192 - Household waste recycled and composted
- NI 195 - Improved street and environmental cleanliness (levels of graffiti, litter, detritus and fly posting).

MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	11 MARCH 2009	11

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: FACILITIES FOR MEMBERS – ICT, including communications equipment

SUMMARY

This report sets out the current policies around members' use of ICT equipment, including communication devices. The Committee is invited to consider and agree these so as to establish an authoritative public record for these arrangements.

RECOMMENDATION

That the policies and practices set out in the appendix to this report be adopted.

REPORT DETAIL

1. This Committee is responsible for, among other things, overseeing "matters related to the facilities available to support members". The provision of ICT, including communication devices, is among the facilities available.
2. From time to time the committee deals with issues around this provision. By way of examples, the committee has agreed a mobile phone policy and has dealt with an individual's request to be provided with a fax machine as an exception to the current policy.
3. All the policies and practices which have either been agreed at some time by members through various mechanisms or have emerged as practice have now been brought together in one document. This enables the committee to satisfy themselves that the facilities do indeed offer the support that members require for their respective roles and that the policies and practices are appropriate to deliver that support.
4. The draft policy document, attached as an appendix, does not seek to change any existing policy or practice but simply to bring them together in one

document to, among other things, establish clarity in view of some uncertainties which have arisen in the minds of some members. When adopted this will be amended to reflect the final policy version.

5. It will be noted that the policy includes reference to the practice that the Council does not pay for members' use of their own telephones for either personal or business use as this is covered by the allowances received.
6. Members must use their Havering GroupWise email account **ONLY** when using the council network or council supplied equipment rather than any personal email account for Council business. Any Personal or Hotmail accounts **must not** be used as they have caused virus problems and security issues in the past. Any exceptions to this need specific authorisation from the Head of Business Systems. This does not affect the use by members of other non-council networks, equipment and email accounts for the purpose of communication with the council. Council staff will only provide members' LBH e-mail address in published material.
7. It should be noted that Business Systems staff continue to review ICT developments with a view to identifying improved services and ways of working that might be available for members.
8. Following adoption of this the policy the Head of Service will take the following actions:
 - a) For those members who have more than one business line into their homes, **remove** any second lines in use.
 - b) Disable outgoing calls on business data lines but continue to enable incoming calls at no cost to the Council.
 - c) Members who still use FAXes and have them connected to data lines will need to move them to their own provided telephone lines.

9. Exceptions

Any deviation from this policy needs recorded approval by or on behalf of the Governance Committee.

10. Financial Implications and Risks:

In itself this report has no such implications and risks. The current budget reflects the needs of the policies as currently applied and set out in the appendix. There is no budget allocation for business calls made from council installed home telephone lines.

It should be noted that use of land telephone lines for other than business use introduces personal tax liabilities.

11. Legal Implications and risks:

There are no such risks attached to this report.

12. Human Resources Implications and risks:

Any training needs arising from these proposals will be accommodated within our normal Member development provision.

13. Equalities and Social Inclusion Implications and risks:

There are no such risks attached to this report.

Staff Contact: Ray Whitehouse
Designation: Head of Business Systems
Telephone No: 01708 432226
E-mail address: ray.whitehouse@havering.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

None

APPENDIX 1

Business Systems:

Draft Policy for the supply use of personal computers, laptops, RSA tokens and communication equipment by Members

1. Introduction

The London Borough of Havering, in recognition of the increasing importance of information technology and the requirements of e-government, will make available to Members IT equipment and services to meet their business needs. This policy has been written to protect the interests of the Council and members alike.

2. Provision of Home personal computers, laptops and RSA tokens

2.1. The Council will provide members with a capability of working from home. This will consist of either

2.1.1. A laptop with docking station and separate mouse, a printer and a Havering linked broadband business line to connect the laptop to the council's network (for which the Council will meet the cost for initial installation) or, alternatively,

2.1.2. An RSA token for use with members' own home IT equipment.

2.2. All IT equipment supplied to members for use in their homes is the property of the London Borough of Havering. It must be returned upon the request of the Authority.

2.3. Members may use the supplied equipment for personal use but must be aware that :

2.3.1. Users must at all times abide by the ICT business systems policy. The IT equipment and software can be used by Members so long as it is not used in relation to an external business.

2.3.2. No family members may use the Council provided IT equipment. The equipment is provided for the sole use of members.

2.3.3. This policy for applies to both Council and Personal use.

2.4. All IT equipment will be supplied and installed by London Borough of Havering IT Service staff. Access to members' homes for ICT Services staff shall be given to allow essential maintenance, security work or removal of equipment upon reasonable request. Installations of IT equipment at the Members home will take place during normal office hours (i.e. 9am to 5pm). Any visits required outside these times will need special arrangements and will need the specific authorisation of the Head of Business Systems.

- 2.5. If appropriate for maintenance the member will be requested to bring the laptop to the Town Hall for repair.
- 2.6. The Council will not install equipment in Members' place of work.
- 2.7. New hardware and software for the Council-provided equipment must only be provided by the London Borough of Havering. Members must not download new software or copy to or from another PC / laptop (This would infringe copyright).
- 2.8. The Council does not provide a desk, chair or other office furniture for the purposes of home working.
- 2.9. Members must ensure that reasonable care is taken of the IT equipment supplied and that it is secure. The repair cost of any accidental damage caused by the member will be charged for as will any replacement costs for loss.
- 2.10. As part of the installation a "Starters" tutorial will be provided this will cover switch on and login to system only. Training can be arranged by attending set courses or exceptionally by a pre-arranged one-to-one session with a trainer. ICT Services will not provide individual training sessions.
- 2.11. The Council has the right at any time and without notice request a software and hardware audit, and may remove any equipment at the time of the audit for further inspection. Members must co-operate fully with any such audit.
- 2.12. Members must ensure that appropriate security measures are taken to stop access to confidential information, either on the PC / laptop or in printed format. Members are bound by the same requirements on confidentiality and Data Protection as the Council itself and must comply with the rules on Information Management as described in section 8.4 of the Business Systems Policy.
- 2.13. At no time will ICT supplied equipment be connected to a non-Havering network, without the express written permission of the Head of Business Systems
- 2.14. If a member uses their own personal IT equipment for home working then the member is responsible for having an up-to-date Antivirus system.
- 2.15. The Council is not responsible for the repair or maintenance of any PC equipment owned by members. The ICT Service Desk will answer calls relating to problems with Council systems from those working from their home or using RSA tokens.
- 2.16. The Council does not insure IT equipment in members' homes. Insurance cover for the equipment is likely to be covered by members' own home contents insurance cover although some financial limits and excesses

may apply. Members are responsible for the cost of replacing Havering-provided equipment should it be stolen etc. and might like to check with their insurers the insurance cover for laptops when not in the home. Members should advise their insurers in writing that they are working from home and are responsible for this equipment.

3. Use of the IT software and equipment

3.1. Members must comply with all appropriate codes and policies associated with the use of IT equipment. Full details of the Business Systems Policy can be found on the Council's Intranet site on the ICT pages, and it is members' responsibility to ensure compliance. This policy has sections on use of E-mail and Internet including specific rules on personal use for both. In particular members should note that –

- 3.1.1. The council has the right to seize any council issued computer equipment for forensic examination at any time.
- 3.1.2. They must not allow other persons to gain access to Council ICT systems or equipment.
- 3.1.3. The Council's computer systems can be accessed remotely using their own home PC via Citrix Secure Gateway remotely.
- 3.1.4. If personal equipment is used for home working the owner/user is required to have an up to date Antivirus system installed and to ensure that any Havering work documents are not stored on the equipment. ICT will advise further on this if requested
- 3.1.5. At no time should Havering-supplied equipment be connected to a non Havering network, without the express written permission of the Head of Business Systems.
- 3.1.6. Members must not
 - write down their user name and password.
 - share their user name and password with anyone else.
 - allow other users to log in with your username and password.
 - change, amend or adjust any other settings and/or configuration of the Council supplied computer equipment.
 - use council equipment for the storage and distribution of personal information files
 - remove software installed by Business Systems personnel on Council provided computer equipment
 - attempt to shut down, circumvent or disable any software installed by Business Systems personnel on Council equipment
 - install any hardware, either external or internal, that has not been sanctioned and supplied by Business Systems Procurement
- 3.1.7. If the is PC unattended for any length of time the PC must be locked or members must log out completely.
- 3.1.8. Members may change the screen resolution, colour depth and theme, in order to allow for a more usable working environment.
- 3.1.9. All Council related non sensitive working documents MUST be stored on the network S: Drive. Local drive (C:, E: etc) should not be used for storing working documents”.

3.1.10. The U: drive is ONLY to be used to store files that are work related, but are of a private or sensitive nature such as staff PDPAs and require restricted access protection.

3.2. User registration must be requested from Member Support via the correct form. The form must state which applications, e.g. Novell GroupWise, the Member requires to access.

3.3. Members requiring any upgrades of hardware or software must be initially agreed via the Democratic Services Manager

3.4. Members must use their Havering GroupWise email account ONLY when using the council network or council supplied equipment rather than any personal email account for Council business. Any Personal or Hotmail accounts **must not** be used as they have caused virus problems and security issues in the past. Any exceptions to this need specific authorisation from the Head of Business Systems. This does not affect the use by members of other non-council networks, equipment and email accounts for the purpose of communication with the council.

4. Use of Council Personal Computers at the council locations

4.1. Members in line with the council's flexible working and hot-desking arrangements can use council PC's in any council area they normally have access to. Members will be required to use their own logon identities and passwords and should not request or expect staff to give them logon IDs or passwords. PCs are made available specifically for members use in the members' resource room.

5. Damaged, Lost or Stolen Equipment

5.1. If IT equipment including memory sticks, etc., is damaged, lost or stolen it is the member's responsibility to report it immediately to Democratic Services. Any theft will be reported to the Head of Business Systems who in conjunction with the Council Monitoring Officer will decide if the matter should be referred to the Police.

5.2. In the event of theft or damage members should inform their insurers should be notified as soon as possible of the occurrence. The insurance policy may well require you to notify the police and obtain a crime reference before a claim will be considered.

5.3. If the IT equipment has been misused (either by physical damage or in contravention of this policy) the Council reserve the right to require its return, and charge the cost of repair or replacement.

5.4. Any allegation or suspicion that a Member has contravened this policy will be reported to the Assistant Chief Executive, Legal and Democratic Services who may, in consultation with the Chief Executive, request an independent

review by the Council's Internal Auditors in order to identify if there has been any misuse.

6. Fault Reporting and Equipment Failure

6.1. In the event of equipment fault or failure the Member must report it to the ICT Service Desk, who can be contacted on extension 2515 during normal business hours of 9am to 5pm Monday to Friday. The ICT Service Desk will normally try to resolve problems over the telephone. Alternatively contact can be made by email to ICT_helpdesk@havering.gov.uk.

6.2. Repairs will normally be carried out at home, except for laptops or where Members find a home visit inconvenient when the equipment can be brought into Member Services at the Town Hall. If a laptop is returned for repair the user must ensure that all cables, mouse, etc. are included.

7. Mobile and other Communications

7.1. Mobile phones

7.1.1. A mobile telephone will be made available on request to each of the following Members for use for Council business –

- Leader of the Council
- Cabinet Members
- Leaders of Opposition Groups
- The Mayor

7.1.2. That the Leader of the Council is empowered, after consultation with Group Leaders, to authorise the provision of a mobile telephone to any other Member who can establish a need for such provision.

Note: [7.1.1 and 7.1.2 above reflect the decision of the Governance Committee on 26th May 2004]

7.1.3. Upon issue recipients are required to sign and return a document confirming that they have read the Council's mobile telephone protocol and have agreed to abide by the terms contained in that protocol.

7.1.4. Mobile phones are provided for Council business only. It is not recommended that private calls or text messages are made using them. Mobile phone users will be sent an itemised bill via Member Support and be expected to pay for any non-Council use by cheque.

7.1.5. The enabling of Euro-roaming facilities can be authorised by the Assistant Chief Executive, Legal and Democratic Services.

7.2. Blackberrys

7.2.1. The policies regarding the eligibility etc of Blackberrys is identical so far as appropriate to the policy on mobile phones.

7.2.2. Should a blackberry be required the mobile phone will be returned as the blackberry provides all the facilities of the mobile phone.

7.3. Laptops and 3G Cards

7.3.1. The policies regarding the eligibility etc of 3G cards for use with laptops is identical so far as appropriate to the policy on mobile phones

7.4. Loss or Theft

7.4.1. If the mobile telephone is lost or stolen, the holder must follow the written instructions supplied to each mobile telephone holder. T-Mobile should be contacted immediately using the telephone number supplied on the instructions, and a cease put on the SIM card concerned. If these instructions are not followed, then the holder of the mobile telephone may be deemed responsible for any call charges that accrue.

7.4.2. If the BlackBerry is lost or stolen, the holder of the device must follow the written instructions supplied to each BlackBerry holder. T-Mobile should be contacted immediately on the following telephone number, 08454 122602 and a cease put on the SIM card concerned. If these instructions are not followed, then the holder of the BlackBerry may be deemed responsible for any call charges that accrue.

8. Other communications items

8.1. New or replacement FAX machines are not provided. The Council does not meet the cost of running FAX machines or any telephone line that they use. For Council-provided machines the Council will provide toners and paper through Democratic Services.

8.2. Telephone answering machines are not provided.

8.3. Telephones are not provided. The Council does not meet the cost of telephone lines, telephone calls, or connections. Members own telephones or Fax machines must not be connected to Council – provided and funded broadband lines.

8.4. Members are allowed to use council office telephones for business calls.

9. Cease Usage or Leavers

9.1. The policy requires the return of all IT equipment following the resignation of a Member or where a Member ceases to hold office. In no circumstances will any IT equipment be sold or gifted to Members.

10. Exceptions to this policy

- 10.1. ICT Services staff may need to waive these rules / regulations in order to carry out their duties with the approval of the Head of Business Systems. Any such waiver will be recorded in writing.
- 10.2. ICT Service Desk may need to ask specific users to run executable programmes, which are in contravention to this policy in order to solve PC problems. Only under specific instruction via e-mail from the ICT Service Desk will this be allowed.
- 10.3. Any deviation from this policy needs recorded approval by or on behalf of the Governance Committee.

11. Breach of this policy

- 11.1. Any breach of this policy may result in a complaint to the Standards Committee under the Member Code of Conduct and/or the Protocol on Member/Officer Relations.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	11 MARCH 2009	12A

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF SCHOOL GOVERNORS

The appointment of school governors who are also Members or employees of the Council is dealt with by this Committee (all other appointments are made by the Group Director, Children's Services under delegated powers).

The Governor Appointment Panel has now submitted for formal approval the nominations of:

Julian Strong – Democratic Services – Abbs Cross School
Dean Jeffreys - Teacher at The Albany – Benhurst Primary School

Human resources implications and risks

No implications or risks for the human resources arise from this report.

Equalities implications and risks

No implications or risks for the environment arise from this report

Financial implications and risks

No financial implications or risks arise from this report.

Legal implications and risks

No legal implications or risks arise from this report.

RECOMMENDATION

Governance Committee, 11 March 2009

That the appointments of the under-mentioned employees to the school Governing Bodies indicated be approved:

Julian Strong – Democratic Services – Abbs Cross School
Dean Jeffreys - Teacher at The Albany – Benhurst Primary School

**Contact Officer: Ian Buckmaster, Manager of Committee and Overview
& Scrutiny Support**

Telephone: 01708 432431

**Cheryl Coppel
Chief Executive**

Background Papers: None