



Havering

L O N D O N B O R O U G H

GOVERNANCE COMMITTEE AGENDA

7.30pm

Wednesday
12 January 2011

Havering Town Hall
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative Group (7)

Michael White (C)
Becky Bennett (VC)
Robert Benham
Osman Dervish
Steven Kelly
Roger Ramsey
Eric Munday

Residents' Group (2)

Clarence Barrett
Ray Morgon

Labour Group (1)

Keith Darvill

Independent Residents' Group (1)

Jeffrey Tucker

For information about the meeting please contact:
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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 a correct record the minutes of the meeting of the Committee held on 6 October and the Special Meeting held on 24 November 2010, and to authorise the Chairman to sign them.

5 THE LOCALISM BILL

Members are invited to note this report which introduces and outlines the key provisions which may affect Havering if it becomes law in its present form.

6 CYCLE OF CABINET, COMMITTEE & OTHER MEETINGS

This report invites Members to consider whether changes to the cycle of meetings proposed for 2011 into 2012, should be made.

7 THE FORMAT OF MEETINGS OF FULL COUNCIL

Members are invited to consider whether suggested changes to the meeting format should be proposed to the Council.

8 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.

**Philip Heady
Democratic Services Manager**

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
24 November 2010 (7.30pm – 7.55pm)**

Present:

COUNCILLORS:

Conservative Group	Michael White (in the Chair), Becky Bennett (VC), Robert Benham, Osman Dervish, Steven Kelly and Lynden Thorpe (substitute for Councillor Roger Ramsey)
Residents' Group	Clarence Barrett and Ray Morgon
Labour Group	Keith Darvill

Apologies for absence were received from Councillors Roger Ramsey and Jeffrey Tucker.

All decisions were taken with no votes against.

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

25 MINUTES

The minutes of the meetings held on 6 and 27 October were agreed as correct records and signed by the Chairman.

26 APPOINTMENTS TO THE ADOPTION PANEL

It was reported that regulations required a local authority providing an adoption service ("an adoption agency") to appoint an Adoption Panel. In Havering, the appointment of individual Panel members was a matter for this Committee.

Two social care representatives had indicated their intention to step down from the Panel. Group Director, Social Care and Learning acting as the Adoption Agency under delegated powers had, therefore, put forward two nominees to act as the new such representatives on the Panel: Lynn Adams and Carol Balfe. Both were fully qualified social workers working for the Council with over three years' of relevant post-qualifying experience.

RESOLVED

That the Committee

- (a) Note that Roy Gaskin and Jonathan Pearce had stepped down from the Panel; and**

- (b) Approve the appointment of Lynn Adams and Carol Balfe as the new social care members of the Panel.**

27 MEMBERS' CASEWORK – ward surgeries

It was reported that several members new to the Council had enquired about surgery facilities that might be available to them. While Havering Council itself had never supported surgeries administratively or financially and the letting policies around the use of Council premises did not permit political use, the opportunity was taken through the report before members - submitted at the request of the Committee's Chairman - to promote a discussion on the matter and to place on the record the Council's policies and practices.

The report before members referred to the current practice around support for members' surgeries; the availability of Council accommodation for such surgeries; and the use of the Town Hall for these purposes.

It was noted that the current arrangements in respect of support to surgeries was:

- The Council did not pay for any ward surgeries
- Council staff did not arrange any surgeries
- Council resources were not used to promote surgery details (save for the details appearing on the members' web page).

The Committee noted that several of its halls etc. under its direct control and most of those premises that were under the control of others under lease or licence, had a hire condition to the effect that the premises were not to be used for political purposes. Members commented that in their experience such conditions were not consistently applied and some members instanced cases where 'political' meetings open to all comers took place in Council accommodation.

Overall, members considered that members' surgeries were not 'political' in the context of the hire condition mentioned as they functioned as meetings to assist constituents. Furthermore the committee – while noting that it was not in a position to direct or instruct – considered that registered political parties ought to be able to use Council accommodation for political meetings in any event subject to the normal terms and conditions and appropriate payment.

So far as the Town Hall was concerned, the considerations mentioned in the context of accommodation under the control of the Council did not apply and members saw no reason to deviate from its decision in July 2007 when Town Hall usage policies were agreed.

It was **RESOLVED** that

- (1) the arrangements remain unchanged in respect of Council support for ward surgeries, i.e.**
- **The Council does not pay for any ward surgeries**
 - **Council staff do not arrange any surgeries**

- Council resources are not used to promote surgery details (save for the details appearing on the members' web page).
- (2) relevant staff be informed that the Committee considered
- that 'political use' in room hire conditions did not cover elected members' ward surgeries; and
 - that political use of premises under the Council's direct control should be considered as acceptable in any event
- (3) no change be made to the rules and policies related to the use of the Town Hall agreed by the Committee in July 2007

28 MONITORING OFFICER AMENDMENTS TO THE CONSTITUTION No. 4

It was reported that under Part 2 Article 11.02(c) of the Constitution the Monitoring Officer was 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 constitution provided that this committee must be notified of any such amendment at the first reasonable opportunity and members **NOTED** the minor amendments reported to them.



**GOVERNANCE
COMMITTEE**

REPORT

12 January 2011

Subject Heading:

LOCALISM BILL

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

Ian Buckmaster
Committee Administration Manager
ian.buckmaster@havering.gov.uk
01708 432431

Policy context:

To advise the Committee of introduction of the Bill before Parliament.

Financial summary:

There are no direct or significant financial implications at present. As the Bill proceeds through Parliament, its financial other implications will become clearer.

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The Government introduced the Localism Bill before Parliament on 13 December. The Bill's general provisions are stated to be to:

- Make provision about the functions and procedures of local and certain other authorities;
- Make provision about the functions of the Local Commission for Administration in England (the Local Government Ombudsman);
- Enable the recovery of financial sanctions imposed by the Court of Justice of the European Union on the United Kingdom from local and public authorities;
- Make provision about local government finance;
- Make provision about town and country planning, the Community Infrastructure Levy and the authorisation of nationally significant infrastructure projects;
- Make provision about social and other housing; and
- Make provision about regeneration in London

This report sets out the key provisions that may affect Havering. At this stage, the provisions are outlined in a brief, summary form as there has not yet been time to analyse them in detail. As the Bill progresses, further reports will be presented.

RECOMMENDATION

That the report be noted.

REPORT DETAIL

- 1 The Localism Bill received its First Reading in the House of Commons on 13 December 2010. Its Second Reading – when the debating of its various provisions will begin in earnest – is due on 17 January 2011. The Bill as proposed has 207 clauses and 31 Schedules, over a total of some 420 pages, which means it is one of the largest Bills on local government to have come before Parliament in recent years.
- 2 At this stage, it is likely that the Bill will be subject to numerous amendments as it proceeds through Parliament and it would thus be inappropriate to speculate which of the provisions currently within it will eventually be enacted in their present form. Nonetheless, it may be helpful for Members to have an overview of its provisions as they are likely to affect Havering; further reports will be submitted as and when necessary and certainly once the Bill has been enacted.
- 3 Some provisions will have no, or very little, effect on Havering, while others may fundamentally alter the governance or operations of the Council. This

report concentrates on the provisions most likely to impact on Havering (so far as apparent at present).

- 4 The Appendix sets out various provisions, with commentary identifying how they may impact on Havering. These comments are an initial assessment of the Bill's provisions, intended to headline the key issues. Further reports will be submitted as the Bill proceeds through Parliament and the potential impact its provisions becomes clearer.

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No implications or risks for equalities arise from this report

Financial implications and risks

Depending on the final form of the Bill when it is enacted, there will be financial implications, some possibly significant. They cannot, however, be assessed at present but as the Bill proceeds through Parliament and is enacted the position will become clearer. Future reports arising from the Bill will contain further details of any identified financial implications or risks.

Legal implications and risks

The Bill as currently drafted is likely to have numerous legal implications and risks but, at this stage, they cannot be quantified. As the Bill proceeds through Parliament and is enacted the position will become clearer. Future reports arising from the Bill will contain further details of any identified legal implications or risks.

It is important to note that current statutory and other obligations affected by the Bill will remain in full force until, and unless, altered when the Bill is enacted and comes into force.

BACKGROUND PAPERS

There are no background papers

The Localism Bill: key provisions likely to affect Havering

Note: this is a general summary and does not necessarily use the express wording of the Bill. Not all provisions in the Bill are commented upon.

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
PARTS AND CHAPTERS			
Pt 1, Chap 1	General Powers of Authorities	Confers a “general power of competence”	This will enable the Council to do virtually anything it chooses to (although various constraints will continue to apply)
Pt 1, Chap. 3	Governance	Gives local authorities the option of ceasing to use “executive arrangements”, of reverting to a modified form of the Committee system in use before 2002, or of adopting a new form of governance	The Council will have the options of reverting to a Committee System, of retaining the present Executive style or (if it wants to) seeking authority to move to a new form of governance altogether

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 1, Chap. 4	Predetermination	Amends the law relating to predetermination (which applies particularly to planning issues), intended to enable Members to express a view on proposals without disqualifying them from subsequently voting on them	This will have a significant effect on the way in which Members approach planning or other quasi-judicial decisions on which they have specific views or wish to represent constituents
Pt 1, Chap 5	Standards	Replaces the existing Standards regime	<p>There will be a new duty “to promote and maintain high standards of conduct” and will need to consider whether to adopt a voluntary code of Members’ conduct (failure to observe which must be investigated and dealt with). This will be a matter ultimately for full Council.</p> <p>Failure to register or declare interests will become a criminal offence for which a Scale 5 (maximum) fine may be levied and the court order disqualification from membership of a LA for up to 5 years</p>

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 1, Chap 6	Pay accountability	Introduces new statutory requirements to publish details of “senior officers” remuneration packages, including a requirement annually for full Council to approve a policy statement	This will be a matter for full Council, from 2012, requiring publication of a “senior pay policy statement” relating to the remuneration packages and other employment terms and conditions of chief and deputy officers (i.e. CMT members and most Heads of Service)
Pt 1, Chap 7	Miscellaneous repeals	Repeals recently enacted provisions relating to “promotion of democracy” and petitions	One effect of this will be to remove the requirement for a petitions scheme
Pt 2	EU fines	Enables a Minister to require local authorities to contribute to the cost of any fine imposed by the EU because of a failure of the UK to comply with a treaty obligation	It is uncertain what, if any, effect this would have on Havering
Pt 3, Cls. 35	Non-Domestic Rates: ballot	Amends the law relating to ballots in connection with NNDR matters	It is uncertain what, if any, effect this would have on Havering
Pt 3, Cls. 36-7	Non-Domestic Rates: reliefs	Amends the law relating to the granting of relief from NNDR	It is uncertain what, if any, effect this would have on Havering
Pt 4, Chap 1	Local Referendums	Enables people living in a local authority area, or part of it, to seek a referendum on any local matter	It is difficult to predict how much interest this will generate in Havering. The holding of referendums would be costly

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 4, Chap 2	Council Tax	Requires the holding of referendums in relation to Council Tax increases that are “excessive”	So long as the Council does not levy “excessive” Council Tax increases, these provisions might well never be triggered. The holding of referendums would be costly
Pt 4, Chap 3	Community Right to Challenge	Allows voluntary organisations and others to seek to take over the provision of certain local authority services	It is uncertain what, if any, effect this would have on Havering
Pt 4, Chap 4	Assets of Community Value	Requires a local authority to set up and maintain a list of assets of community value (such assets will not be owned by the local authority, and inclusion in the list will affect the owner’s rights of disposal etc)), and gives local community groups opportunity to bid to buy them	The Council will be obliged to set up and maintain the list. This will require dealing with a potentially large number of private individuals, companies etc. and may require the payment of compensation
Pt 5, Chap 1	Plans and Strategies	Amends various requirements on local planning authorities	The effect of the proposals would be to alter the relationship in planning between the Council and the Secretary of State – reducing some requirements but enhancing others
Pt 5, Chap 2	Community Infrastructure Levy	Amends the law on the Community Infrastructure Levy	It is uncertain what, if any, effect this would have on Havering

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 5, Chap 3	Neighbourhood Planning	Introduces new provisions for local neighbourhoods to have a greater say in the planning of their areas.	It is uncertain how such provisions might impact on Havering's current arrangements to engage with the community
Pt 5, Chap 4	Consultation before applying for planning permission	Requires applicants for certain types of development (yet to be defined but expected to be large scale) to carry out their own consultations before applying for planning permission	It is uncertain what, if any, effect this would have on Havering
Pt 5, Chap 5	(Planning) Enforcement	Alters the law on retrospective planning applications, enforcement of planning controls (including introducing a new form of enforcement order, obtainable from a Magistrates' Court) and offensive graffiti or advertisements	It is uncertain what, if any, effect this would have on Havering

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 6, Chap 1	(Housing) Allocation and homelessness	Amends the law on housing allocations and homelessness in relation to future applicants. In particular, it removes various obligations in relation to “persons from abroad”, confers on applicants rights to information and amends duties to homeless people	It is uncertain what, if any, effect this would have on Havering
Pt 6, Chap 2	Social Housing: tenure reform	Requires production of a “tenancy strategy” to govern the granting of tenancies by Registered Social Landlords (RSLs) in the local authority’s area, introduces “flexible tenancies” (secure tenancies of fixed duration) and makes various changes in other forms of tenancy granted by local authorities and RSLs	It is uncertain what, if any, effect this would have on Havering
Pt 6, Chap 3	Housing Finance	Abolishes Housing Revenue Account subsidy and introduces a new regime for Housing Finance	It is uncertain what effect this would have on Havering

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 6, Cls, 153/5	Housing Ombudsman	Transfers responsibility for dealing with complaints from local authority tenants about housing management from the Local Government Ombudsman to the Housing Ombudsman	Currently, around a quarter of the Council's Ombudsman cases relate to housing management issues. It is unclear how the new provisions will impact on the Council although the complaints process set out in the Bill is more onerous for tenants than the present process and that may lead to fewer complaints having to be dealt with
Pt 6, Cls. 156	Abolition of home information packs	Removes powers of prosecution etc in relation to failure to provide HIPs	This will marginally reduce the Council's enforcement obligations
Pt 7, Chap 1	(London) Housing and regeneration functions	Alters powers of Greater London Authority in relation to regeneration and housing, including new power to co-ordinate the work of the borough Councils and removes Greater London from the Housing & Communities Agency's (HCA) remit. Abolishes London Development Agency	Removes the Government Office for London and transfers functions to the Mayor. The removal of the HCA remit from Greater London will mean that Havering will deal with the GLA on all strategic housing issues and RSLs

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Pt 7, Chap 2	Mayoral Development Corporations	Enables the Mayor of London to establish development corporations (MDCs)	It is uncertain what direct effect this would have on Havering. With the Thames Gateway Development Corporation being abolished, it is possible that it could be replaced by an MDC
Pt 7, Chap 3	Greater London Authority governance	Enables Ministers to delegate to the Mayor of London certain ministerial powers; alters various Mayoral duties and functions	It is uncertain what direct effect this would have on Havering

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
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<p style="text-align: center;">SCHEDULES</p> <p style="text-align: center;">The schedules contain the detailed changes required to give effect to what is in the Parts, Chapters and Clauses. Not all Schedules are listed here: only those that directly likely to affect Havering</p>			
Schedule 2	New Part 1A of the Local Government Act 2000	Replaces the existing provisions relating to Executives and Overview & Scrutiny <u>but re-enacts them in substantially the same form</u> . Provides new options for a Committee System and enables authorities that wish to experiment with other forms of governance to apply to the Secretary of State to be allowed to do so.	The Council will have the option of reverting to something similar to the pre-2002 Committee System, or of retaining the current Executive style of governance; or of proposing an experimental style.
Schedule 4	Conduct of Local Authority Members	Amends the law on Standards matters	The Council's statutory Code of Conduct will cease to have effect but can be replaced by a voluntary code.
Schedule 5	Referendums relating to Council Tax increases	Introduces provisions governing referendums on Council Tax increases	If the Council, or an authority that has the right to precept on the Council (the GLA) proposes to raise Council Tax above a certain threshold, it must arrange for a referendum to be held

Governance Committee, 12 January 2011

Part, Chapter Or Clause	Provision	Description	Possible effect on Havering
Schedule 9	Neighbourhood Planning	Sets out the new neighbourhood planning arrangements	Enables “a neighbourhood forum” to seek by referendum “neighbourhood planning orders”, in effect delegating the Council’s planning powers to such bodies for defined planning activities in a defined “neighbourhood”; and requires a “neighbourhood plan” to be prepared where that is agreed at a referendum, governing development in that neighbourhood (and the neighbourhood plan has primacy). On the face of it, there would be a significant cost implication of this arrangement being triggered
Schedule 11	Neighbourhood Planning: community right to build orders	Sets out the process; and introduces “community right to build orders”	Enables a “community organisation” to seek a neighbourhood development order for a specific scheme
Schedule 13	Infrastructure Planning Commission: transfer of functions to Secretary of State	Abolishes the Infrastructure Planning Commission regime	Powers to deal with major planning applications revert to the Secretary of State. It is uncertain what, if any, effect this would have on Havering



**GOVERNANCE
COMMITTEE**

REPORT

12 January 2011

Subject Heading:

**CYCLE OF CABINET, COMMITTEE
AND OTHER MEETINGS**

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

Ian Buckmaster
Committee Administration Manager
ian.buckmaster@havering.gov.uk
01708 432431

Policy context:

To review cycle of meetings of the
Cabinet, Committees and other meetings

Financial summary:

There are no significant direct financial
implications.

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

In accordance with his responsibilities – and the general principles – set out in the Constitution, the Committee Administration Manager will shortly begin to compile the schedule of meetings of the Cabinet, Committees and other bodies from May 2011 to May 2012. Recent changes in Committee structure mean that, in the

coming year, there is opportunity to make some changes in the cycle on which the schedule is based.

This report invites the Committee to consider whether changes should be made in the cycle.

RECOMMENDATIONS

- 1 For consideration as to whether changes are to be made in the cycle on which the Schedule of Meetings for the coming year is based.
- 2 That, if changes are made, the Council **BE RECOMMENDED**:
 - (a) to endorse them and
 - (b) to authorise the Assistant Chief Executive to amend the Constitution as necessary to give effect to those changes.

REPORT DETAIL

- 1 The current cycle of meetings is set out in the Constitution as follows:
 - (a) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)
 - (b) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings
 - (c) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.

In addition, the newly-established Highways Advisory Committee meets monthly, and the Cabinet meets monthly other than in August.

- 2 The Schedule of meetings for the current year was devised before the Council decided to abolish the Area Committees and was too far advanced by that time, so there was no opportunity to recast it to take account of the fact that provision for Area Committee meetings was no longer needed.
- 3 The Council generally meets in early February, March, May (Annual Meeting), July, October and December, with a second meeting in late February specifically to deal with the Council Tax and Budget.

- 4 The nature of the work of the Regulatory Services and Highways Advisory Committees requires that they continue to meet at current frequencies. The Governance Committee generally meets two weeks before the Council, in order to enable any issues that might require decision by Council to be dealt with: changes to the Constitution must normally be considered first by this Committee.
- 5 The Audit and Pensions Committees meet at specific times in the financial cycle to enable them to deal with matters such as audit reports or fund managers' reports.
- 6 The Licensing Committee (which the Council is obliged to appoint, and is by law not a matter for the Executive) meets only when necessary to deal with matters of licensing policy – in some years it need not meet at all.
- 7 Licensing work is, in the main, undertaken by the Licensing Sub-Committees that hear and determine individual applications. These Sub-Committees are a statutory requirement and their work cannot be delegated elsewhere.
- 8 The Adjudication & Review Committee generally meets quarterly to deal with policy and statistical issues arising from the Council's complaints procedures and dealings with the Local Government Ombudsman. Its main purpose (other than dealing with individual cases – see next paragraph) is to identify shortcomings that are revealed by case handling – especially of Ombudsman cases – and to draw them to Services' attention to ensure that service improvements follow.
- 9 Individual complaints cases are dealt with at Hearings Panels (not all of which include Councillors within their membership). Complaints relating to Adult Services and Children's Services are dealt with by statutory Hearings Panels: in Adult cases, one Member sits with two Independent Persons (one of whom chairs) and in Children's cases, all members of the Hearings Panel must be Independent Persons.
- 10 Likewise, the Standards Committee deals with policy while Sub-Committees deal with individual cases (the Localism Bill currently before Parliament provides for the removal of the current statutory Standards regime but it will be some time – possibly not until April 2012 – before that repeal is effective and in the meantime the existing Committee's work must continue).
- 11 The Overview & Scrutiny Committees continue to meet once in every cycle of meetings.
- 12 The inclusion of a meeting in the Schedule does not preclude its cancellation due to lack of business, nor does it prevent the calling of additional meetings where necessary and justified. Under the Constitution, the power to call or cancel is vested in the Committee Chairman.

- 13 Following the introduction of the “strong leadership” form of governance last May, decisions about the cycle of meetings for Cabinet are a matter for the Leader of the Council. Cabinet meetings do, however, influence when some other meetings are held.
- 14 In order to enable the Schedule of meetings for 2011/12 to be prepared in an authoritative manner, the Committee is requested to consider the cycle that it considers the Council and its Committees should work to.
- 15 For general planning purposes, it is proposed that (subject to the Committee’s views as to the cycle), in 2011/12, meetings will generally be held on the days of the week as follows, and that so far as possible and practicable, only one meeting will be held on each day:

Mondays: Groups only (although special meetings, e.g. to deal with OSC meetings about requisitioned executive decisions may also be held this evening)

Tuesday: Highways Advisory Committee (monthly, usually in the second week of the month); other Committees per cycle (preferred day)

Wednesday: Council (per cycle); Cabinet (monthly, usually in the third week of the month but later if there would be a clash with Council); Governance Committee (usually two weeks before the next Council meeting)

Thursday: Regulatory Services Committee (generally every third week); other Committees per cycle if Tuesday unavailable

Friday: No meeting (unless for some reason essential and unavoidable)

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No implications or risks for equalities arise from this report

Financial implications and risks

The current cost of servicing meetings is met from within existing resources. Any significant change in the make up or frequency of meetings may have a resource impact, which would need to be assessed following any decision.

Legal implications and risks

The format and conduct of meetings is a matter within the Council's control and no legal implications or risks arise from this report (provided that the Council continues to observe the statutory requirements for certain meetings and ensures that the frequency of meetings is sufficient to ensure that business can be properly dealt with).

BACKGROUND PAPERS

There are no background papers



GOVERNANCE COMMITTEE

REPORT

12 January 2011

Subject Heading:

**FORMAT OF MEETINGS OF FULL
COUNCIL**

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

Ian Buckmaster
Committee Administration Manager
ian.buckmaster@havering.gov.uk
01708 432431

Policy context:

To assist in a review of the format of meetings of the full Council.

Financial summary:

There are no significant direct financial implications

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report reviews the format of the meetings of full Council, and is submitted at the joint request of the Leader of the Council and the Leader of the Opposition. It outlines the current format of meetings, referring to the legal and historic background, and puts forward some alternative or additional features that might be

considered. The report is intended to be the basis for a discussion by the Committee for recommendation, if desired, to Council.

RECOMMENDATIONS

For consideration as to whether changes in meeting format should be proposed to the Council.

REPORT DETAIL

Introduction

- 1 For the purposes of this report “Council” means the meeting presided over by the Mayor to which all Members are summoned. It is sometimes also referred to as “full Council” in order to avoid confusion with other uses of the word “Council”, such as specifically the corporate organisation of which “full Council” is the governing body.
- 2 The Local Government Act 1972 (“the Act”) governs meetings of full Council. It requires that there be an Annual Meeting and such other meetings as are needed: in order to comply with the legislation relating to the budget and Council Tax, there must also be a meeting at which the Council Tax and budget for the following year are set.
- 3 It has become customary for the Council to hold five other meetings, termed “ordinary meetings”, in the course of the year at roughly two monthly intervals (August aside) and other meetings, termed “extraordinary meetings” are occasionally called.
- 4 Other meetings, such as those of the Overview & Scrutiny Committees, are arranged in line with Council meetings. This “cycle” was originally necessary because Committee decisions required endorsement by the Council but that requirement has long since been overtaken by the delegation of powers and the link between Council and Committee meetings is nowadays no more than a matter of convenience.
- 5 Full Council, apart from being the Council’s ultimate policy- and decision-making body, is also the focus of the Borough’s civic activities. The Mayor is not only presiding officer of the Council at a formal meeting, but the Borough’s First Citizen, and full Council meetings often fulfil a major civic ceremonial role – for example, the meeting in March 2010 at which the Freedom of the Borough was conferred on the Royal Anglian Regiment. The Mayor has opportunity at the meeting to comment on activities in the

borough going beyond those of the Council itself, including the achievements of local people and organisations whom the Mayor has met in the course of civic duty.

- 6 The Queen's Representative in the borough, the Deputy Lieutenant, is a regular visitor at full Council in connection with his civic duties.

Legal requirements

- 7 As already noted, there are legislative requirements for an Annual Meeting (at which the Mayor is elected and Committees etc appointed), generally in May, and a meeting to set the Council Tax and budget, which has to be held in late February in order to meet the timescales necessary to produce Council Tax bills by 1 April.
- 8 In addition, however, there is a range of legislative requirements that allow only the Council to be the decision maker, or that oblige the Council to consider reports of Committees etc. These include:
- Setting the Policy and Budget Frameworks within which the Executive (Leader and Cabinet) exercises the powers delegated to it
 - Determining various statutory policies and programmes
 - Considering reports from the Monitoring Officer or the Local Government Ombudsman of cases where maladministration or other significant service failures have been identified
 - Considering reports from Overview & Scrutiny Committees (OSCs) presented in exercise of their statutory powers
 - Dealing with issues of political balance that arise during the course of a year, following the Annual Meeting
 - Agreeing the Members' Allowances Scheme
 - Debating petitions submitted that have more than 3,500 signatories
 - Agreeing the allocation and delegation of various functions that are not the responsibility of the Council's Executive
 - Certain other matters, some of which are legislative, which may only be undertaken by the Council.
- 9 The Government has recently indicated, in relation to forthcoming legislation on the scrutiny of NHS functions, that it is considering conferring on local authorities enhanced powers to refer NHS proposals to the Secretary of State that will be exercisable only by full Council. Several provisions in the Localism Bill will also be exercisable only by full Council.
- 10 The Constitution has a number of provisions that can in practice be decided only by the Council; although they are not necessarily statutory

requirements, good business practice requires that they be in place. These include:

- The various Rules of Procedure (or standing orders)
- Agreeing Codes and Protocols that determine how certain business is to be transacted – for example, ensuring that the Planning function is carried out with all due probity
- Appointing Committees etc and their Chairmen and Vice-Chairmen
- Non-statutory rights, responsibilities and privileges
- Provision for the Leader of the Council or the Chief Executive to make statements about weighty matters that have emerged very recently or for some other reason have not found a place on the agenda

Practical issues

- 11 Although there are statutory requirements for the Council to meet in February and May, in practice other meetings will be necessary to consider the sort of business listed in paragraphs 6 and 7 above. For example, were an OSC to put forward a report to Council, it would be necessary for it to be considered within two months: to some extent, that could be managed by ensuring that the OSC only put forward a report to a timescale to accommodate that but, if Council were to meet only twice a year, there would be a considerable risk that the statutory timescale for considering the OSC report would be missed.
- 12 Under the Act, a minimum of five Members can requisition a meeting of the Council. There are no limitations upon their power to do so and, if the Mayor does not call a meeting in response to the requisition in due time, the requisitioners can so themselves. There is discretion about the timing of requisitioned meetings but any called must be held before the next ordinary meeting – again, if there were only two meetings a year, this could give rise to timing issues.
- 13 Council meetings are, however, not just about statutory or constitutional business.

Other business

- 14 Council meetings (other than the Council Tax/Budget meeting and the Annual Meeting) are generally divisible into four parts:
 - standard business (such as apologies, minutes and announcements)
 - consideration of reports and recommendations from Cabinet, Committees and statutory officers
 - dealing with Members' Questions
 - debating motions

- 15 Dealing with Members' Questions and debating motions are not statutory business but rather have developed on the basis of being customary practice. They are often referred to as being "Opposition time", as they provide opportunity for non-Administration Members to raise issues of concern that might not otherwise exist.
- 16 The format and conduct of Council meetings is modelled on Parliamentary practice.

Meeting arrangements

- 17 It has for many years been customary for Council meetings (and indeed, Cabinet, Committee and other meetings) to begin at 7.30pm. It is understood that this was agreed primarily to benefit those Members who had work commitments and, in particular, those who worked in central London and commuted there and back.
- 18 Council meetings customarily end at or about 10.30pm. The rule limiting the length of meetings originated in the late 1960s following a period when Council meetings began at 7.30pm but often continued through the night, finishing mid-morning the following day. Originally, the finishing time was 10.30pm with business ceasing almost immediately; more recently, some flexibility has been introduced and the current rule is that, once a meeting has lasted for three hours – from its starting time - unless some other arrangement is agreed at the meeting, the business then in hand will continue until finished and any other business then remaining will (unless with drawn) be dealt with without debate and by vote only.
- 19 It is customary for the Council to adjourn during a meeting for refreshments. The period of adjournment is a matter for the Mayor's discretion but generally is between 15 and 30 minutes.

Options for other approaches

- 20 Other than for the Annual and Council Tax/budget meetings (which must take place at specific times and continue until their business is dealt with), the frequency, length and content of Council meetings is a matter for Members to determine. So long as arrangements exist to ensure that all statutory and such non-statutory business as can only be discharged by the Council is dealt with, Members are free to agree whatever frequency, length and content for meetings they wish.
- 21 Arrangements for Council meetings vary greatly between Councils, although there are also many similarities. The Appendix to this report sets out brief details of the arrangements made by a number of Councils.
- 22 Many Councils now include in their meetings opportunity for members of the public to ask questions of Cabinet and other Members. In general, the

mechanisms for dealing with public questions are similar to those for Members' questions though public questions are often asked without advance notice being given. The recently introduced statutory obligation to debate certain petitions can be seen as building on that.

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No implications or risks for equalities arise from this report

Information and Communications Technology Implications

No implications or risks for ICT arise from this report. The Council Chamber is equipped with a range of ICT facilities that support meetings. Depending on what decisions are made in consequence of this report, the facilities can be used to facilitate revised meeting styles and conduct.

Financial implications and risks

The current cost of servicing full Council meetings is met from within existing resources. Any significant change in the make up, frequency or format of meetings may have a resource impact, which would need to be assessed following any decision.

Legal implications and risks

The Council has a statutory obligation to meet in May for the Annual Meeting and in February to set the Council Tax and Budget. All other meetings are held at the Council's discretion (except where they are in response to a requisition for an extraordinary meeting).

The format and conduct of Council meetings is a matter within the Council's control.

BACKGROUND PAPERS

There are no background papers

APPENDIX

The following table indicates the arrangements made by a number of local authorities for the format of their Council meetings.

The table is followed by some brief details of the Councils' agenda arrangements.

Local Authority	Frequency of Council Meetings	Frequency of Assembly Meetings (if applicable)	Cycle of Committees correspond to Council	Members Questions & Time Allocated	Public Questions & Time Allocated
Barking & Dagenham	1 Ceremonial Council in May	8 per annum	Select Committees correspond to Assembly meetings	Yes. No time limit.	No
Newham	8 per annum	N/A	Yes	40 minutes	No
Redbridge	Between 8 and 10 per annum	N/A	Yes	30 minutes	30 minutes
Waltham Forest	8 per annum	N/A	Yes	30 minutes	Public may make statements of up to 15 minutes
Bexley	6-7 per annum	N/A	Yes, but only has Scrutiny & Audit Committees.	15 minutes	15 minutes
Chelmsford	5-7 per annum	N/A	Yes	1 hour	30 minutes
Croydon	7 per annum	N/A	Yes, but only has Scrutiny & Audit Committees	No more than 20 minutes for questions to the Leader. No more than 10 minutes for questions to Cabinet Members. 30 minutes in total.	15 minutes
Kensington & Chelsea	8 per annum	N/A	Yes	None	None

Local Authority	Frequency of Council Meetings	Frequency of Assembly Meetings (if applicable)	Cycle of Committees correspond to Council	Members Questions & Time Allocated	Public Questions & Time Allocated
Richmond	8 per annum	N/A	Yes, but only has Scrutiny & Audit Committees	30 minutes	30 minutes
Southend	8 per annum	N/A	Yes	30 minutes	30 minutes
Thurrock	7 per annum NB. Hold "themed" meetings in addition	N/A	Yes	30 minutes	30 minutes
Westminster	6 per annum	N/A	Yes	Written questions only. Lots drawn for allocation of questions.	None
Kirklees	8 per annum	N/A	Yes	30 minutes. NB allow 60 minutes for questions to Cabinet Members at some meetings	30 minutes
Sandwell	8 per annum	N/A	Yes	Written questions & answers only. 15 minutes allowed for debate	Written question and answers only. 15 minutes allowed for debate.

Barking & Dagenham

The Assembly is the central political focus of the Council and the co-ordinating body for all elements of the political structure. It sets the overall corporate direction, policy framework and financial limits for the Council within which all operations and policies are carried out. It aims to foster a community-focused approach to the formal side of the Council's business, recognising the wider interests of the community and the need to be accountable to them.

Examples of Agenda items – Review of Council Constitution; Proposed Borough Wide Designated Public Places Order; Receive Reports of Scrutiny Committees; Return of Planning Powers from London Thames Gateway: Local Development framework Proposals.

NB There are regulatory committees and select committees in this Authority, but nothing that corresponds to Havering's Governance, Adjudication & Review or Audit Committees. The work of these committees seems to be subsumed by The Assembly.

Newham

Examples of Agenda items : Joint Waste Development Plan Document for the East London Boroughs; Call-in procedures-schedule of decisions; petitions; changes to constitution.

Redbridge

Examples of Agenda Items: Treasury outrun report; Council's support for a private parliamentary bill in relation to concessionary fares; appointments to committees and other bodies; establishment of Local Development Framework Advisory Committee.

Waltham Forest

Examples of Agenda Items: Mayor's announcements; proposed changes to the constitution; medium term financial strategy; review of political balance; petitions scheme; revision of contract procedure rules; review of working arrangements for overview & scrutiny.

Bexley

Examples of Agenda Items: Petitions; Council ratification of Public Cabinet decision to dispose of residual lands; Report on Bexley 2014; annual reports of all standing committees.

Chelmsford Borough Council

Examples of Agenda items: Quality Parish Council Awards; Cabinet Reports; Proposed extension of Designated Public Place Order; Car parking in Chelmsford Town Area.

Croydon

Examples of Agenda Items: Councillors' Open Session on Ward Matters; Review of Licensing Act 2003; Reports from Cabinet Members; Annual Report of Standards Committee

Kensington & Chelsea

Examples of Agenda Items: Corporate Anti-Fraud Report; Review of Effectiveness of System of Internal Audit; Risk Management Audit Report; Review of Members' Expenses; Annual Audit Plan.

Richmond

Examples of Agenda items: Follows the same format for every meeting: Public Questions; Members Questions;_Ward concerns; Reports of the Executive & Committees; Reports of Overview & Scrutiny; Reports of the Head of Paid Service; Announcements and Motions for Debate.

Southend Borough Council

Examples of Agenda Items: Local Involvement in Public Health Act 2007-New Leadership Models; Amendments to the Constitution; Change of Membership on Development Control Committee; Compulsory Purchase Order re Land at Roots Hall in connection with Southend United FC's Relocation Plans. Petitions; Minutes of all Council Committees; Presentation for Customer Service Accreditation.

Thurrock Council

Examples of Agenda Items: Future of the Thurrock Thames Gateway Development Corporation; Proposed Changes to the Scheme of Members' Allowances; Implementation of New Executive Leadership Arrangements: Review of Constitution- New Financial Procedure Rules.

Westminster Council

Examples of Agenda Items: Follows the same format for every meeting:

Lord Mayor's Communications; Petitions & Deputations; Questions; Councillor Issues; Statement on Urgent Matters; Future Policy Plans; Cabinet committee reports: Notice of Motions.

Kirklees

Examples of Agenda items:Key Discussion Item - City Regions and Local Enterprise Partnerships; Presentations from the overview & Scrutiny Committee; Update of the Medium Term Financial Plan; Appointment of external members to Standards Committee.

Sandwell Metropolitan Borough Council

Example of Agenda items: Summary of decision and recommendations by Cabinet Members; List of Scrutiny Decisions; Minutes of Scrutiny Management Board Meetings; Review of Proportionality on Committees; Review of the Right of Appeal Procedure; Officers Gifts & Hospitality, Review of Procedure.

