



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Wednesday 14 January 2009	Haverling Town Hall Main Road, Romford
---------------	--------------------------------------	---

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 8 October 2008, and to authorise the Chairman to sign them

5 APPOINTMENT OF SCHOOL GOVERNORS

6 AMENDMENTS TO THE CONSTITUTION

7 COUNCIL PROCEDURE RULES – possible amendments

8 AMENDMENTS TO THE CONSTITUTION – Monitoring Officer's corrections

10 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

Governance Committee, 14 January 2009

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
8 October 2008 (7.30pm – 8.20pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), Gary Adams, Steven Kelly, Eric Munday, Roger Ramsey and Michael White

Residents' Group Clarence Barrett and Gillian Ford

Rainham & Wennington Independent Residents' Group Jeffrey Tucker

Labour Group Keith Darvill

Councillor Gillian Ford declared an interest in the matter referred to in minute 15

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

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

11 MINUTES

The Minutes of the meeting of the Committee held on 9 July 2008 were agreed as a correct record, subject to the note as to voting on the decision recorded in minute 6 (Appointments to other Organisations) being adjusted by the deletion of the two lines beginning "For Councillor John Mylod" and their replacement by –

"For Councillor Pat Mylod: Councillors Clarence Barrett, Tom Binding, Gillian Ford and Jeffrey Tucker)"

The minutes were then signed by the Chairman.

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

London Boroughs Grants Committee (LBGC)

The LBGC had received legal advice the effect that, to accord with the requirements of the Local Government Acts 1972, 1985 and 2000, only Members of a Council's Executive could be appointed to it. A number of Councils across London had, like Havering, been appointing non-Executive

Members as Deputies (and in some cases, as the full Member) but they had been asked to review their appointments and make any necessary adjustment.

The Committee had previously appointed Councillor Ramsey and that appointment was unaffected but the existing Deputy Members now needed to be replaced; it was not necessary to make the full number of Deputy appointments. It was noted that the validity of LBGC decisions taken prior to the receipt of the advice was not in doubt; but, the advice having been given, the position had to be rectified.

North East London NHS Foundation Trust

The former North East London Mental Health NHS Trust had recently attained "Foundation" status (conferring on it a significant degree of autonomy in its governance and financial affairs) and was now known as the "North East London NHS Foundation Trust" ("the Trust").

The Trust was governed by a Board of Governors, which includes local authority representatives. The invitation to appoint such a representative had been received after the last meeting of this Committee and, in order to ensure that the Council was duly represented, the Leader of the Council nominated Councillor Steven Kelly, as Cabinet Member for Social Care & Learning, to be the Council's appointee.

Mardyke Neighbourhood Board

The Committee had appointed, among others, the late Councillor Len Long (as Ward Member for South Hornchurch) the Board. His recent death had caused a vacancy but, as his successor, Councillor Michael Deon Burton, was a Member of a different Group, the usual arrangement for appointing a successor Member did not apply.

RESOLVED:

- 1 That Councillors Steven Kelly and Eric Munday, Members of the Cabinet, be appointed as Deputy Members of the LBGC in succession to those Members who are ineligible for appointment.
- 2 That the appointment of Councillor Steven Kelly as a representative Governor of North East London NHS Foundation Trust be confirmed, to be held as an appointment by office rather than as a personal appointment.
- 3 That Councillor Michael Deon Burton be appointed to the Mardyke Neighbourhood Board in succession to the late Councillor Len Long .

13 **MEMBER CHAMPION FOR THE ELDERLY – change of title**

Councillor Pam Light, who had been re-appointed Member Champion for the Elderly by the Council at its Annual Meeting in May, had subsequently asked that consideration be given to the alteration of her title to “Champion for the Over Fifties”, which she believed would more accurately reflect the role she is carrying out.

As Council had established the role of Member Champion and made the appointments, only Council could change the title. The Committee considered and supported Councillor Light’s request.

RESOLVED to RECOMMEND to the Council:

That the title be changed to “Member Champion for the Over Fifties”

14 **THE PENSIONS PANEL**

In light of the recent restructuring of the Council’s senior management, the Committee was now invited to agree alteration of the (officer) Pensions Panel, which was responsible for dealing with Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes, and for implementing the Council’s early retirement, retirement and redundancy policies.

Hitherto, membership of the Panel had included the Director of Finance & Commercial. As a result of the restructure, the new post of Director of Finance & Commerce had responsibility for Human Resource issues as well as Finance. In view of this, it was proposed that the panel should now consist of the Assistant Chief Executive (Legal & Democratic Services), the Head of Finance & Procurement and the Head of Human Resources.

RESOLVED:

That the Pensions Panel be re-constituted to comprise the Assistant Chief Executive (Legal & Democratic Services), the Head of Finance & Procurement and the Head of Human Resources.

15 **APPOINTMENT OF SCHOOL GOVERNOR**

Councillor Gillian Ford 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:

That Councillor Gillian Ford be appointed to the Governing Body of Branfil Primary School.

16 **ANNOUNCEMENTS/STATEMENTS TO FULL COUNCIL BY THE LEADER OF THE COUNCIL**

In accordance with Council Procedure Rule 21.2, a motion proposed and seconded by the Members of the Labour Group at the Council meeting on 23 July 2008 had been adjourned without discussion to be considered by the Committee. The motion was:

“That this Council approves an amendment to the Council Procedure Rules providing that following announcements and/or statements to Full Council made by the Leader of the Council leaders of Opposition Groups (or their nominated substitutes) be permitted to make short statements not exceeding 5 minutes in duration in reply to such announcements and/or statements.”

The Committee discussed the proposition. A majority of Members considered that it would be unnecessary to amend the Council Procedure Rules as proposed. The view was expressed that Opposition Groups were free to put forward motions or ask questions at meetings subsequent to that at which an announcement or statement had been made in order to reply or to challenge any aspect of that announcement/statement. The time available at Council meetings for questions and motions was largely at the disposal of the Opposition Groups and it was for them to judge how best to use it. There was a risk that immediate responses to the announcement/statement would unnecessarily prolong meetings – especially the Annual Meeting – and that such responses would be less effective than if they were made at a subsequent meeting and debated following due consideration of their content.

A suggestion that there should be a standing item on the agenda for the Council meeting next following the Annual Meeting for consideration of replies to the Leader of the Council’s Statement at the Annual Meeting was not supported, as it was felt that the Opposition Groups should not be tied to a particular approach to responding to the Statement.

RESOLVED to RECOMMEND to the Council:

That the proposition set out in the Labour Group motion to Council at its meeting on 23 July 2008 be not pursued.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	14 JANUARY 2009	5

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 nomination of Councillor Wendy Brice-Thompson for reappointment to the Governing Body of Royal Liberty School, with effect from 1 November 2008.

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

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

Governance Committee, 14 January 2009

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

Telephone: 01708 432431

**Cheryl Coppel
Chief Executive**

Background Papers: None



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	14 January 2009	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: AMENDMENTS TO THE CONSTITUTION

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

RECOMMENDATIONS

Governance Committee recommend to Council as follows:

1. 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. A Champion for the Voluntary Sector Compact
4. The Head of Streetcare be authorised to enforce Section 78 of the Public Health Act 1936
5. Authority for Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service to apply for, enter into, and expend specific individual or original grant monies up to £250,000 without Member authority.
6. Authority for the Head of Development and Building Control to negotiate, complete and sign Planning Performance Agreements.

REPORT DETAIL

1. The Strategy Advisor, Governance and Accountability from the Audit Commission speaking at the recent Seventh Annual Assembly of Standards Committee recommended that a Standards Champion be appointed by Councils to drive forward the ethical agenda and raise standards of conduct. The Committee will be aware, that the Audit Commission recently undertook an Ethical Governance Survey of this authority and that the Corporate Governance action plan referred previously to this Committee contains a number of criteria regarding the improvement of standards. Members of this Committee are therefore invited to consider recommending to Council the appointment of a Champion for Standards. It would make sense for that appointment to be made from the Standards Committee and to be the Cabinet Member on Standards Committee and that appointment be delegated as such.
2. As referred to above one of the criteria within the Governance Action Plan is the reporting of the work of the Committee to Council in July. The Constitution currently provides for the Council to receive reports at the first 7ordinary meeting in the Municipal Year (which is usually the July meeting), from the Overview & Scrutiny Committee, the Audit and Pension Commissions and the Champions. It is recommended that in order to meet the requirements of the Governance Action Plan, that a report is also received by Council on the work of the Standards Committee which could be presented by the Champion.

3. It is also proposed that a Member Champion be appointed for the Voluntary Sector Compact, whose role it will be to take forward the Local Compact agreement between the Council, local public bodies and the local voluntary and community sector. The Local Compact adopts relevant national Compact principles and provides a framework for working together at local level to improve quality of life for individuals and communities. All top tier local authorities 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 are key in taking the Compact forward.
4. The Environmental Health Service is 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 has highlighted the need for this power also to be delegated to the Head of Streetcare and members are recommended to approve this. Section 78 enables a local authority to clean private courtyards and passageways and recover the cost from the occupiers of the building which front or abut on the court or yard in relevant proportions.
5. It is clear that a number of directorates apply for external grant monies for specific purposes and then expend these monies on programmes of work within the conditions of the grant. Both the Head of Regeneration and Strategic Planning and the Assistant Director of Customer and Community Engagement have authority to lead and co-ordinate efforts to secure external funding. This does not specifically authorise the entering into of funding agreements or grant terms and conditions and the related expenditure of the monies for that purpose. Other directorates also frequently seek and expend specific grant monies. There is also 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 are made from within existing budgets. There is no mention of expenditure. It is suggested that the relevant general powers and the two specific powers could be easily amended to provide for expenditure of the grant monies. Members may also wish to consider whether Lead Members should hold powers to approve the application for grant monies in excess of £250,000 particularly as some of these may entail long term commitments on behalf of the Council, for example Betty Strathern Big Lottery Fund grant application.
6. In the DCLG definition of the calculation of NPI 157 (processing of Planning Applications) it is ruled that “applications that are part of a Planning Performance Agreement (PPA) and the timetable agreed with developers is adhered to and will be excluded from the calculations”. Applications that are part of a Planning Performance Agreement and the timetable agreed with developers is adhered to will be excluded from the calculations." Guidance issues 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. Essentially a PPA is a voluntary agreement; 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. 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. It is in our interest to enter into agreements where appropriate as such applications fall out with the formal returns on planning performance and help to meet our NI's and will also help in achieving high quality development that meets the Council's stated priorities. It is in the developer's interest as the Council undertakes to provide pre-application work and determine the application within an agreed timescale. 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.

Financial Implications and Risks

There are none

Equalities and Social Inclusion Implications and Risks

There are none

Human Resource Implications and Risks

There are none.

Legal Implications and Risks

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, the consequences of which could adversely affect the Council performance measured against MPI 157 (processing of planning applications).

CHERYL COPPELL
Chief Executive

Staff Contact: Christine Dooley
Assistant Chief Executive Legal & Democratic Services
Telephone: 01708 432442

Background Paper List

E-mail correspondence regarding proposed changes



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	14 JANUARY 2009	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COUNCIL PROCEDURE RULES – possible amendments

SUMMARY

Consideration is invited of several suggested changes to the Council Procedure Rules (CPRs), intended to facilitate improved dealing with business at Council meetings

RECOMMENDATION

- 1 That the Committee **RECOMMEND** to the Council that the second part of Paragraph 10.11 of the CPRs be amended to read:

Questions shall be listed in the order in which they are received, subject as follows:

- (a) to the order for which the group submitting the questions express a preference; and
- (b) where a Member wishes to ask more than one Question, his/her second Question will not be dealt with until all other Members' first Questions have been dealt with, all subsequent Questions being dealt with on a first come, first served basis.

- 2 For consideration as to whether:

- (a) a further meeting of Council should be held in May or June; and if so, that the Committee:
 - (i) determine whether it should be before or after the Annual Meeting; and

- (ii) **RECOMMEND** to the Council that such a meeting be added to the schedule of meetings for 2009 and in subsequent years, and that the Assistant Chief Executive, Legal & Democratic Services be authorised to make the necessary consequential amendments to the Council Procedure Rules; and
 - (b) the Autumn meeting of the Council should be brought forward to the first week of October, and if so to **RECOMMEND** accordingly to the Council.
- 3 For consideration as to whether the times allowed for speeches should be adjusted; and if so, that the Committee make **RECOMMENDATIONS** to the Council as to the required adjustments, and that the Assistant Chief Executive, Legal & Democratic Services be authorised to make the necessary consequential amendments to the Council Procedure Rules.

REPORT DETAIL

Questions at Council – proposed alterations of procedure

- 1 The Council Procedure Rules (CPRs) set out in detail the procedure for dealing with Members' Questions at Council. This report invites the Committee to consider whether any change is needed and, if so, to recommend accordingly to the Council.
- 2 CPR 10 sets out the procedure for Questions. Both issues covered by this report are dealt with in paragraph 11 of that Rule, which currently reads:

10.11 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting. The text of each question and the reply to it shall be included in the minutes of that meeting, indicating whether or not it was answered orally in the time allowed or dealt with by written reply.

Questions shall be listed in the order in which they are received and subject to that in the order for which the group submitting the questions express a preference.

- 3 Questions are therefore currently listed and dealt with in the order of receipt (though the Mayor has authority to give priority to particular questions if there are grounds for so doing). This can have the result that, if a particular Member wishes to ask a series of Questions and submits them before other Members do, a great deal of the Question Time can be devoted to answering his or her Questions to the exclusion of other Members.

Governance Committee, 14 January 2009

- 4 While Questions listed but not answered orally are recorded as having been dealt with as for Written Answer, Members are deprived of the opportunity to ask Supplementary Questions in response to the Answer.
- 5 In the past, there was a convention that Members wishing to ask more than one Question could not expect the opportunity to ask a second Question until all other Members asking a Question or Questions had had their (first) Question answered.
- 6 In light of the submission of large numbers of Questions by certain Members at recent Council meetings, a review of the Rule has been requested. **It should be stressed that there no suggestion that the right of Members to ask as many Questions as they wish is affected: what is sought, however, is a redressing of the current balance so that every Member wishing to ask Questions has a right for at least one Question to be asked and answered (subject to the 30 minute time limit).**
- 7 If the Committee is minded to accept the proposition that the Questions list should revert to the earlier practice, it is suggested that the Rule be amended to provide for a specific procedure rather than, as in the past, relying on an unwritten convention that is open to possible confusion.
- 8 The following text is suggested:

Questions shall be listed in the order in which they are received, subject as follows:

- (a) to the order for which the group submitting the questions express a preference; and**
- (b) that where a Member wishes to ask more than one Question, his/her second Question will not be dealt with until all other Members' first Questions have been dealt with, all subsequent Questions being dealt with on a first come, first served basis.**

Arrangements for considering Annual Reports etc

- 10 In recent years, and partly as a result of "good practice recommendations" by the Audit Commission and others, the Council has begun to receive annual reports from a number of Committees and appointment holders: each of the Overview & Scrutiny Committees, Audit and Pensions Committees and the four Member Champions. From this year, Council will also receive an annual report from the Standards Committee and is likely also to need to consider one about Looked After Children.
- 11 The number of meetings of Council is fixed by Council itself. Two meetings are held by law – the Annual Meeting and that at which the Council Tax and budget are set – but the remainder are held as and when required. Other than over the summer and in the Christmas/New Year periods, meetings are held at roughly eight week intervals. The same pattern has

Governance Committee, 14 January 2009

been followed for many years. Recent enquiries suggest that most other London Borough councils meet at similar frequencies.

- 12 Other than in the year of a Council election (every four years; the next is due in 2010), when such annual reports are considered at the March meeting of the Council as it is the last before the election, the annual reports have been considered at the July meeting.
- 13 The growth in the number of such annual reports has, however, meant in recent years that at the July meeting, being the first meeting for ordinary Council business since that at the end of March, there is often a range of reports and other matters to be dealt with. In consequence, there is considerable pressure of business, to the potential detriment of both the ordinary business and the consideration of the annual reports.
- 14 It is not considered practicable for the annual reports to be dealt with at the Annual Meeting of the Council. For some years now, the business at the Annual Meeting has been restricted to the statutory business of electing the Mayor, dealing with the other requirements of the Mayoralty, and electing the Leader of the Council, the Deputy Leader and Cabinet Members, the Chairmen and Vice-Chairmen of Committees and Member Champions. Again, to deal also with the annual reports at that meeting would add pressure to an already full agenda.
- 15 It is suggested, therefore, that the Committee might wish to consider whether it would be advantageous to add an additional Council meeting to the schedule. Depending on Members' views, such a meeting could be held either in late April/early May or after the Annual Meeting, in perhaps mid-June. Currently, there are meetings of Council either side of the Annual Meeting, in late March and late July – roughly eight weeks before and after the Annual Meeting, one consequence of which is that there are 16 weeks (nearly one third of the year) when no ordinary business of the Council can be conducted other than by calling an extraordinary meeting.
- 16 In the year of a borough election, there would be advantages in holding the meeting in late April, immediately before the election, as a way of “wrapping up” the business of the previous four years.
- 17 Members may also wish to consider bringing forward the mid-Autumn meeting from around the last week of October to the first week of that month in order to even out the meetings held in the period July to December.
- 18 If the Committee is minded to recommend to Council that an additional meeting be scheduled, it would be available not only for reception of the annual reports but for any other ordinary business needing to be done. It would also maintain the generally eight week cycle of meetings, with the Annual and Council Tax/budget meetings being taken outside that cycle.

Governance Committee, 14 January 2009

- 19 The following illustrates what the schedule for 2009 might look like if this change were made, with the additional meeting date in bold:

Additional meeting late April/early May

4 February
25 February (Council Tax/budget)
25 March
6 May
21 May (Annual Meeting)
22 July
21 October (or, say, 7 October)
9 December

Additional meeting mid-June

4 February
25 February (Council Tax/budget)
25 March
21 May (Annual Meeting)
10 June
22 July
21 October (or, say, 7 October)
9 December

- 20 If it is agreed that an additional meeting be added to the schedule, some consequential amendments will be required to CPRs and the Committee will need to recommend that the Assistant Chief Executive, Legal & Democratic Services be authorised to do that.

Lengths of speeches at Council meetings

- 19 CPRs currently provide as follows in respect of Members' speeches during debate (including consideration of Cabinet, Committee and officers' reports):

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order or a point of information. No speech may exceed the time limits below without consent of the Mayor:

(i) ten minutes for a mover of a motion or an amendment

(ii) eight minutes for a seconder of a motion or amendment

(iii) five minutes for other speeches in any debate

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

- 20 The Administration has suggested that it might be appropriate now to review these time limits, in particular the arrangements for speeches at the Council Tax setting meeting. In addition, the Committee may wish to bear in mind that, in recent years, it has become increasingly common for Members seconding motions to do so formally and then either to reserve the right to speak at a later point in the debate, or to decline to speak at all; this may call into question their need to be allocated eight minutes for speeches.

- 21 A survey of other local authorities, randomly selected, has revealed a variety of practices – see the appendix to this report. The majority appear to allow a maximum of five minutes per speech, though – like Havering – some allow movers of motions a longer period. In most cases, provision exists to enable the Mayor or Chairman of the Council to allow longer

Governance Committee, 14 January 2009

where there are special reasons to do so. Interestingly, none appears to make special arrangements for longer speeches at the Council Tax/budget setting meeting.

- 22 The Committee is invited to consider whether the existing speech times should be altered; and, if so, in what way.

Financial, legal, HR and equalities implications and risks

There are no apparent direct implications or risks.

Cheryl Coppel
Chief Executive

Staff Contact: Ian Buckmaster, Manager of Committee and Overview
& Scrutiny Support
Telephone: 01708 432431
Email: ian.buckmaster@haverling.gov.uk

Background Papers

There are none.

Standing Orders relating to Length of Speeches

Local Authority	Rules of Debate
Cirencester Town Council	No speech shall exceed five minutes, except by consent of the Council.
East Northamptonshire Council	No speech may exceed 5 minutes in length (or 2 minutes on a point of order) without the consent of the Chairman. Or in the case of a report of the Leader or the chairman of the policy committee. The Scrutiny Committee, or the Standards Board or in presenting the annual budget statement and statutory and non-statutory plans to the Council.
East Staffordshire Borough Council	No speech shall last more than ten minutes, unless the Council gives consent.
Macclesfield Borough Council	A Councillor shall direct a speech to the motion under discussion, or to a personal explanation or to a point of order. Except with the consent of the Council signified without comment the mover of a motion shall not speak for more than ten minutes (excluding the right to reply) and no other person shall speak for more than five minutes.
Nottingham City Council	A proposer of a motion or amendment shall be allowed a maximum period of 15 minutes to speak on that item. Each other speaker on a motion or amendment including those exercising a right of reply, shall be allowed a maximum period of 5 or 10 minutes to speak on that item as specified by the Lord Mayor in respect of that item on the agenda for the meeting. In all cases the time limits specified may be extended at the sole discretion of the Lord Mayor (or in their absence the Deputy Lord Mayor or Chair)
Shrewsbury & Atcham Borough Council	Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech (except that by the Leader which may be unlimited in length when proposing the Budget) may exceed 5 minutes without the consent of the Mayor.
LB of Bromley	Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor
LB of Camden	Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes without the consent of the Mayor except that the proposer of any motion shall have five minutes to reply.
LB of Harrow	Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to para (d) below, the speech of a proposer of a motion or of an amendment shall not exceed five minutes and no other speech shall exceed three minutes. (d)The Mayor may allow speeches to continue for a longer period where he/she considers that it is the wish of the Council that they should do so.
LB of Redbridge	No Member may speak for a period of more than five minutes without the consent of Council, except where the Council is debating more than one amendment in which case the Member may speak for up to five minutes on each

Governance Committee, 14 January 2009

	amendment in one speech.
LB of Richmond	Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council, save in the case of a mover of a motion to receive and adopt a report or a motion, or an Executive Member or the Chair of a Committee replying to an amendment, who shall be entitled to speak for not longer than 10 minutes.
LB of Westminster	All speeches shall be no longer than four minutes unless the Council specifically consents to an extension of time, or the Chairman extends the time because of an interruption or intervention.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	14 January 2009	8

REPORT OF THE MONITORING OFFICER

SUBJECT: AMENDMENTS TO THE CONSTITUTION – Monitoring Officer’s corrections

SUMMARY

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 constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

Amendments to the Constitution were made by the Monitoring Officer since 1st May 2002 and this latest amendment is Amendment No. 34 dated 18th December 2008.

Governance Committee, 14 January 2009

In addition to the Constitutional requirements the Monitoring Officer has determined that she will notify Group Leaders as soon as any Monitoring Officer amendments are made to the Constitution. The notification will then appear in Calendar Brief so that all members are aware of the amendments. The notification of the amendments will be numbered so there is no confusion.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

Financial Implications and risks: None

Legal Implications and risks: None

Human Resources Implications and risks: None

Equalities and Social Inclusion Implications and risks: None

CHRISTINE DOOLEY
Monitoring Officer

Staff Contact: Christine Dooley
Telephone: 01708 432484

Background Papers
Email correspondence

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> Re-number 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 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	Governance Committee 8.10.08 & Council

Governance Committee, 14 January 2009

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
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	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