

GOVERNANCE COMMITTEE

AGENDA

7.30pm

Tuesday
15 November 2005

Havering Town Hall
Main Road, Romford

Members 9: Quorum 3

COUNCILLORS:

Conservative Group (4)

Frederick Thompson
(Chairman)
Michael White (Vice-
Chairman)
Eric Munday
Roger Ramsey

Residents' Group (3)

Ivor Cameron
Barbara Reith
Louise Sinclair

Labour Group (2)

Ray Harris
Wilf Mills

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 a correct record the minutes of the meeting of the Committee held on 20 September 2005, and to authorise the Chairman to sign them.

5 APPOINTMENT OF SCHOOL GOVERNORS**6 EAST LONDON LETTING COMPANY: APPOINTMENT OF A DIRECTOR AND AN ALTERNATE DIRECTOR****7 AMENDMENTS TO THE CONSTITUTION - Monitoring Officer's alterations****8 AMENDMENTS TO THE CONSTITUTION**

Governance Committee, 15 November 2005

9 ADJUSTMENTS TO OVERVIEW AND SCRUTINY ARRANGEMENTS

10 AREA COMMITTEE REVIEW - proposals

11 MOBILE PHONES – policy issues associated with issue to and use by Members

12 MEMBERS' JOB DESCRIPTIONS - adoption

13 EMPOWERING FRONT LINE SERVICES

14 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.

Stephen Evans
Chief Executive

Governance Committee, 15 November 2005

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
20 September 2005 (7.30pm – 8.10pm)**

Present:

COUNCILLORS:

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

Residents' Group +Eileen Cameron, Louise Sinclair and +Owen Ware

Labour Group Ray Harris and Wilf Mills

+ Substitute Members: Councillors Eileen Cameron (for Ivor Cameron) and Owen Ware (for Barbara Reith)

Apologies were received for the absence of Councillors Ivor Cameron and Michael White

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 meetings of the Committee held on 6 July and 15 August 2005 were approved as correct records and signed by the Chairman.

12 POLLING DISTRICT REVIEW

The last review of Polling Districts had been undertaken in 1993 and implemented in 1994. There had been no further review since then although the Electoral Commission advised that there should be regular basis reviews, at least every four years.

Several wards in the Borough were divided into up to nine polling districts, though the suggested minimum was four with a maximum of six. Wards needed to be considered individually for division into polling districts, the criteria including logistics and the distance to be travelled to a polling station by an elector. Polling stations should also be accessible to electors with a disability.

The Committee noted therefore that the review would need to consider the number of electors within each polling district, travelling and the need to make as few changes as possible so as not to confuse the electorate, and also the various factors that the review would need to take into account.

RESOLVED:

That a review of polling districts be undertaken, in accordance with the timetable set out in Appendix 1 to these minutes and taking into account the following:

- (i) That Area Committees be utilised for consultative purposes
- (ii) That those to be consulted include:
 - Local Councillors, informally first;
 - The public (by advertisement);
 - Political parties and Members of Parliament;
 - Greater London Authority members and Members of the European Parliament;
 - Groups representative of people with disabilities;
 - Access officers;
 - School Headteachers; and
 - owners of premises used as Polling Stations
- (iii) That, where suitable alternative premises are available, the use of schools as polling places be avoided
- (iv) That premises which are unsuitable because of poor access for electors with disabilities or lack of parking facilities, etc, cease to be used
- (v) That account be taken of justifiable complaints received
- (vi) That the rationale for distribution of electors to a polling station be examined
- (vii) That the proximity of a polling station to electors be examined
- (viii) That alteration of polling districts to conform to coterminous Parliamentary and ward boundaries become automatic
- (ix) That the access questionnaires completed in May 2005 be used to inform decision making on suitability of premises
- (x) That appropriate steps be taken to ascertain the views and needs of people within "hard to reach" groups

and that further reports be submitted to the Committee as the review progresses.

13 APPOINTMENT OF MEMBERS TO HOUSING ALMO BOARD

The Cabinet had agreed that the Board of the Housing ALMO should consist of 12 persons, four of whom would be appointed by this Committee on behalf of the Council.

Consideration was now invited as to who should be appointed.

RESOLVED:

That Councillors Denis O'Flynn and Barbara Reith (or her nominee), and two Members (one of them a Cabinet Member other than the holder of the Housing portfolio) nominated by the Leader of the Council, be appointed to the ALMO Board.

14 APPOINTMENT OF MEMBER TO HAVERING TWINNING EDUCATIONAL ASSOCIATION

The Havering Twinning Educational Association had invited the Council to appoint a Member to serve on its Committee.

RESOLVED:

That Councillor Andrew Curtin be appointed to the Association's Committee.

15 AMENDMENTS TO THE CONSTITUTION - made by the Monitoring Officer

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted the amendments made by her and published in Notification 17 (as set out in Appendix 2 to these minutes).

16 ARRANGEMENTS FOR THE APPOINTMENT OF SCHOOL GOVERNORS

In April 2003, the Committee had approved procedures for the appointment of LEA-nominated school governors, through a Governor Appointment Panel reporting to this Committee and comprising three Councillors, three Headteachers and three governors.

The nominations agreed by this Panel had hitherto been presented to this Committee, which had never rejected a nomination and, in effect, did no more

than “rubber stamp” the nominations.

The worth of this approach having been questioned, the procedure had been reviewed. It had been concluded that, for the majority of appointments recommended by the Panel (members of the public who were neither Council Members nor employees), it was unnecessary for this Committee to be involved. Accordingly, it was recommended that the Executive Director, Education (or the Group Director, Children’s Services when appointed) should make the appointment on behalf of this Committee following nomination by the Panel.

Where the Panel recommended for appointment Members or applicants who were employees of the Council, however, it was proposed that appointments continue to be made by this Committee in order to provide a measure of openness and to ensure that there was no appearance of impropriety.

At the same time, the terms of reference for the Panel had been reviewed as there had been occasional difficulties when only one Member had been able to attend as the substitute Member rule did not apply to the Panel. It was suggested that the best solution would be to reduce the quorum to one from each group, given that the majority of appointments were not contentious and Member and Council-employee governor nominations would continue to come before this Committee.

RESOLVED:

- 1 That the Committee **RECOMMEND** to the Council that the functions delegated to the Executive Director, Education (Group Director, Children’s Services) include:
 - 3.8.1 On the nomination of the Governor Appointment Panel, to appoint on behalf of the Council LEA-nominated school governors (except where the nominee is a Member or employee of the Council).
- 2 That (subject to acceptance by the Council of resolution 1 above):
 - (a) This Committee continue to appoint LEA-nominated school governors who are Members or employees of the Council; and
 - (b) The terms of reference of the Governor Appointment Panel be adjusted as provided for in Appendix 3 to these minutes.
- 3 That the Monitoring Officer be authorised to make all consequential amendments to the Constitution.

17 FURTHER ADJUSTMENTS TO MANAGEMENT LINES – APPEALS

The Committee was invited to establish an Appeals Panel to determine any appeals arising from the implementation of the Chief Executive’s report on

'Further Adjustments to Management Lines'.

RESOLVED:

- 1 That an Appeals Panel of four Members (2:1:1) be established, consisting of Councillors Eric Munday (Chairman), Ivor Cameron and Wilf Mills and one other Member to be nominated by the Leader of the Council.
- 2 That the Panel consider all appeals during a single sitting, if possible.
- 3 That the arrangements for providing HR, legal and pensions advice to the Panel, be noted.

18 **REVIEW OF APPOINTMENTS AND ESTABLISHMENTS**

The Chairman agreed that the Committee should consider an additional item of business, on the basis that it called for a report to the next meeting rather than sought that a decision be made at this meeting.

The Cabinet Member whose responsibilities included HR matter explained that the Administration was seeking the creation of a complete and effective establishment post system whereby every single employee would hold a uniquely numbered post and there would be no grouping of similar jobs in one number. This would enable regular production of Directorate diagrams showing details of postholders and their employment status, with vacancies identified and explained.

The Committee was invited to agree that a report be submitted to the next meeting addressing these issues.

RESOLVED:

That the Monitoring Officer prepare for consideration amendments to the Constitution embracing the following principles:

- (i) No staff shall be engaged, even on a temporary basis, without a vacant establishment number;
- (ii) Positions held in abeyance shall be clearly identified and not used in a recruitment process;
- (iii) Posts shall not be created in a Directorate when money has been found internally without creation of a new post;
- (iv) No new post (including posts covered by new grades) shall be created, or a vacant post filled, without the specific written agreement of:
 - the relevant Cabinet Member where a post is graded PO7 or lower
 - the Leader of the Council and the relevant Cabinet Member where a post is graded above PO7

Timetable for review of polling districts

October 2005	Formulation of Proposals by Electoral Services Manager
November 2005	Informal Consultation with Ward Councillors
December 2005	Refinement of proposals and consultation with the remainder of the groups set out in 3 (iii) of Appendix 2
29 November 2005 to 15 December 2005	Consultation at Area Committees
1 February 2006	Recommendations formulated to Governance Committee in the light of the responses to consultation
21 March 2006	Governance Committee meeting with recommendations to Council
29 March 2006	Council meeting to approve new Polling Districts
1 December 2006	Publication of Register with amended Polling Districts

Notification No. 17

Date 15th August 2005

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:

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 2 Article 8.01	22	Amend the purpose of Audit Committee as follows:- <ul style="list-style-type: none"> To consider and monitor the authority's <u>risk management and</u> internal control environment (and add a new last bullet point <u>To monitor proactive fraud and corruption arrangements</u> 	Clarification
Part 3 Section 1 Paragraph 1.2	51	Amend the functions of Audit Committee as follows: <p>Internal Control</p> <ul style="list-style-type: none"> To consider and monitor the adequacy and effectiveness of the authority's <u>risk management</u> and internal control environment <p>Internal Audit</p> Add new bullet point at the end <ul style="list-style-type: none"> <u>To monitor proactive fraud and corruption arrangements</u> 	Clarification
Part 2 Article 8.01 & Part 3 Section 1 Paragraph 1.2	23 & 51 & 52	Amend the terms of reference of the Governance Committee <p>In last bullet point amend as follows:</p> <ul style="list-style-type: none"> To monitor and review the all aspects of Corporate Governance aspects of the CPA 	Clarification
Part 3 Section 7 Appendix A	154	Add to Eric Munday's portfolio <u>Regeneration and Planning and Human Resources</u>	Organisational Change

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

**Appendix 3
(Minute 16)**

Appointment of LEA Governors
Appointment Panel

Terms of Reference

To consider and approve applications and nominations for the position of LEA governor against the criteria agreed by the Governance Committee 10 March 2003 (and amended on 20 September 2005). This is not a Committee for the purposes of the Local Government Act 1972.

Constitution (Quorum 3 – at least 1 representative from each of the categories of membership)

The categories of membership are:

- **Representatives from each of the Political Groups on the Council:**

One Member to be nominated by the Leader of each Political Group.

- **Representative Head Teachers**

One Primary school head, one Secondary school head and one Special school head to be nominated by the appropriate head teacher group and notified to the clerk of the panel.

- **Representative Governors**

One Primary school governor, one Secondary school governor and one Special school governor to be sought from the Link Governor Group and notified to the clerk of the panel.

Chair

The chair will be elected at each meeting.

Frequency of Meetings

The panel will meet at least once per term. The clerk will call meetings when a suitable number of applications have been received.

Seven clear days' notice of the meetings will be given and agendas circulated

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accordingly.

Clerking

A clerk will be provided by Governing Bodies Support Unit.

Minutes

The clerk will keep minutes of each meeting of the panel.

Appointments and nominations

The Appointment Panel will consider applications and nominations for appointment as governors.

Where the Appointment Panel approves an application or nomination, it shall:

- In the case of persons who are neither Members nor employees of the Council, notify the Executive Director, Education (Group Director, Children's Services) who shall, if thought fit, confirm the appointment; or
- In the case of Members and employees of the Council, notify the Manager of Committee and Overview & Scrutiny Support, who shall arrange for the Governance Committee to consider the appointments at its next convenient meeting.

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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 NOVEMBER 2005	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF SCHOOL GOVERNOR

At its meeting in October, the Council accepted the Committee's recommendations for changes in the procedure for the appointment of LEA-nominated school governors. As such, only nominees who are also Members or employees of the Council will in future be appointed by this Committee (all other appointments will be made by the Group Director, Children's Services under delegated powers).

The Governor Appointment Panel has now submitted for formal approval the nomination of **Mrs Anne Terrell** as a governor of **Clockhouse Infant School**. Mrs Terrell is a former member of staff at the school who wishes to remain on the governing body, which is keen to retain her. She now works at another Havering school.

Financial Implications	None
Equalities Implications	None
Environmental Implications	None

RECOMMENDATION

That Mrs Anne Terrell be appointed to the governing body of Clockhouse Infant School.

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

Telephone: 01708 432431

**Stephen Evans
Chief Executive**

Background Papers: None



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 NOVEMBER 2005	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: EAST LONDON LETTINGS COMPANY: MEMBERSHIP AND APPOINTMENT OF A DIRECTOR AND AN ALTERNATE DIRECTOR

At its meeting on 19 September 2005, the Cabinet approved the introduction of a choice-based approach to letting council and registered social landlord properties by participating in the East London Lettings Company (ELLC) system. This approach involves advertising available properties through a magazine, over the Internet and, potentially, displays in the Public Advice and Services Centre and local access points.

As part of this strategy, it was agreed in principle that the Council should become a member of ELLC, rather than simply purchasing its services, so as to (a) assert maximum influence over the development of the agency and its services, (b) share the benefits of any operating surpluses, and (c) demonstrate a pro-active approach to partnership working which would be valuable at the time of future inspections.

Cabinet had noted that the Office of the Deputy Prime Minister expected all local authorities to have adopted a choice-based approach to letting properties by 2010. Though there was no explicit sanction for those authorities failing to do this, it was to be expected that a decision to act against ODPM guidance would compromise the borough's CPA score in future assessments.

Only housing applicants registered on Havering Council's Housing register would be able to participate in the lettings process in the way now proposed.

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ELLC is a company limited by guarantee, and the Council's commitment in the event of its insolvency is limited to the sum guaranteed, £10. As a member of the company, the Council is entitled to appoint a director and an alternate director (who would deputise for the director in his absence). It is understood that the other members of the company, all local authorities in the East London area, have all appointed chief or senior officers to the director/alternate director positions as the board of the company is primarily concerned with operational rather than strategic issues. The company is a local authority controlled company.

Cabinet has recommended that the Council join the company and that the appointments be made to the positions of director and alternate director accordingly.

Implications and risks

The report considered by Cabinet contained assessments of implications and risks. Not all are relevant to the issues now before this Committee but they included:

Financial Implications and Risks

The Housing Service has planned for the introduction of choice-based lettings in 2005/06 and has made £70,000 HRA resources available within the Lettings Team cost centre on an on-going basis from 2005/06 both for its implementation and running in future years.

.....

Discussions with those boroughs already using choice-based lettings systems indicates the potential of 'invest-to-save' style benefits which could feed into future Annual Efficiency Savings projections. ... Based on annual lettings of around 900 properties and an average rent of £55 week, this could result in £17,500 - £28,250 additional income a year [for Havering].

Human Resources Implications

None arising directly from the recommendations in this report as the recent restructuring of the Housing Service's Lettings Team was made in view of the imminent implementation of choice-based lettings.

Environmental Implications

None arising directly from this report.

Equal Opportunities Implications

Choice-based lettings systems have been found to make the process of applying for and being offered a council or housing association property far

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clearer and easier to understand for all sections of the community. Added to this, the ELLC software and publicity provides information in other languages, large print and through sign language on the internet.

Introduction of the system is likely to reduce some of the workload on the Lettings Team with regard to the lettings process and it is envisaged that this will enable officers to devote more time to assisting applicants make their bids to the system. Elsewhere this approach has been found to be particularly beneficial for older applicants.

For the issues raised in this report:

Legal Implications and Risks

The terms and conditions of the admission agreement for the Council to join East London Lettings Company Ltd, the current articles and memorandum of association of the company have been examined and are acceptable, although minor amendments to the admissions agreement are being requested. The status of the company under the Local Government and Housing Act 1989 is that of a controlled company. The directors are not entitled to any salary or fee, but they can be reimbursed their reasonable travel expenses..

RECOMMENDATIONS – following the decisions of Cabinet

- 1 That the Council agree to join ELLC
- 2 That Barry Kendler, Head of Housing & Health be appointed a Director of ELLC and that Jonathan Geall, Housing Needs & Strategy Manager, be appointed an Alternate Director.

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

Telephone: 01708 432431

**Stephen Evans
Chief Executive**

Background Papers:

Report to Cabinet, 19 September 2005

Governance Committee, 15 November 2005

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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 November 2005	7

REPORT OF THE MONITORING OFFICER

SUBJECT: AMENDMENTS TO THE CONSTITUTION - Monitoring Officer's alterations

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.

RECOMMENDATION

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.

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Amendments to the Constitution were made by the Monitoring Officer since 1st May 2002. The latest are Amendment No. 19 dated 4th October 2005 and Amendment No. 20 dated 31st October 2005.

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 None

Equalities Implications None

Environmental Implications None

CHRISTINE DOOLEY

Monitoring Officer

Staff Contact: Christine Dooley

Telephone: 01708 432484

Background Papers

Email correspondence

Notification No. 19

Date 4th October 2005

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:

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 7 Appendix B	155	Type of Expenditure Current Limit New Limit from 1 April 2005 Loss of personal property (including education) £3,000 £3,070 Ex gratia payments to housing tenants for compensation arising from breakdown and floods or for improvements to vacated property £3,000 £3,070 Gifts for long service* £170 £175 Costs of adaptation, disabled aids and interest-free Loans* £11,500 £11,760 Assistance to children* £1,590 £1,630	Mo Amendment Inflation increase

Notification No. 20

Date 31st October 2005

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:

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Sections 3,4,5,6 & 7	77-168	The whole of the Scheme of Delegation has been completely re-ordered and updated in the light of the further adjustments to management lines.	Organisational change
Whole Constitution		The whole Constitution has been amended to reflect the organisational change and titles where these appear throughout and some minor statutory amendments have also been made	Organisational change/ statutory amendment



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 November 2005	8

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: AMENDMENTS TO THE CONSTITUTION

SUMMARY

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

5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - make recommendations to the Council about amending the Constitution
6. At Governance Committee on 20th September an urgent matter was tabled with the agreement of the Chair on a review of Human Resources Appointments and Establishment. The background information required a complete and effective establishment post system for the Council covering all types of employee, including full time staff, agency staff and consultants including the following:

Every individual should have a unique number which is attached to every single post. Similar jobs should not be grouped in one number. Information could then be provided identifying:

 - a. Name/Number of Post/Grade
 - b. Status of Person in post, i.e. full time/agency etc.
 - c. FTE of that post
 - d. Vacant post. To be filled
 - e. Vacant post. Held in abeyance
 - f. Fixed Term contract
7. The Monitoring Officer was requested to prepare for consideration amendments to the Constitution embracing the following principles:
 - a. No staff can be taken on, even on a temporary basis without a vacant post number
 - b. Positions held in abeyance can be clearly identified and not used in a recruitment process.
 - c. Posts cannot be created in a Directorate when money has been found internally without creation of a new post.
 - d. No new post can be created, or a vacant post filled, without the specific written agreement of:
 - i. Cabinet Member up to Grade PO7
 - ii. Leader of the Council and the Cabinet Member above PO7
 - e. This includes posts covered by new grades
8. The Committee agreed that the Monitoring Officer should prepare a report for consideration for the next ordinary meeting and this report sets out relevant matters for consideration.

RECOMMENDATIONS

9. For consideration as to the recommendations (if any) to be made to Council as to changes to the constitution on the matters referred to in the report

REPORT DETAIL

Human Resources and Establishment Issues.

10. It is suggested that Members continue to work with managers to ensure that effective establishment controls are in place.
11. The proposals put to the Governance Committee on 20th September give helpful suggestions to improve the way in which establishment issues are dealt with by the Council.
12. The Committee has requested that every individual should have a unique number which is attached to every single post. This is accepted in principle and is happening for the majority of posts. Officers have demonstrated to some Cabinet Members the current HR/Payroll system, Cyborg. This allows for one post number to be allocated where a large number of people are undertaking one role e.g. Home Carers. A complement limit is set to the post number ensuring that no employees can be allocated to the position above the agreed complement.
13. The primary purpose of having an establishment is to ensure that measures are in place to effectively manage staffing expenditure. This needs to be balanced against the requirement of managers to manage their services effectively and to respond quickly and flexibly to customers.
14. Using the system in this way allows the most effective use of Human Resources time and achieves the same control. For example, creating one post would take five minutes, creating 200 copies of the same record would take a person 2 whole work days. Posts that have high staff numbers inevitably have higher turnover rates thus requiring significant database maintenance.
15. It is not possible to track agency staff and Consultants through Cyborg as it is primarily a payroll system and will not allow records to be kept unless the employee is paid through the Council's payroll. However, the Council is currently undertaking a project funded by the London Centre of Excellence to provide a toolkit for local authorities to improve their use of agency staff. This project is due to be completed in March 2006. In addition a pilot

method of informing Human Resources of agency staff is currently being looked at. It is suggested that until this project is completed and recommendations made, that spend on agency staff be tracked through regular monitoring of financial information.

16. There are a number of issues which Members therefore need to consider
 - a. There must be operational flexibility and an ability to recruit immediately on a temporary basis or front line services may be subject to closures.
 - b. Currently recruitment to posts works on the basis of consultation with Cabinet Member
 - c. The Chief Executive at SMT on 27 September re-iterated his instruction to all Group Directors and Assistant Chief Executives to ensure that a business case is made and presented to the appropriate Cabinet Member for the establishment and appointment of staff. That business case to cover, where appropriate, the functional rationale for the post, its duration and funding arrangements and, in the case of grant funded posts, mainstreaming or exit arrangements. It is therefore a requirement that Cabinet Members be fully involved in describing the staffing establishment of the relevant area. If Members are minded this wording could in preference be included within the Constitution.
 - d. Should Members however wish the wording set out below which is for consideration then it is suggested that the Cabinet Member should respond within a given number of days
 - e. A single unique number for each post is a matter for Human Resources rather than a constitutional matter.
 - f. Temporary staff are frequently taken on without a vacant post number i.e. to cover sickness, maternity leave, additional workloads, specific pieces of work, etc., and therefore the suggestion that temporary staff can only be held against a vacant post number is unworkable.
 - g. It is unclear what 7b and 7c are seeking to achieve since there are procedures governing vacancies and the creation of new posts
17. The Monitoring Officer is of the view that parts of 7a to 7e above are not Constitutional matters but rather matters for Human Resources to establish as operational policies. It should be noted that paragraph 3.3.2 within the Constitution on Human Resources requires all decisions to be taken in accordance with relevant Human Resources policies.
18. The Monitoring Officer has however set out below some suggested paragraphs which can be encompassed within the Constitution which should meet the spirit of 7a to 7e in so far as the matters are Constitutional.

For consideration

Part 3 Section 3.3.2:

1.....

Amend paragraph 3.3.2 as follows

- (ii) all appointments to permanent posts must be within the approved establishment and be appointments to an identifiable vacant post and all appointments to temporary posts must be within existing budgetary provision.

Take in a new (iii) and renumber original (iii) to (xiv) as (iv) to (xv)

- (iii) the creation of a new post outside of the corporate planning process or the appointment to a permanent vacant post requires the agreement in writing or by e-mail of (a) the Cabinet Member for a post up to PO7 (b) the Cabinet Member and the Leader of the Council for a post above PO7

Financial Implications and Risks

It is estimated that changing the way posts are numbered and creating additional posts will take 20 work days (one months work) at a cost of £2300 to HR (one PO2 at £30,696, divided by 52 (weeks), divided by 36 (hours in a week), multiplied by 7 (hours in a working day) multiplied by 20 (working days)).

There will be implications in amending the post referencing using the current system and if these were not provided for via the MTFS, resources would need to be redirected from other Human Resource functions to achieve this. It is unclear if the benefit would outweigh the cost.

All Managers must remain within budgetary provision for staff and the annual budget process reconciles the staffing establishment to budget provisions.

Equalities and Social Inclusion Implications and Risks

Any implications are set out within the report

Environmental Implications and Risks

Any implications are set out within the report

Legal Implications and Risks

Any implications are set out within the report.

STEPHEN EVANS
Chief Executive

Staff Contact: Christine Dooley
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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 November 2005	9

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: ADJUSTMENTS TO OVERVIEW AND SCRUTINY ARRANGEMENTS

SUMMARY

The Council is required by the Children Act 2004 to establish new arrangements for Children's Services. This report proposes the establishment of two new overview and scrutiny committees – Children's Services (in place of the current Education OSC) and Adult Social Services and Health (in place of the current Social Care and Health) in order to allow for effective scrutiny of this new structure.

RECOMMENDATION

1. That the Committee recommend to the Council that the following amendments to Article 6, paragraph 6.01 of the Constitution be agreed:
 - (a) The reference to "Education Overview and Scrutiny Committee" be replaced with "Children's Services Overview and Scrutiny Committee"

- (b) The areas of responsibility for this Committee be as follows:
- School Improvement
 - Pupil and Student Services (including the Youth Service)
 - Strategy and Commissioning
 - Children's Social Services
 - Children's Health Services
 - Social Inclusion
- (c) The reference in paragraph 6.01 of the Constitution to "Social Care and Health Overview and Scrutiny Committee" be replaced with "Adult Social Services and Health Overview and Scrutiny Committee".
- (d) The reference in the areas of responsibility of this Committee to "Social Care" be replaced with "Adult Social Services".
- (e) The first line of Article 6, paragraph 6.05 of the Constitution (Joint scrutiny of health service development proposals) now read as follows:

"This article applies when either the Children's Services Overview and Scrutiny Committee or the Adult Social Services and Health Overview and Scrutiny Committee are consulted...."

REPORT DETAIL

1. In response to the inquiry into the death of Victoria Climbié, the Government published in 2003 its Green Paper entitled Every Child Matters. This was followed by the Children Act 2004. This legislation places a number of requirements on the Council including the appointment of a Director of Children's Services and a Lead Member for this area. In response to this legislation, Havering has established a new Directorate of Children's Services which commences on the appointment of the Director of Children's Services.

2. This change of structure will necessitate an associated alteration to the structure of overview and scrutiny in Havering. As such, it is proposed to replace the existing Education Overview and Scrutiny Committee with a Children's Services Overview and Scrutiny Committee. Officers from Children's Services have suggested the following terms of reference for the new Committee:

To scrutinise the provision, planning, management and review of services that support the achievement and well being of children and young people (including Health provision) together with the associated corporate priorities and to lead on the scrutiny of the Every Child Matters five outcomes, namely:

- Be healthy
- Stay safe
- Enjoy and Achieve
- Make a positive contribution
- Achieve Economic well-being

3. It is envisaged that the initial membership of the Committee would be that of the current Education Overview and Scrutiny Committee. This would include voting and non-voting co-opted Members (which the Council remain obliged to appoint).

4. The Adult Social Services and Health Overview and Scrutiny Committee will continue to scrutinise all matters related to adult social services and will also take the lead on the Council's health scrutiny function. It is envisaged that membership of the Committee will initially be the same as that of the current Social Care and Health Overview and Scrutiny Committee.

5. When scrutinising health services for children, it is likely that members of both new committees will wish to have an input. As such, it is suggested that reports in this area are considered by both Committees with joint topic groups drawn from the memberships of the two Committees being set up as required. Any Havering representation on future cross-borough scrutiny in the children's health area will also be drawn from Members of the two Committees. Democratic Services staff will inform health service colleagues of this new reporting and working structure.

Financial Implications None

**Human Resources
Implications** None

Legal Implications None other than amendments to
Constitution as set out above.

Equalities Implications None

Environmental Implications None

**Stephen Evans
Chief Executive**

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Background Papers

Council Constitution.
E-mail Correspondence.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 NOVEMBER 2005	10

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: AREA COMMITTEE REVIEW - proposals

SUMMARY

This report deals with the proposed future Area Committee structure. It takes into account an all-member questionnaire, a debate at full Council and the work of the Working Party set up to consider the future of Area Committees. It also considers Comprehensive Performance Assessment implications (and Government advice) alongside practical issues of capacity and clarity. The report also deals with a proposal to establish a bi-annual Havering Community Conference.

RECOMMENDATIONS

(Following consultation with the Administration)

- (1) That Council be recommended to amend the Constitution, for effect as from the Borough elections in 2006
 - (a) to replace the current six area committees with the nine area committees as set out in the report, and
 - (b) to empower the Area Committees to undertake the responsibilities set out in paragraphs 3.1 and 3.8 and, where appropriate, Appendix A and C.

- (2) That the Leader of the Council and the Cabinet Member, Resources, be authorised to conclude the bidding mechanisms for the central funds allocated to the area committees held on behalf of Cabinet
- (3) That it be noted that further reports will be submitted to this Committee -
 - (a) on detailed proposals for the bi-annual Havering Community Conference including any organisational and financial implications;
 - (b) on suggested amendments to the constitution to enable any deadlock in the appointment of any Chairmen to be resolved; and
 - (c) on suggested conventions around the quorum of meetings to ensure that decisions cannot be taken without both wards being represented by at least one member at any formal committee meeting.

REPORT DETAIL

1. Background

- 1.1 At the meeting on 14 July 2004 Council made two decisions in respect of Area Committees, ie -

This Council notes that the Administration did not as promised produce proposals for area committees in June 2003 and that a Cabinet Member has now been assigned to complete the task. This Council instructs the Cabinet Member to set up a Joint Working Party of Members and officers, as a matter of urgency, and reports its recommendations to the Governance Committee by 31 December 2004.

and

This Council agrees to set up a Working party of officers and Members to review Area Committees.

The Working Party, which comprised Councillors Mann (in the Chair), Darvill, Harris, Morgon, Reith, and Ware met on a broadly fortnightly basis from September to February.

- 1.2 This report now brings together and sets out a proposed way forward taking into account. an all-member questionnaire, a debate at full Council information considered by the Working Party and the work of the Working Party. The report also refers to Comprehensive Performance Assessment implications (and Government advice) alongside practical issues of capacity and clarity.

2 Considerations

2.1 In formulating its recommendations Cabinet have taken into account a wide range of considerations:

(i) Legislative Matters

There is currently no requirement for any Council to operate an Area Committee or Area Forum arrangements. The Local Government Act (LGA) 2000 and best practice advice (from the IDeA and Audit Commission) encourages Councils to develop forms of local consultation and participation and expects some form of area based structure. LGA 2000 differentiates between 'Area Forums', which are entirely consultative and 'Area Committees' which have some delegated decision making.

In respect of Area Committees (i.e. where the Council has delegated some decision making powers) there is a restriction on their geographical area and population: no Area Committee can be larger than 2/5 of the total population or area of the overall Council. There is no such restriction on Area Forums.

(ii) All Member Questionnaire

Members were requested to complete a questionnaire on their preferred way forward on Area Committees. Whilst there was a clear preference for the continuation of Area Committees there was no consensus favouring any extension of their powers and functions. Key points which emerged included:

- Area Committees should be Member led, and the Chairman should lead, co-ordinate and drive their work;
- Resources to support the Area Committees should be maintained at current levels (or reduced).
- All respondents felt the public should have an opportunity to ask questions
- A majority of members felt that Area Committee meetings should be held locally

(iii) Working Party Conclusions

The Working Party met 13 times between September 2004 and February 2005. While Members fully debated all the aspects of Area Committees shown in this report there were differences of emphasis and weight given by the six individuals. All the issues raised are reflected in some way in this report.

(iv) Closeness and relevance to the Community

For Area Committees to be credible and effective consideration should be made to the following:

- Publicity of meetings, agenda and venue;
- Geographical area should, if possible, represent a recognised community;
- The need to provide for some level of decision making and local budget to enhance credibility;
- Agendas must be of local relevance, and structured to encourage local community input;
- Clear leadership.

(v) Clarity of Purpose

One criticism of current/previous arrangements has been a confusion over roles and purpose, and arrangements should avoid duplication or ambiguity. The Council operates on the basis of Cabinet government, with clear Lead Member responsibility. This is not compatible with the concept of local lead member, as there is an inevitable confusion over role and accountability. This is further compounded by Overview and Scrutiny arrangements and that Opposition Groups operate with their own lead member arrangements.

(vi) Affordability and Capacity

Arrangements need to reflect resource availability and the capacity of the organisation. It is the case that successive Administrations have reduced the budgets most closely associated with Area Committees by some £400,000 per annum. Unless additional resources are to be provided within the MTFS the operation of Area Committees must be within existing resource levels.

3. Proposals

3.1 It is proposed that Havering should have nine Area Committees. They should be formally appointed by the Council under Part 2, Article 10 of the constitution. The functions delegated fall broadly into three categories:

- To consider local issues, consult with local people, and make recommendations to the Council or Cabinet;
- To be responsible for local highway management decisions, subject to certain limitations within the policies and practices set by the Regulatory Services Committee;
- To be responsible for any budgets allocated to them.

3.2 Meeting Arrangements

- 3.2.1 Meetings would be held every three months in a fixed location within the Area Committee Area. The fixed venue for a full year will be decided by the Committee and it is suggested that the venue ought to be for a considerably longer period as well as for any special meetings. This will help local people to regard it as 'their' meeting hall and promote some local identity.
- 3.2.2 This might, however, not always be straight forward as some venues (e.g. Schools) might not always be able to meet the Council's timetable, particularly where half term dates are concerned. The single venue arrangement would, however, help with advertising in so far as some permanent signing might be possible.
- 3.2.3 The dates of the meeting will be fixed for the Municipal Year and shall only be changed for genuine emergency. Meetings will be advertised in a more striking manner in *Living in Havering*, on the Website, and in the Local Press and through an email sign up service (where electronic confirmation of details would be sent around a week before the meeting). The Chairman may call for an exceptional meeting for a one-off issue of significant/local importance.

3.3 Area Committee Boundaries

Mindful of the Government's encouragement that Councils should get closer to local people on a basis that is meaningful, it is proposed that nine Area Committees operate, on the basis of two wards in each. The proposed areas area as follows:

Name	Wards
North Romford	Havering Park and Mawneys
Harold Hill	Heaton and Gooshays
Romford	Brooklands and Romford Town
Gidea Park	Pettits and Squirrels Heath
Emerson Park and Harold Wood	Harold Wood and Emerson Park
Upminster	Upminster and Cranham
Hornchurch	Hylands and St Andrews
Elm Park and Hacton	Elm Park and Hacton
South Hornchurch and Rainham	Rainham and Wennington and South Hornchurch

3.4 Structure of meetings

It is proposed that meetings take a standard format

- **Part 1** will be a public forum and surgery. It will be attended by Ward Councillors, Local Police and StreetCare (and possibly other Council services where the Area Chairman has arranged). This will give the chance for residents to raise any service issues with staff or Members.

- **Part 2** will deal with the apologies, declarations of interest and minutes from previous meetings.
- **Part 3** will be the formal decision making part of the meeting, dealing with traffic schemes on behalf of Transport for London and parking control requests. This section will also agree any new schemes and deal with requests for funding from the local environment improvement budget (see below).
- **Part 4** will allow time for information presentations from both Council services and external partners. For example there may be information reports from Essex Wildlife, PCT, Local Police, Parks Department, etc.
- **Part 5** will pick up any other business, future agenda requests and dates of next meeting.

3.4.2 A proposed set of rules and conventions associated with the Area Committees is attached as appendix A.

3.5 Powers and Responsibilities

3.5.1 There is no reference to an Area Action Plan in either the responsibilities or the Chairman's Job Description. The resources are simply not available to draw up a Plan that would be meaningful and to deliver a tailored sequence of additional activity in individual areas.

3.6 Role of the Chairman

3.6.1 It was strongly supported by Members that the Chairman must play an active and leading role in the operation of the Area Committee and its work. The draft "job description", attached as Appendix B, should help define expectation. The Chairman will need to be proactive in liaising with the local community with bodies other than the Council where a community impacts on the area, within the Council and with other members on the Committee. This Job Description is also referred to elsewhere on the agenda for this meeting.

3.6.2 The operation of Area Committees ought to be Member-led and driven. Chairmen will be responsible for a programme of work strictly within the Committee's powers and responsibilities designed to reflect the Committee's understanding of particular local needs.

3.7 Support to the Committee

3.7.1 Area Committees will continue to be supported by Democratic Services. Whilst the numbers of Committees has been increased, the reduction in frequency means the number of meetings remains the same as now.

3.7.2 Key support will be given to Area Chairman and other Members by way of training on various aspects of community development and local capacity building. Current resources, however, means that there will be no staff

dedicated to supporting the work and development of Area Committees – this will be very much a Member responsibility.

3.8 Decision Making

Area Committees' decision making powers will incorporate:

- (a) local highway management matters (see Appendix C)
- (b) local environmental improvement budget – expenditure on capital projects, for the well being of the local community, of any budget that Council may make available for this purpose. It is proposed that this initially be £5,000 per Area Committee. Additionally, subject to the compilation of a business case, Committees will be entitled to bid for an allocation from a £45,000 budget held on behalf of Cabinet. It is intended that Area Committee Chairmen arrange periodic meetings of their area committee members only to consider the members' monthly performance pack so far as it is relevant to their area. No staff would be present at these meetings and the Chairman would be responsible for feeding back outcomes to the relevant Cabinet member.

4. Havering Community Conference

- 4.1 In order to increase the Council's engagement with the community, it is intended to establish a Havering Community Conference. While full details would be determined by the Governance Committee, in brief local non-political organisations (voluntary groups, associations, patient groups, etc.) would be invited to attend the conference and question Cabinet members.
- 4.2 Costs for this proposal would fall throughout the Council including in departments where material would be gathered in support of the Cabinet member and in follow-up action. The Leader of the Council would take personal responsibility for ensuring follow up action was delivered.
- 4.3 It is intended to report further to this Committee on detailed proposed arrangements.

5. Financial Implications and risks:

- 5.1 The annual review of the Members' allowances scheme will propose that the Special Responsibility Allowance for Area Committee Chairmen will be set so that there are no potential additional implications i.e. the existing £6,390 per annum for six Chairmen will be used to support the Special Responsibility allowances for nine Chairmen which would equate to £4,260 per annum.
- 5.2 At this stage it is intended to use existing budgets and facilities for publicity promotion and the Community Conference.
- 5.3 It is proposed that a capital allocation of £90,000 for Area Environmental Improvements be incorporated into the capital programme for each of the

three years commencing 2006/07. This sum will be taken into account in the MTFs process. The arrangements for bidding will be established by the Leader and the Lead Member, Resources.

6. Legal Implications and risks:

- 6.1 The legislation affecting Area Committees is included within paragraph 2(i). The Area Committees will be local government act committees (as now) under the Local Government Act 1972.

It is important that the proposals set out in Appendix C paragraphs 1 & 2 are implemented to ensure there is no unnecessary delay in local highway management matters given the proposed reduction in meetings of Area Committees and the necessity of involving Regulatory Services Committee in cross boundary schemes.

7. Human Resources Implications and risks:

- 7.1 With increasing the number of area committees from six to nine, the impact that this will have is that officers will need to attend more committees. This potentially could increase time off in lieu given to officers and/or overtime payments.

Equalities and Social Inclusion implications:

The proposals are designed to increase the accessibility of area committee members and activity to residents.

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STEPHEN EVANS
Chief Executive

Background Papers List

Minutes of the Area Committee Review Working Party meetings.

RULES AND CONVENTIONS FOR AREA COMMITTEES

1. Area Committee meetings be treated as just one element of community engagement and be used as a means by which community engagement can be promoted.
2. Area Committees will be constituted under the Local Government Act 1972 and will have the purpose set out in Article 10 of Part 2 of the Constitution (as revised).
3. There will be nine Area Committees, each covering two electoral wards as set out in Article 10 of Part 2 of the Constitution (as revised).
4. Each Area Committee will decide the fixed venue where it will hold its meetings except in exceptional circumstances as determined by the Chairman. Additional meetings would ordinarily be held at the same venue.
5. Ordinary Area Committee meetings will start at 7.30pm.
6. Area Committees will meet four time a year, but will have the facility for holding special meetings.
7. Area Committees should and can –
 - (a) consult the public to inform the decision makers;
 - (b) be used for the Council to inform the public;
 - (c) be used for non-Council agencies to inform or consult;
 - (d) be entitled to specifically invite appropriate people or organisations to meetings.
8. Area Committee Chairmen –
 - (a) operate under the Job Description, as agreed from time to time by the Governance Committee;
 - (b) take the role of steering committee and collective Member activity, and
 - (c) be required to report to each area committee meeting on their activities since the last meeting as well as an annual report to be submitted to the last ordinary meeting of the Committee of the Municipal Year.
9. In respect of Public Question Time -
 - (a) 30 minutes be allocated for questions from the public at each ordinary meeting, with the Chairman having discretion to modify that length of time, as the first part of the Agenda;
 - (b) Area Committee Chairman be responsible for dealing with questions and co-ordinate their replies.
10. Area Committee Members appointed to area-specific bodies on behalf of the Area Committee by the Governance Committee be required to report to the Area Committee at least once a year on their activities.
11. Area Committees shall –

- (a) make decisions in respect of traffic matters or (the parameters to be defined) from time to time by the Governance Committee to be recommendation-makers to those taking the decisions;
- (b) be allocated a budget of £5,000 and be delegated authority to spend on minor locally-focused environmental initiatives (on the basis of criteria established by the Governance Committee from time to time).
- (c) be entitled to bid for an allocation from a £45,000 budget held on behalf of Cabinet, such bid to be accompanied by a business case.

APPENDIX B

LONDON BOROUGH OF HAVERING

JOB PROFILE

POST: AREA COMMITTEE CHAIRMAN

Purpose

Role of Area Committee chairmen

1. To provide leadership of and direction to their particular committee
2. To identify and request from officers support and necessary resources to support the Area Committee process
3. To chair the meeting and ensure it achieves its terms of reference
4. To be proactive in undertaking the role of community development and to lead Area Committee members in this aim outside of the formal area committee structure facilitating the delivery of the portfolios of responsibilities allocated by the Area Committee

Duties and responsibilities

1. To ensure that work is member-led and that members of the committee;
 - a. lead on developing an effective work programme which will actively improve community development
 - b. to monitor Local Services and identify recommendations, to the relevant Cabinet lead.
 - c. have the necessary skills to carry out the role of community development and to work with officers to provide the necessary training
 - d. are engaged within the community development and Area Committee process
2. To work with other area committees & chairmen where appropriate to share learning and experience and to progress and promote the role of community development using the area committee structure as a tool
3. To engage, liaise and consult with local communities of interest including local residents, at all levels.

Skills Required

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

TfL/BSP Schemes and Area Committees

Some years ago the Council received its funding through the TPP and more latterly through the BSP in a lump sum which, although allocated to particular programmes was not specific about the individual schemes to be implemented. At this stage Area Committees had the opportunity to put forward locally important schemes to be funded from that sum.

The situation changed three years ago when Transport for London made it clear that from then on they would award funding on the basis of an evaluation of London-wide priorities. Consequently only schemes which had a priority when judged against schemes across London would be funded.

Therefore to maximise the funding that the Council receives through the BSP process, it was important that the schemes put forward in the bid were those which had the highest priority and best rates of return wherever they were situated in the Borough rather than seeking to spread schemes across the Borough.

Under this system it was clear that schemes which, although they may have been important locally, had no great accident reduction benefits or first year rate of return would not receive funding. Area Committees, therefore, played a reducing part in the formulation in the Borough Spending Plan bids and from then the bids reflected Borough-wise priorities and was approved by Cabinet.

It should be noted that this year the Chairs of the Area Committees were informally consulted on the proposed programme prior to it being approved by Cabinet.

Area Committees roles in the BSP process are therefore now about the implementation of the schemes rather than identifying them.

It should be noted that where a scheme falls into more than one Area Committee, the Constitution requires that decisions about it are made by Regulatory Services Committee. This adds extra time to the process since reports need to go to both Area Committees so that their views can be reflected in the report to Regulatory Services.

There have been problems on a large number of occasions where the Area Committees have not been happy with elements of the scheme that is put forward in the first instance and have therefore deferred consideration of it or have asked officers to make amendments. In these cases, a whole cycle is lost and approval in principle for consultation has to be sought at the next meeting.

There are also occasions when Area Committees require the results of consultation and the final approval of the scheme to be brought back to the full Committee, thus incurring further delay.

Staff are working hard to get to Committees earlier in the financial year but these delays can cause problems and even prejudice our ability to spend our BSP allocation within the year.

It is therefore recommended that the process in future should be:

1. Area Committee receives report on initial design of scheme and
 - a. approves it in principle for public consultation or, if changes are required to the scheme before it goes to consultation, delegates approval of these to the Chairman of the Area Committee in consultation with the Head of Strategic Planning and Technical Services;
 - b. delegates the approval of the final scheme in the light of the results of the public consultation to the Chairman of the Area Committee in consultation with the Head of Strategic Planning and Technical Services.

2. Where a scheme is set within more than one Area Committee Area:
 - a. the views of the relevant Area Committees are sought on the initial design for public consultation;
 - b. the Chair of Regulatory Services in consultation with the Head of Strategic Planning and Technical Services and in the light of the views of the Area Committees approves the scheme for public consultation;
 - c. the Chair of Regulatory Services approves the final scheme in the light of results of the consultation and in consultation with the Chairs of the relevant Area Committees and the Head of Strategic Planning and Technical Services.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 November 2005	11

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: MOBILE PHONES – policy issues associated with issue to and use by Members

SUMMARY

In May 2004 the Committee approved an eligibility policy for the issue of mobile phones to Members. This report sets out associated matters which should receive consideration and asks the Committee to approve a policy document setting out all the relevant arrangements.

RECOMMENDATION

That the policy document appended to this report be adopted.

REPORT DETAIL

1. At its meeting on 26 May 2004 the Committee considered a report regarding the issue of mobile telephones to Members and agreed as follows:
 - “(1) That a mobile telephone be made available to each of the following Members for use for Council business –
 - * Leader of the Council
 - * Cabinet Members
 - * Leaders of Opposition Groups
 - * The Mayor
 - (2) That the Leader of the Council be empowered, after consultation with Group Leaders, to authorise the provision of a mobile telephone to any other Member who can establish a need for such provision.”
2. The invoices for usage of the telephones are sent to Members on a regular basis listing all calls that have been made and Members are required to pay for any calls that were not Council business.
3. In February 2005 the Strategic Management Team considered the use of Council mobile telephones outside the UK and agreed, among other things, that
 - (1) European roaming would only be applied to a mobile phone on application by a mobile phone holder to the Assistant Chief Executive, Legal and Democratic Services whose authority in writing would be required for such use. Staff would make the relevant arrangements through ICT Services.
 - (2) The hire or purchase of a tri-band mobile telephone or any other type of telephone for use in the USA or other locations where a tri-band or other telephone is required would be authorised on application by the person holding or eligible for a mobile phone under the May 2004 policy to the Assistant Chief Executive, Legal and Democratic Services, whose authority would be required in writing. Staff would make the appropriate arrangements through ICT Services.
4. European roaming allows use of the mobile ‘phone across European countries.
5. All groups ought to be involved in a decision of the nature mentioned in paragraph 3(2) above and it is, therefore, suggested that the Leader of the Council be empowered, in consultation with the Opposition Group

Leaders, to authorise, through the Assistant Chief Executive, Legal and Democratic Services, the hire or purchase of appropriate communications equipment for use outside Europe for any Member who is authorised to have a mobile telephone and who can establish a need for such provision.

6. As mobile phone technology develops, additional capabilities will become available. For example, G3 is the next band width capability for mobile usage. Current mobile systems use GPRS, which is slow and unsuitable for transferring large files/data except in emergencies. G3 speeds up data transfer so it can be used for email, video etc. It is suggested that, if a business case can be established for a Member to need G3 capability, the policy should provide for it to be available.
6. The Committee is now invited to adopt formally the suggested policy set out in the appendix to this report which reflects the above proposals

7. **Financial Implications and risks:**

The annual budget for costs associated with Members' mobile telephones is £1,200. It is likely that one or two authorisations outlined above could be contained within that budget. Any application for contingency funds would need to be made if that were not the case.

8. **Legal Implications and risks:**

The Standards Committee at its meeting on 21 October requested that the Governance committee re-consider the mobile 'phone policy in so far as the authorisation of a tri-band or similar mobile telephone is concerned and it was acknowledged that members had not previously considered this aspect.

9. **Human Resources Implications and risks:**

There are no such risks associated with this report.

10. **Equalities and Social Inclusion Implications and risks:**

There are no such risks associated with this report.

**Stephen Evans
Chief Executive**

Governance Committee, 15 November 2005

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Background Papers

None.

APPENDIX

MEMBERS' COUNCIL-ISSUED MOBILE TELEPHONES - proposal

ELIGIBILITY AND USEAGE

- (1) That the following office-holders be eligible for the issue of a mobile telephone on their request –
- Leader of the Council
 - Cabinet Members
 - Leader of Opposition Groups
 - The Mayor

Requests are to be made to the Assistant Chief Executive, Legal and Democratic Services.

- (2) That the Leader of the Council, after consultation with Group Leaders, is empowered to authorise the provision of a mobile telephone to any other Member who can establish a need for such provision, such arrangement to be made through the Assistant Chief Executive, Legal and Democratic Services
- (3) That European roaming be applied to a mobile phone on application by a mobile phone holder who can establish a need for such provision to the Assistant Chief Executive, Legal and Democratic Services, whose authority in writing would be required for such use.
- (4) That a G3 capable mobile phone be made available to a mobile phone holder who can establish a need for such provision to the Assistant Chief Executive, Legal and Democratic Services, whose authority in writing would be required for such use.
- (5) That the Leader of the Council, in consultation with Group Leaders, be empowered to authorised the hire or purchase of a tri-band mobile telephone or any other type of telephone for use in the USA or other locations where a tri-band or other telephone is required where the mobile phone holder can establish a need for such provision. Such arrangement to be made through the Assistant Chief Executive, Legal and Democratic Services.
- (6) Any approvals given under this policy must be evidenced in writing and signed and lodged with the Democratic Services Manager.

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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 NOVEMBER 2005	12

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: MEMBERS' JOB DESCRIPTIONS - adoption

SUMMARY

This report proposes that job descriptions be adopted for Members. The purpose is to ensure Members know what is expected of them in their various roles and to enable members of the public to also have this understanding.

RECOMMENDATION

That the Job Descriptions for Members as both Members of the Council and as office-holders be adopted and made available on the Council's website.

REPORT DETAIL

- 1 In consultation with Group Leaders draft Job Descriptions (JD) have been drawn up in respect of the role of Members and in respect of the various roles Members are able to be appointed to by their Groups or by Council.
- 2 The advantages to Members of the Council in having a JD include -
 - (a) the Member knows exactly what is expected of him or her

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- (b) Members know exactly what is expected of others, and in cases where the Council makes appointments to positions attracting an SRA, can be well informed in deciding whether a candidate can undertake what is expected of them
- (c) the public know exactly what they might reasonably expect from elected Members
- (d) Prospective Candidates for election to the Council, or for a member-level office to know what is expected of them

3 It would not be intended to include these as part of the Constitution. If they simply stood on the public record, this Committee could modify them from time to time without the need to recommend Council to amend the Constitution. It would be hoped, however, that, once approved, the JDs would be sufficiently robust to operate without frequent modification.

4 Among other things, it would be intended to include the JDs on the Council's website, linked to relevant Members.

5 The Job Descriptions, as attached, are in respect of

Member of the Council
 Leader of the Council
 Deputy Leader of the Council
 Executive Member
 Chairman of an Overview & Scrutiny Committee
 Chairman of an Area Committee
 Chairman of a Regulatory-type Committee
 Chairman of any other Committee
 Member Champion

6 Financial Implications and risk

There are no direct costs arising from a decision to approve or otherwise JDs for members.

7 Legal Implications and risks

There are none, but it should be noted that the new requirements for the Comprehensive Performance Assessment (CPA) recognises the existence of JDs as a factor to be taken into account in the Corporate Governance aspect.

8 Human Resources Implications and risks

There are none arising from this report.

Governance Committee, 15 November 2015**9 Equalities and Social Inclusion implications**

The adoption of, and giving publicity to, JDs for members could assist in increasing public understanding of what members, and thus the Council, do. This could assist in making dialogue with groups outside the Council much easier

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STEPHEN EVANS
Chief Executive

Background Papers

There are none

MEMBER JOB PROFILES

- 1 COUNCILLORS
- 2 LEADER OF THE COUNCIL
- 3 DEPUTY LEADER OF THE COUNCIL
- 4 EXECUTIVE MEMBERS
- 5 OVERVIEW & SCRUTINY CHAIRMAN
- 6 AREA COMMITTEE CHAIRMAN
- 7 CHAIRMAN OF A COMMITTEE WITH A REGULATORY ROLE
- 8 CHAIRMAN OF A COMMITTEE
- 9 MEMBER CHAMPION

Governance Committee, 15 November 2015**JOB PROFILE****POST: 1. COUNCILLORS****Purpose**

1. To participate constructively in the good governance of the Borough.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery
3. To represent effectively the interests of the Ward for which the councillor was elected, and deal with constituents' enquiries and representations
4. To champion the improvement of the quality of life of the community in terms of equity, economy and environment
5. To represent the council effectively, when appointed to an outside body, such as a charitable trust or association, etc.
6. To act at all times with probity and propriety in the best interest of the Council

Duties and Responsibilities

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy)
2. To participate effectively as a member of any committee or Panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or Panel's) terms of reference, and its liaison with other public bodies to promote better understanding and partnership working
3. To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
4. To participate in the scrutiny or performance review of the services of the authority including, where the authority so decides, the

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- scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council
5. To participate, as appointed, in consultative processes with the community and with other organisations
 6. To provide a link between the authority to the community, through the various forums available
 7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority
 8. To develop and maintain a working knowledge of the other organisations and services which serve the local Borough
 9. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the democratic process
 10. To participate in the activities of any political group of which the councillor is a member
 11. To conduct the business of the Council within the Council and not through the written or broadcast media
 12. To maintain confidentiality in all relevant Council business
 13. Not individually to seek to instruct officers
 14. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

Skills Required

1. Good communication and Interpersonal skills
2. Ability to relate and deal with the public in a professional and timely manner
3. Ability to work effectively with Council officers and outside organisations
4. Community Leadership skills

Governance Committee, 15 November 2015**JOB PROFILE****POST: 2. LEADER OF THE COUNCIL****Purpose**

1. To provide effective political leadership and strategic direction for the Council.
2. To ensure effective Corporate Governance
3. To provide effective stewardship of the Council
4. To chair the Cabinet and ensure that it achieves its terms of reference
5. To ensure that the Council delivers high quality, value for money services

Duties and Responsibilities

1. To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the authority
2. To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party co-operation
3. To lead the Cabinet and be responsible for the Council's corporate and resource strategy
4. To ensure that the Cabinet achieves its terms of reference both collectively and as individual portfolio holders
5. To ensure the effective integration of roles, responsibilities and functions within the Cabinet membership
6. As Leader of the Council, to be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and the Council's Senior Management Team
7. To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their

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Associations and to positively promote the Council as a whole in the media.

8. To act as the political spokesperson for the Council
9. To promote the long term financial, business and economic stability of the Council
10. To encourage the highest standards of probity and corporate governance for the well being of the borough.
11. To communicate the Administration's policies and priorities to the Senior Management Team and to receive their advice.

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Havering
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the member's role as a councillor and as an Executive Member (see separate job profile)

Governance Committee, 15 November 2015**JOB PROFILE****POST: 3. DEPUTY LEADER OF THE COUNCIL (non SRA post)****Purpose**

6. To assist and work with the Leader of the Council to provide effective political leadership and strategic direction for the Council.
7. To assist the Leader of the Council with his other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to ensure the Council delivers high quality, value for money services
8. Where appropriate and where permissible under the Council's Constitution to act in the absence of the Leader of the Council.

Duties and Responsibilities

1. To assist and work with the Leader of the Council in delivering his responsibilities to the Council within his job profile
2. To deputise for the Leader of the Council in his absence from Council meetings and, if a member of Cabinet, to deputise in the Leader's absence at Cabinet meetings
3. In the Leader of the Council's absence to carry out the requirements of his job profile so far as legally possible and permissible.
4. To carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council

Skills required

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates, including the statutory and financial frameworks
4. A clear understanding of the operation of the Council, including the economic and social situation within Havering
5. Business and financial acumen, including the ability to understand and manage the Council's budget

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6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE The above duties and responsibilities are in addition to the member's role as a councillor and as an Executive Member (see separate job profile)

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JOB PROFILE

POST: 4. EXECUTIVE MEMBERS

Purpose

1. To provide collective and individual leadership as part of the Executive
2. To undertake lead responsibility for allocated portfolios
3. To contribute effectively towards the strategic direction of the Council

Duties and Responsibilities

1. Participate effectively as a Member of the Executive – take joint responsibility with colleague Executive Members for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
2. To exercise delegated powers in accordance with the Council Constitution.
3. Shape and develop the Strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
4. Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
5. Recognise the differing roles of members and officers in the Council's Constitution.
6. In connection with the portfolio:
 - a) Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
 - b) Keep abreast of related developments and policies at national, regional and local level
 - c) Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks

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- d) Aim for Havering to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting Beacon Council's and exemplars of good practice
 - e) Represent the Executive at the Overview & Scrutiny Committee (O&S) in connection with any related matter that may be requisitioned (called in). Similarly, attend O&S and Scrutiny Panels at their request in connection with any issues associated with the Executive Member portfolio that are being scrutinised.
 - f) Be aware of issues of importance to the community and other stakeholders concerning portfolio services (for example, through issues raised at Area Committees), and work towards implementing the Community Strategy
 - g) Be aware of key budgetary issues affecting the portfolio of the Executive Member
7. Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
 8. Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships such as Havering Strategic Partnership.
 9. Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
 10. Along with colleague Executive Members and the Senior Management Team be available as appropriate for other Members to discuss any queries or matters of concern.
 11. To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

Skills Required

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Havering
5. The ability to understand the Council's budget especially in respect of the relevant portfolio

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6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

NOTE: The above duties and responsibilities are in addition to the member's role as a Councillor (see separate job profile)

Governance Committee, 15 November 2015**JOB PROFILE****POST: 5. OVERVIEW AND SCRUTINY CHAIRMAN****Purpose****Role**

1. To provide leadership of & direction to their particular Committee
2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

Duties and responsibilities

1. To ensure that Committee members lead on developing an effective work programme
 2. To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary
 3. To endeavour to engage all members of the Committee within the scrutiny process
 4. To lead the Committee in prioritising its work so as to ensure effective scrutiny
-
1. To co-ordinate work with other scrutiny Committees & Chairmen and to share learning
 2. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
 3. To develop a constructive relationship with the Executive Directors/Heads of Service in the areas that the Committee scrutinises
 4. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

Skills Required

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills

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3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the member's role as a Councillor (See separate job profile)

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JOB PROFILE

POST: 6. AREA COMMITTEE CHAIRMAN

Purpose

Role of Area Committee Chairman

1. To provide leadership of and direction to their particular committee
2. To identify and request from the Council necessary resources to support the Area Committee process
3. To chair the meeting and ensure it achieves its terms of reference
4. Encourage Area Committee Members in their community development roles

Duties and responsibilities

5. To ensure that work is member-led and that the committee;
 - a. develops an effective work programme to community development
 - b. lead on the monitoring of services within the area of the Committee, making recommendations where appropriate about their alteration or improvement
 - c. seek the necessary training to enable its members to carry out their roles effectively
 - d. develop and promote an Area Action plan
6. To work with other Area Committees & chairmen where appropriate to share learning and experience and to progress and promote the role of community development
7. To engage, liaise and consult with the local community
8. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

Skills Required

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills

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3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (See separate job profile).

Governance Committee, 15 November 2015**JOB PROFILE****POST: 7. CHAIRMAN OF A COMMITTEE WITH A REGULATORY ROLE****Purpose**

1. To provide leadership of and direction to the Committee
2. To demonstrate to the public, applicants, objectors etc., fair and open decision making by or on behalf of the Committee
3. To ensure that adequate resources (financial and officer support) are identified and sought from the Council
4. To chair and manage Committee meetings and ensure the Committee achieves its terms of reference

Duties and responsibilities

1. To encourage Committee members to obtain necessary skills to contribute the work of the Committee and to work with officers to provide training if necessary
2. To endeavour to engage all members of the Committee in its activities
3. To lead the Committee, in consultation with officers, in prioritising its work
4. To develop a constructive relationship with the relevant Executive Director and their staff and where appropriate, with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To be available to chair around 25 meetings per annum
7. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible
8. To Chair the committee in a fair and open manner in accordance with the procedures of the committee, applicants and objectors to put their arguments to the committee
9. To guide, with the assistance of officers, the committee to reach decisions based on the information presented to it

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Skills Required

1. Good communication and interpersonal skills
2. Leadership and excellent chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the member's role as a Councillor (See separate job profile)

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JOB PROFILE

POST: 8. CHAIRMAN OF A COMMITTEE

Purpose

1. To provide leadership of and direction to the Committee
2. To ensure that adequate resources (financial and officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

Duties and responsibilities

1. To encourage Committee members to obtain necessary skills to contribute the work of the Committee and to work with officers to provide training if necessary
2. To endeavour to engage all members of the Committee in its activities
3. To lead the Committee, in consultation with officers, in prioritising its work
4. To develop a constructive relationship with the relevant Executive Director and their staff and with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible

Skills Required

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

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Note: The above duties and responsibilities are in addition to the member's role as a Councillor (See separate job profile)

Governance Committee, 15 November 2015**JOB PROFILE****POST: 9. MEMBER CHAMPION****Purpose**

1. To represent all of those people who are covered by the position and ensure that their needs are identified, recognised and met where possible by the Council and other relevant bodies, including the voluntary sector
2. Act as spokesperson to promote the positive aspects of the Council's work among those on whom the Champion's interest area impacts
3. Promote a joined-up approach between the activities of the Council and the work of other organisations, in supporting activities for the Champion's interest area and involving them in developing services.
4. Encourage people to play a fuller role in shaping the policies relevant to the Champion's interest area and to participate with statutory and voluntary organisations that are planning, making decisions on and delivering services that affect them.
5. Encourage the statutory and voluntary organisations to actively seek out and engage with other bodies in planning, defining and delivering services which affect them

Duties and responsibilities

1. To foster cross-party co-operation and be able to engage with relevant outside groups and officers
2. To understand and express the opinions and priorities of those groups
3. To be sensitive to Council priorities. Champions cannot allow themselves to "go native" and forget about their broader role as a Councillor
4. To act in respect of the whole range of relevant issues rather than focus upon a pet interest
5. Raise the profile of the issue and signalling to the relevant groups, the Council's commitment to the issue
6. Foster the engagement of a wider range of Members in the issue
7. Promote effective communication and positive working relationships both within the Council and among relevant partners, stakeholders and community groups

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8. Provide positive support, and on occasions constructive challenge, to officers in driving forward the Council's agenda on the issue
9. Be available to be the Council's nominee on appropriate outside bodies and to attend relevant conferences and training and briefing opportunities
10. To work collaboratively with the relevant Cabinet Member and Overview and Scrutiny Committee
11. Keep up to date on issues relevant to the Champion's interest
12. Identify and represent needs of groups and individuals who are at the moment not represented or part of the existing processes

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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	15 November 2005	13

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: EMPOWERING FRONT LINE SERVICES

SUMMARY

To enable front line service staff to offer immediate financial recompense in appropriate cases rather than have matters escalate within the service/Council in cases where an error has occurred which may amount to maladministration and where the service user has suffered an injustice or where there can be an appropriate use of the well being powers.

RECOMMENDATIONS

The Monitoring Officer be authorised to implement a pilot scheme within housing services. The scheme to be in accordance with this report and members of this committee receive a progress report in March 2006 to consider whether the pilot scheme should be rolled out throughout the Council and appropriate Constitutional amendments made.

REPORT DETAIL

1. It has been suggested by SMT that Governance Committee receive a report recommending that the limit for ex-gratia payments within the

Constitution be increased from £3,000 to £5,000 and that the power be extended to Heads of Service and widened. Initially it is recommended that this be on a trial basis within Housing Services.

Currently the power within the Constitution includes:

- Loss of personal property. This will be amended to cover loss or damage to property and/or other losses as a direct result of the member of staff carrying out their duties.
- Ex-gratia payments to housing tenants for compensation arising from breakdown or floods or for improvements to vacated property. This should be extended to distress caused by the above.

It is considered it should now be extended to include

- Ex-gratia payments under Section 92 of the Local Government Act 2000 in cases which may amount to maladministration
 - Ex-gratia payments under the well being powers in the Local Government Act 2000
2. If approved after a successful trial period a Head of Service may constitutionally sub-delegate to managers and/or frontline staff by completing the form of Notice of Delegation of Responsibility for Functions. It is accepted that there is no "right" level for this delegation and it will be entirely a matter for Heads of Service within their own areas but obviously they will need to consider issues such as the capability of the staff, grading levels, consistency within the service, etc., so as to ensure that the decision can be made at an appropriate level.
 3. Where Heads of Service choose to do this, each Head of Service must have a documented scheme setting out parameters, record keeping procedures, authorities and reporting for their respective areas. This will include reporting the details of the payment and payee, the power and the reason for the payment, together with a copy of the Form D decision where payment exceeds £1,000. This will be included in the Financial Procedure Rules.
 4. The Group Director Finance & Commercial will make arrangements for an assessment at the end of each financial year of the number and amounts of the ex-gratia payments with a view to whether the expenditure is reasonable and/or the levels need to be increased.
 5. Heads of Service can set the monetary limit on front line staff and may set different monetary limits on different staff and will determine who are their front line staff or managers to have the necessary responsibility.
 6. The Service offering the ex-gratia payment will need to fund it and there needs to be a clear audit trail i.e. a decision sheet on Form D where payment exceeds £1,000 to be retained by the Service. Heads of Service

need to take responsibility for ensuring their areas maintain proper records which are subject to audit and the ability to provide an annual return.

7. Heads of Service will need to consider the issue of persistent complainers and take such steps as may be necessary to ensure that complaints by these people do not lead to unnecessary recompense. Persistent complainants will be considered as individual cases and looked at on the merits of each individual case.
8. Heads of Service should always consider an apology in appropriate circumstances as often the complainant is merely looking for an acknowledgement that the Council has not treated the complainant satisfactorily.
9. Heads of Service will need to assess the risk involved such as fraud, mis-application, consistency and ensure that their own arrangements mitigate these and any risk which may arise from increased claims if the public perception is that an increase in payments is likely.
10. The ex-gratia payment should be linked in some way to a resolution of the Council's complaints procedure. It may be appropriate for front line staff to seek to resolve the complaint at step 1 or for the manager to seek to resolve the complaint at step 2.
11. The ex-gratia payment may be by way of rebate or by a direct payment. The former is the preferred approach. Gifts such as flowers should only be sent in exceptional and appropriate cases.
12. If making an ex-gratia payment Heads of Service must ensure that it is made as such and that a complainant is not able to use such an offer as an omission of "guilt" and hence enable the complaint to be escalated further. Equally Heads of Service will want to ensure that they stand their ground where they believe they are correct. This will need to include where the matter could have been an insured risk which was not insured by the claimant.
13. The Local Government Ombudsman has published guidance (*Remedies: Guidance on good practice*, March 2003) on the factors which might usefully be taken into account in assessing compensation. This could usefully combine with a briefing session for Heads of Service and designated complaints officers, delivered by Customer Access.
14. For the trial period mainly, but not exclusively the powers will be applied to repairs, waiting list applications and homelessness and they may apply to both tenants and applicants.
15. The level of payment will be capped at £5,000 but when it exceeds £1,000 a Form D will be required. Financial records will be kept with details recorded on the relevant FIS journal. Payments will not be made when money is owed but the relevant sum will be set off against the debt outstanding. An Audit trail will be maintained at all times.

16. Upon the outcome of the Pilot, consideration will be given as to how it can be rolled out across the authority.
17. Any use of well being powers will be subject to the agreement in writing of Legal services
18. There will be no payment without reference to the 3rd tier manager in the centralised complaints system who should be aware of persistent complainants. He will contact the Lead Manager for a detailed report and the file and will liaise with housing accountants where financial issues are unresolved. In all cases the Housing Insurance scheme will be the first call if there is damage covered by the scheme. Where the issue is the fault of the contractor then the matter will be taken up with the contractor. The complaints section will ensure consistency and the proper application of discretion on all complaints and payment of compensation will be centralised.
19. The Council's insurers have been consulted and an oral update will be given at the meeting.

Financial Implications and risk

Any payments will need to be funded from the service budgets. The aforementioned procedures are designed to mitigate the risk inherent in such a scheme.

The proposal is aimed at seeking a prompt and efficient resolution and assisting in protecting the reputation of the Council.

There is a risk that this will prompt more claims and this will be monitored a part of the annual review and pilot.

Legal Implications and risk

Legally the only powers are contained within the Local Government Act which provide:

- Ex-gratia payments – is covered by Section 92 of the LGA 2000 and provides that where an authority consider that action taken pursuant to its functions amounts to or may amount to maladministration and that a person may have been adversely affected by that action the authority may make a payment to, or provide some other benefit for that person. Action also includes failure to act. This is more appropriate and less open to challenge than using the well being powers set out below. Guidance will still be needed for front line staff, on what may amount to maladministration.
- Wellbeing powers – to achieve the promotion or improvement of the social, economic or environmental well being of their area. The power can be exercised for the benefit of any person resident or present in the local authority area and can include the incurring of expenditure. The power is

widely drawn and may be able to be utilised for small ex-gratia payments probably under the 'social well being' of inhabitants in the area. However, clear guidance from Legal Services may be required if this power is to be utilised, as obviously account needs to be taken of the Community Strategy and advice should be sought from Legal Services in each individual case.

Constitutionally the pilot will operate only for a temporary period and only within the housing services element of the Head of Housing and Health, until such time as Members have the opportunity to consider and evaluate the pilot.

Human Resource Implications and risk

There is a requirement for all employees to be appropriately trained if they are given this responsibility so that they are clear of the requirements of this task.

If individuals below Head of Service are given this responsibility there may be claims from individuals for their roles to be re-evaluated given that they are taking on increased responsibilities.

STEPHEN EVANS
Chief Executive

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Background Papers

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