



Havering

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

GOVERNANCE COMMITTEE AGENDA

7.30pm

Wednesday
16 March 2011

Havering Town Hall
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative Group (7)

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

Residents' Group (2)

Clarence Barrett
Ray Morgon

Labour Group (1)

Keith Darvill

Independent Residents' Group (1)

Jeffrey Tucker

For information about the meeting please contact:
Grant Söderberg (01708) 433091
e-mail grant.soderberg@havering.gov.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

3 DECLARATION OF INTERESTS

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

4 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 6 October and the Special Meeting held on 12 January 2011, and to authorise the Chairman to sign them.

5 REVIEW OF COMMITTEE STRUCTURE

Members are asked to recommend to Council changes to the restructuring of certain committees and note the current and future impact of the Localism and Health and Safety bills.

6 FORMAT OF MEETINGS OF FULL COUNCIL – further report

Members are invited to consider the changes proposed to the format and conduct of Full Council and to recommend those changes to Council.

7 ACCESS TO MEETINGS

Members are asked to recommend to Council that members of the public present at meetings of the Council, Cabinet and Committee meetings should be permitted to use texting and other social media to report or comment upon proceedings.

8 MAYORAL ACTIVITY IN Havering

The Committee is asked to determine whether to make any changes in the current arrangements and, if and where necessary, recommend changes to the Constitution to the Council.

9 **LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – designation of statutory Scrutiny Officer**

The Committee is invited to **RECOMMEND to the Council** that the post of Committee Administration and Member Support Manager be designated as statutory Scrutiny Officer with effect from 1 April 2011

10 **MONITORING OFFICER AMENDMENTS TO THE CONSTITUTION NOS 5 AND 6**

Members are invited to note the report

11 **AMENDMENTS TO THE CONSTITUTION**

Members are invited to note the report

12 **DRAFT CONSULTATION RESPONSE TO CLG'S 'CODE OF RECOMMENDED PRACTICE FOR LOCAL AUTHORITIES ON DATA TRANSPARENCY'**

The Committee is invited to consider and agree the Council's response to the government consultation on local authority data transparency.

13 **APPOINTMENT OF TRUSTEES TO THE HORNCHURCH HOUSING TRUST**

Members are invited to re-appoint the named Members of the Hornchurch Housing Trust for a further term expiring in February 2015.

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.

Philip Heady
Democratic Services Manager

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
12 January 2011 (7.30pm – 9pm)**

Present:

COUNCILLORS:

Conservative Group Michael White (in the Chair), +Wendy Brice-Thompson, Osman Dervish, Steven Kelly, Eric Munday, Roger Ramsey and +Frederick Thompson

Residents' Group Clarence Barrett and Ray Morgon

Labour Group Keith Darvill

Independent Residents' Group Jeffrey Tucker

+ Substitute Members: Councillors Wendy Brice Thompson (for Becky Bennett) and Frederick Thompson (for Robert Benham)

Apologies for absence were received from Councillors Becky Bennett and Robert Benham.

All decisions were taken with no votes against.

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

29 MINUTES

The minutes of the meeting held on 24 November were agreed as a correct record and signed by the Chairman.

30 LOCALISM BILL

The Committee was advised that the Government's Localism Bill had recently been introduced before Parliament. The report submitted outlined in broad terms the various provisions in the Bill, which would affect a range of functions as well as governance arrangements and introducing a "general power of competence".

Further reports would be submitted as the final shape of the Bill became apparent and its provisions became law.

Members expressed concern about the potential cost of some of the provisions in the Bill, particularly the range of referendums likely to flow from several measures, and the "Community Asset Register" regime.

31 CYCLE OF CABINET, COMMITTEE AND OTHER MEETINGS

The Committee was advised that development of the schedule of meetings for 2011/12 would shortly begin. The abolition of the Area Committees had freed some space within the schedule, enabling a better distribution of meeting dates to be put in place. Members were invited to indicate whether there any further factors they wished to be taken into account during the preparation of the schedule.

It was agreed that, in broad terms, the current arrangements should continue, but that effort should be made to ensure that, within each cycle, the principal Committees met at roughly the same time. It was also agreed that, within a week, the pattern of meetings should be:

Mondays:	Groups only (although special meetings, e.g. to deal with OSC meetings about requisitioned executive decisions may also be held this evening)
Tuesday:	Highways Advisory Committee (monthly, usually in the second week of the month); other Committees per cycle (preferred day)
Wednesday:	Council (per cycle); Cabinet (monthly, usually in the third week of the month but later if there would be a clash with Council); Governance Committee (usually two weeks before the next Council meeting)
Thursday:	Regulatory Services Committee (generally every third week); other Committees per cycle if Tuesday unavailable
Friday:	No meeting (unless for some reason essential and unavoidable)

32 FORMAT OF MEETINGS OF FULL COUNCIL

At the joint request of the Leader of the Council and the Leader of the Opposition, the Committee discussed a number of issues relating to the format and conduct of meetings of full Council. The consensus was that, in general, meetings were satisfactory but that some measures were need to improve their efficiency and to make them more focused.

The Committee was reminded that there were a number of statutory and Constitutional constraints that governed the business coming before full Council that had to be taken in to account when considering format changes.

It was agreed that a report be submitted to the next meeting of the Committee, with a view to recommendations being made to Council at its meeting on 30

Governance Committee 12 January 2011

March to enable new procedures to be in place for and from the Annual Meeting in May.

The report would include:

- (a) proposals for amending Council Procedure Rules to provide for:
- the Annual Meeting to begin at 7pm and to comprise two parts – the Mayor Making ceremony and associated business; and ordinary business
 - proposers of motions to have the options of a more limited form of debate that the full debate currently provided for and of vote-only (without requiring a procedural motion to that effect)
- (b) details of the outcome of consultations to be undertaken by Group Leaders with their Group colleagues as to whether:
- all meetings should begin at 7pm rather than 7.30pm (finishing times remaining unchanged)
 - the number of Council Questions permitted from each Group should be limited, and if so as to the limit to be used

It was also agreed that the Mayor should be invited to allow no more than 20 minutes for the refreshment break during Council meetings and to cease the recently-introduced arrangement whereby Questions not dealt with during the time normally allowed could be dealt with after the debating of motions, if there were time remaining.

33 **FORMAT OF MEETINGS OF HIGHWAYS ADVISORY COMMITTEE**

At the request of a Member, the Chairman agreed that the Committee should discuss the format of meetings of the Highways Advisory Committee (HAC). It was noted that the Chairman of that Committee was present as a Substitute Member.

Concern was expressed about the time taken at HAC meetings dealing with proposals for highway scheme of minor importance, many of which had little chance of proceeding beyond suggestion stage.

The Committee noted that, prior to the formation of the HAC, a large backlog of such schemes had built up, mainly because there was no mechanism for dealing with them in a timely manner. The HAC had been working steadily through that backlog, a process now nearing its end. It was hoped and intended that, once the backlog had been cleared, future submissions of such schemes would be dealt with promptly.

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CHAIRMAN
16 March 2011



**GOVERNANCE
COMMITTEE**

REPORT

16 March 2011

Subject Heading:

REVIEW OF COMMITTEE STRUCTURE

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

Ian Buckmaster
Committee Administration Manager
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01708 432431

Policy context:

To assist in a review of the Council's
Committee structure.

Financial summary:

There are no significant direct financial
implications

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

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

SUMMARY

Following a review of current Committee arrangements and having regard to anticipated legislative arrangements, as announced by the Leader of the Council at the Council Tax meeting in February, this report invites consideration of some changes to the Council's Committee structure.

RECOMMENDATIONS

- 1 That the Committee **RECOMMEND to the Council** that, with effect from the Annual Meeting on 25 May 2011:
 - (a) The Adjudication & Review Committee and the Appointments Committee be re-constituted as Sub-Committees of the Governance Committee and that Hearings Panels be re-designated as Panels of that Committee, and that their respective functions be assigned to this Committee as set out in Appendix 1 to this report; and
 - (b) The Partnerships Overview & Scrutiny Committee be abolished and its functions re-distributed to other Overview & Scrutiny Committees as set out in Appendix 2;

and that the Assistant Chief Executive, Legal & Democratic Services be authorised to make all consequent adjustments to the Council's Constitution.

- 2 That the Committee **note** that, as currently drafted:
 - (a) the Localism Bill provides for the abolition of the Standards Committee and its replacement by a less onerous ethical behaviour regime that will require the Council to make its own arrangements for dealing with complaints about Members' conduct; and
 - (b) the Health & Social Care Bill retains the powers and duties of local authorities in relation to scrutiny of the National Health Service but transfers responsibility for them from an Overview & Scrutiny Committee to the Council as a whole

and that, accordingly, further reports will be brought forward as both Bills progress to enactment and their respective positions and effects become clearer.

REPORT DETAIL

Adjudication & Review, Appointments, Governance and Partnerships

1. Following a review of the Council's governance arrangements, the Administration has proposed that the Adjudication & Review and Appointments Committees should cease to be Committees in their own right but be re-constituted as Sub-Committees of this Committee, and that the Partnerships Overview & Scrutiny Committee (OSC) should be abolished.

- 2 There is no statutory requirement for the appointment of any of the three affected Committees and it is thus open to the Council to make the proposed changes.
- 3 The changes would have only a marginal effect on the political balance of the Council's Committees overall (that issue will be addressed in detail in the report on Committee appointments etc to the Council at its Annual Meeting if the proposals are agreed). The Hearings Panels that deal with the various complaints procedures would become Panels of this Committee, through the Adjudication & Review Sub-Committee.
- 4 The functions of this Committee would need to absorb those of the two Committees that are to become Sub-Committees; the Sub-Committees would continue with broadly the same functions, adjusted only insofar as necessary to reflect their new Sub-Committee status. The detailed changes are set out in Appendix 1 to this report.
- 5 The functions of the Partnerships OSC would need to be redistributed among the other OSCs. Suggested changes are set out in Appendix 2.

Current Bills before Parliament

- 6 There are two Bills currently before Parliament that will, in due course, have effects on the Council's Committee structure:
 - the Localism Bill (about which the Committee has already received an initial report) includes provisions, among other things, for abolition of the current standards regime, removing the need for the appointment of a Standards Committee but requiring the Council to put in place successor arrangements of its own (and creating new criminal offences, prosecuting which would be matters for the Police and Crown Prosecution Service)
 - the Health & Social Care Bill ("the Health Bill"), although mainly about restructuring the National Health Service, contains several key changes in legislation affecting local authorities: it creates a new "health and wellbeing" structure of partnership between local authorities and the NHS; it transforms Local Health Networks (LINKs) into Local Healthwatches, with enhanced functions but still to be funded by local authorities; and it alters the arrangements for scrutiny of NHS activity by transferring the responsibility from an OSC to the local authority as a whole.
- 7 Both Bills are currently in the initial stages of their Parliamentary scrutiny and are unlikely to become law until towards the end of this year with their major provisions probably coming into force (so far as concerns the provisions referred to in this report) in April 2012. Some – possibly considerable – preparatory work will, however, be needed if the Council is to be well-placed to implement the changes by their due dates.

The Localism Bill and ethical standards

- 8 In particular, detailed consideration will be required of the arrangements needed to replace the current standards regime. It will not be enough simply to abolish the Standards Committee, revoke the current Members' Code of Conduct and discontinue consideration of complaints against Members; at the very least, the Council will need to consider introducing a Code of Conduct of its own and agree new arrangements for considering complaints against Members. It should be noted that, once there is no longer a statutory standards regime, the Local Government Ombudsman may well resume a closer interest in complaints made by the public about individual Members' actions.
- 9 In the meantime, complaints about Members must continue to be dealt with in accordance with current legislation. Indeed, there will be transitional arrangements to ensure that complaints made before the new legislation comes into force will continue to be dealt with after the changeover, albeit with lesser penalties: the Standards Committee thus cannot be abolished until any outstanding cases have been disposed of.

The Health Bill and scrutiny of the NHS

- 10 So far as concerns health scrutiny, the Bill retains much of the current legislation but transfers responsibility for undertaking it from an OSC to the Council as a whole. The Health OSC has long had a slightly anomalous position, in that the statutory consultee for a number of NHS processes was the OSC rather than the Council; in effect, the Bill simply alters that so that it is the Council that is the consultee. The range of powers is largely unchanged although their detail is altered.
- 11 The Bill leaves to the Council the decision how best to continue to undertake health scrutiny. Since it will be impracticable to involve all Members actively in that role, the Council will probably wish to appoint a Committee to undertake it – whether that will be by continuing to have an Health OSC or by some other means will be a matter for decision in due course.
- 12 It should be noted that the Bill envisages continued cross-boundary co-operation between local authorities by setting up – or in Havering's case, continuing with – joint health scrutiny committees.
- 13 Members will wish to note the policy context stated by the Secretary of State for Health (Mr Andrew Lansley, MP) in the course of his speech introducing the Bill:

“[We aim] to empower patients with a real voice in the health service. Through this Bill we will establish local Healthwatch organisations that will represent the patient's voice in the design of local services and help individual patients, especially the most vulnerable, to make the most of the choices available to them and to help them when things go wrong. Sitting within the Care Quality Commission, the national Healthwatch organisation, too, will act as the eyes and ears of the quality regulator, and work to give the

local organisations real teeth in their dealings with their local NHS – something that was ... destroyed ... when ... community health councils [were abolished].”

“Local authorities, with a ring-fenced budget, will bring public health to the front and centre of public policy. This is not just about the NHS, but about improving the health of the whole population. That is why we are putting local authorities at the heart of it. The health of the general public is as much about the environment, the economy, housing and transport as what happens in the NHS. Health and wellbeing boards will make the link between health and social care, which have too often been in silos. We understand how intertwined those things are and how they must work together.”

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Reductions in officers' workloads that result from changes proposed or prospective may have HR implications but they cannot be assessed at present.

Equalities implications and risks

No implications or risks for equalities arise from this report.

Financial implications and risks

Abolishing the three Committees will reduce the provision needed for Special Responsibility Allowances (currently £14,418 for the Partnerships OSC and £7,650 each for the Adjudication & Review and Appointments Committees).

The officer workloads associated with the Adjudication & Review and Appointments Committees will be unaffected as their work is broadly unaffected by their change of status. The direct officer workload for the Partnerships OSC will disappear but the redistribution of its functions will add to the workloads for the recipient OSCs; accordingly, there is unlikely to be an overall reduction in workloads.

It is too soon to assess the financial effects to the proposals in the Localism and Health & Social Care Bills. Havering is the lead authority for the North East London Joint Health Scrutiny Committee: at this stage, it is not possible to assess the extent to which such joint scrutiny will be required in future, although the indications are that the Government expect that it will continue. Havering's costs (which are in any event minimal) in undertaking that work are met jointly and in due proportions by the five constituent authorities (Barking & Dagenham, Havering, Redbridge, Waltham Forest and Essex County Council).

Legal implications and risks

The Council has statutory obligations to provide means by which appeals relating to Adult Services, Children’s Services, School Admissions and School Exclusions are heard. Currently, these appeals come under the auspices of the Adjudication & Review Committee – if the new arrangements are agreed, they would become ultimately the responsibility of the this Committee, through the Adjudication & Review Sub-Committee. Other appeal arrangements are non-statutory but nothing in the present proposals would affect them, beyond making this Committee ultimately responsible for them.

As regards the two Bills, much will depend on their final forms – which may not be the same as their current forms. Assuming for the purpose of this report that they remain unchanged, the proposals in both Bills will require the Council to put in place new arrangements to succeed those currently in force rather than simply discontinue them. While at this stage speculation as to the eventual form of the Acts would be pointless, as the Bills progress through Parliament the picture will become clearer and less tentative reports will be submitted.

BACKGROUND PAPERS

There are no background papers

Revised functions of the Governance Committee

Note – for ease of reference, the functions being transferred to the Governance Committee are shown in **bold font**

Hearings Panels, currently the responsibility of the Adjudication & Review Committee, would become the responsibility of this Committee (through the new Adjudication & Review Sub-Committee). The functions below marked * would be the responsibility of that new Sub-Committee and those marked ø would be under the Appointments Sub-Committee.

Governance	<p>Monitoring constitution</p> <p>In accordance with Part 2, Article 11 of this constitution:</p> <ul style="list-style-type: none"> • To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect • To make recommendations to the Council about amending the constitution • To monitor and review the Members' Allowance Scheme and make recommendations to Council • To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of Overview and Scrutiny Committees and their terms of reference and make recommendations • To monitor and review all aspects of Corporate Governance • To approve the Annual Governance Statement <p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> • Where necessary, to establish a panel to consider and determine any appeal by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service from the decision of a panel of the Appointments Committee. • Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff. <p>ø Appointments and dismissals</p> <ul style="list-style-type: none"> • To make recommendations to Council about appointing and dismissing the Head of Paid Service • To appoint and dismiss Group Directors, Assistant Chief Executive, Assistant Director and Heads of Service, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution • Where necessary to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid service, a Group Director,
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	<p>Assistant Chief Executive, Assistant Director or Head of Service.</p> <ul style="list-style-type: none">• To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual:<ul style="list-style-type: none">(a) to any office (other than an office in which he is employed by the authority) in the authority's gift(b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body• and to revoke any such appointment (see Part 3, section 5: local choice functions)• To approve delegated arrangements for such appointments• To interview candidates for the independent member positions on the Standards Committee and to make recommendations to Council about the appointment of the independent members <p>Ø Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, Group Directors, Assistant Chief Executive, Assistant Director and Heads of Service</p> <p>* Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) - see Hearings Panels below</p> <p>* Admission and exclusion of pupils</p> <ul style="list-style-type: none">• To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals)• To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>* Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies</p> <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group EA functions)</p>
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Redistribution of functions of the Partnerships OSC

Note – for ease of reference, the functions being transferred from the Partnerships OSC to the alternative OSCs are shown in **bold** font; only those affected are shown

Overview and Scrutiny Committee	Area of responsibility
Environment	<ul style="list-style-type: none"> • Environment • Local Development Framework and Strategic Transport • Transport for London • Transport • Environmental Strategy • Community safety • Streetcare • Parking • Social Inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Towns & Communities	<ul style="list-style-type: none"> • Community Engagement • Cohesion • 3rd Sector Compact • Regulatory Services • Planning and Building Control • Town centre strategy • Licensing • Leisure, arts, culture • Housing Retained Services • Partnership with the ALMO • Community safety • Social and economic regeneration • Parks • Social inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action

Overview and Scrutiny Committee	Area of responsibility
Value	<ul style="list-style-type: none">• Strategy and commissioning• Local Strategic Partnership• Partnerships with Business• Customer access• E-government and ICT• Finance (although each committee is responsible for budget processes that affect its area of oversight)• Human resources• Asset Management• Property resources• Facilities Management• Communications• Democratic Services• Social inclusion• Scrutiny of relevant aspects of the LAA• Councillor Call for Action



**GOVERNANCE
COMMITTEE**

REPORT

16 March 2011

Subject Heading:

**FORMAT OF MEETINGS OF FULL
COUNCIL – further report**

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

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

Policy context:

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

Financial summary:

There are no significant direct financial implications

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

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

SUMMARY

This report continues the review of the format of the meetings of full Council, putting forward alternative or additional features developed following the discussion at the last meeting and in the light of Groups' subsequent discussions. Proposals

are now put forward for consideration and, if accepted, recommendation to the Council.

RECOMMENDATIONS

1 **To RECOMMEND to Council** that, in the interests of good governance and the efficient and effective conduct of business:

(a) The Annual Meeting of the Council be arranged in two parts with an adjournment between them:

(i) the Mayor Making Ceremony, commencing at 7pm, at which the Mayor for the coming municipal year will be elected and the Deputy Mayor appointed;

(ii) other business (continuing until at least 10.30pm, the time at which Council meetings normally draw to a close), which would include the appointment of Committees and their Chairmen and Vice-Chairmen, the Leader of the Council's Annual Statement, Members' Questions and Reports and Motions on any matter relevant to the Council.

(b) (i) At ordinary meetings of the Council, proposers of motions have the ability to propose either a more limited form of debate than the full debate currently provided for or dealing with the motion by vote-only (without requiring a procedural motion to that effect) and that the Council Procedure Rules be amended as set out in Appendix A accordingly; and

(ii) In the limited form of debate ("Intermediate debate procedure"), the restrictions on participants be as follows:

Note: the words in italics in 3 and 4 are suggestions; the Committee may wish to consider amending them.

1 A speech of 5 minutes for the proposer of a motion or amendment;

2 A speech of 2 minutes for all other speakers;

3 That the number of speakers, including those seconding the motion and any amendment but excluding those proposing the motion or an amendment, shall not exceed *five* from the Administration and *five* from Groups other than the Administration (in the absence of agreement between the Groups other than the Administration as to who shall speak in debate, the Mayor calling such Members as appear appropriate);

4 That *no rights of reply* shall be exercisable.

- (c) (i) All meetings commence at 7pm (unless determined otherwise by the Mayor, the Leader (as respects Cabinet) or the relevant Committee Chairman); and
- (ii) Meetings continue after 10pm or, in the case of full Council, after 10.30pm only to complete the business then in hand unless Members resolve to continue the meeting (either for (or until) a specific time or until all business is completed).
- (d) For consideration as to whether the frequency and months of Council meetings should be altered; and if so, that the pattern of meetings be:
- January
February (Council Tax and budget)
March
May (including the Annual Meeting)
July
September
November
- (e) For consideration as to whether any arrangements should be made for questions arising out of reports to Council being considered without the need to proceed to formal debate.
- (f) For consideration as to whether, other than questions accepted by the Mayor as urgent under Council Procedure Rule 10(a(ii)), the number of questions that may be asked at a meeting of full Council be restricted and, if so, for consideration of the following:
- Note: the words in italics below are suggestions; the Committee may wish to consider amending them.***
- (i) that the questions asked by the Members of any Group be *equal to the number of Members in that Group* (irrespective of who asks each question); and
- (ii) those asked by any Member not in a Group be *one*.
- 2 To **RECOMMEND** to Council that the Assistant Chief Executive be authorised to amend the Constitution accordingly.
- 3 That the Mayor be invited to allow no more than 20 minutes for the refreshment break during Council meetings and to cease the recently-introduced arrangement whereby Questions not dealt with during the time normally allowed are dealt with after the debating of motions.

REPORT DETAIL

- 1 At the last meeting Members discussed a number of issues relating to the format and conduct of meetings of full Council. The consensus was that, in general, meetings were satisfactory but that some measures were need to improve their efficiency and to make them more focused. Some initiatives were agreed in principle, subject to discussion of the detail at this meeting; it was left that others would be discussed within the Groups, whose views would be reported back at this meeting for consideration. This report is submitted accordingly.

Annual Meeting and Mayor Making

- 2 At the last meeting, the Committee agreed that proposals should be brought forward for amending Council Procedure Rules to provide for the Annual Meeting to begin at 7pm and to comprise two parts – the Mayor Making ceremony and associated business; and ordinary business. The recommendations make provision accordingly.
- 3 It would be helpful if Members could indicate whether “other business” at the Annual Meeting should be kept to that currently permitted (essentially, business directly relevant to the Annual Meeting) or expanded to include business that would be dealt with at an ordinary Meeting, such as questions, reports and motions. The latter would go some way to bridging the four-month gap between ordinary Meetings in March and July although there might be time-management issues to be addressed.

Streamlining debates

- 4 It was also agreed at the last meeting that, in some instances, debates should be streamlined. The proposals now submitted, in recommendation 1(b) and in Appendix 1 (revised Rules), are intended to achieve what Members indicated as their intention.
- 5 Under the new procedures, at the time of proposing a motion (or at any time prior to publication of the final agenda for the meeting), full debate would remain the default position but the proposer would have the option of suggesting either a shortened form of debate (to be termed “intermediate debate”) or that there need be no debate at all, the matter being dealt with by vote only. Any other Member would have the option of proposing by procedural motion that there be a full debate (or intermediate debate or vote only).
- 6 For intermediate debate, the recommendations and proposed Rules provide for:
 - More limited speech lengths
 - Limitations on the number of speakers in debate
 - No rights of reply to be exercised.

The Committee is asked either to confirm the proposals put forward or to agree alternative(s).

- 7 **It is important to note that nothing in these proposals will limit opportunity for debate unless Council as a whole acquiesces in that, either by accepting the proposer's indicated preference or by passing a procedural motion at the meeting.**

Meeting times

- 8 It was also agreed that Groups would be consulted as to whether:
- all meetings should begin at 7pm rather than 7.30pm (finishing times remaining unchanged)
 - the number of Council Questions permitted from each Group should be limited, and if so as to the limit to be used
- 9 The Residents' Group has indicated that it would be content for meetings to be begin at 7pm (or 7.15pm).
- 10 Currently, Council meetings are held in February (twice; one for the Council Tax and budget), March, May (Annual Meeting), July, October and December. This does lead to some imbalances – for example, if the Annual Meeting does not deal with routine business, there is a four month gap from March to July, followed by a further three month gap between July and October; and there are then four meetings in succession through to March.
- 11 As previously reported, it would be possible to move to a different sequence: the most convenient would appear to be for meetings in January, February (Council Tax and budget), March, May (including the Annual Meeting), July, September and November, the meeting being held in the third or fourth week of the month. The Committee may wish to consider this possibility.

Reports and announcements

- 12 For the most part, reports to Council from Cabinet, Committees or officers are accepted without debate. Where there is debate, it proceeds in the usual fashion. The text of reports is not, generally, discussed.
- 13 In recent years however, the number of annual reports by Committees and Member Champions has increased and it has become customary for Committee Chairmen and Member Champions to introduce the reports orally, There is no overriding need for such annual reports to be dealt with that way.
- 14 It would be open to the Council to deal with any annual report without comment or debate if so desired. It would also be feasible to allow a short time when any report is received for the particular Chairman, Member Champion or (for Cabinet and officers' reports) Cabinet Member to deal with

Members' questions about the report. The Procedure Rules do not currently permit that but could be amended should Members wish to allow such questioning. Questioning would not preclude full debate in the event that amendment of the report was sought or if Members so wished for any reason.

- 15 Currently, there is no mechanism for debate of any announcement made at Council. By their nature, it would be difficult for such announcements to be debated immediately following their being made but that does not preclude a motion being proposed for discussion at the next Council meeting.

Members' questions

- 16 For many years, 30 minutes has been allowed at Council meetings for Questions. In the past, that was more than adequate: on many occasions, Questions were dealt with in less than 30 minutes and it was not unknown for there to be no questions at all. More recently, however, at many meetings there have been in excess of 20 questions and 30 minutes has not been sufficient for them all to be dealt with.
- 17 The Committee will be aware that the Council Procedure Rules set out certain tests that must be satisfied before a Question can be accepted on to the agenda. The vast majority pass the tests without difficulty; a few need discussion between officers and the Member asking the Question in order to agree a form of words that satisfy the tests while meeting the Members' objective in asking them while there is a small number that are rejected for failing to meet the tests. Generally, Questions that pass the tests are not inappropriate or repetitive but, of course, Members' may perceive them to be as they consider them from a different perspective to the officers applying the Rules.
- 18 There is a fine balance to be drawn between facilitating the business of Council by avoiding questions that some Members' regard as entirely proper but others perceive to be vexatious and denying Members their opportunity raise issues important to them. Limiting the number of questions in effect to the number of Members in a Group (but leaving the Members in each Group to decide between themselves who should ask Questions) could be considered a reasonable approach that maintains the balance at a fair level.

Council refreshment break

- 19 It was also agreed that the Mayor should be invited to allow no more than 20 minutes for the refreshment break during Council meetings and to cease the recently-introduced arrangement whereby Questions not dealt with during the time normally allowed could be dealt with after the debating of motions, if there were time remaining. In this connection, the catering staff have confirmed that 20 minutes is sufficient time for the serving of refreshments, so long as Members move away from the serving area in order to allow others to be served.

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No implications or risks for equalities arise from this report

Financial implications and risks

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

Of the proposals set out in this report, only those potentially extending the length of meetings would have a financial implication, in that modest marginal additional costs in staff time and accommodation would be incurred if meetings continued for longer than has hitherto been the case. There is no present indication, however, that such an outcome is likely.

Legal implications and risks

The Council has a statutory obligation to meet for its Annual Meeting and to set the Council Tax and Budget; for practical reasons these meetings are held in May and February respectively, although there is a little leeway over the exact dates. All other meetings are held at the Council's discretion (except where they are in response to a requisition for an extraordinary meeting).

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

BACKGROUND PAPERS

There are no background papers

AMENDED COUNCIL PROCEDURE RULES

COUNCIL PROCEDURE RULES

Rule 11 - Motions of which notice is given

Insert new paragraph 11.3 (and renumber subsequent paragraphs accordingly)

11.3 Mode of debate

The proposer of a motion may indicate at the time of submitting the motion, or at any time prior to the publication of that motion in the final agenda for a meeting, that the motion may be dealt with at the meeting by the intermediate debate procedure provided for in Rule 13.5 or by vote only as provided for in Rule 13.6. That indication shall apply also in respect of any amendments proposed to the motion and shall be noted on the agenda papers.

If no such indication is given, the motion (and any amendments) shall be debated in full (unless Rules 7(d) (Mayor's powers) or 9.1(d) apply).

Rule 12 – Motions without notice

In paragraph 12.1, insert the following and renumber subsequent clauses accordingly:

- (f) to apply to a motion (including a deemed motion relating to a report) the full debate procedure (rule 13.4), intermediate debate procedure (rule 13.5) or vote only procedure (rule 13.6);
- (g) where a motion is being considered by the Intermediate debate procedure (rule 13.5), to vary the number of Members who may speak;

Rule 13 – Rules of debate

Replace paragraph 13.3 by the following:

13.3 Mode of debate

This Rule shall not apply to any motion or amendment proposed in relation to the Council Tax and budget at the meeting of the Council at which they are set.

Unless an indication has been given in accordance with Rule 11.3 or Rule 9.1(d) applies, all motions shall be debated in accordance with Rule 13.4 (Full debate procedure).

Where the proposer has indicated that the motion shall be debated using the intermediate debate procedure, Rule 13.5 (Intermediate debate procedure) shall apply unless a procedural motion is passed to apply either the full debate procedure or the vote only procedure

Where the proposer has indicated that the motion shall be dealt with by vote only, Rule 13.6 (Vote only procedure) shall apply unless a procedural motion is passed to apply either the full debate procedure or the intermediate debate procedure.

Speeches must be directed to the agenda item under discussion or to a personal explanation, clarification, point of order or point of information.

When seconding a motion or amendment, a member may reserve the right to speak until later in the debate.

Rename paragraph 13.4 and amend its content as follows:

13.4 Full debate procedure

No speech may exceed the following time limits without consent of the Mayor:

- (a) ten minutes for a mover of a motion or an amendment
- (b) eight minutes for a seconder of a motion or amendment (irrespective of whether that speech follows that of the mover or, pursuant to Rule 13.3, takes place later in the debate)
- (c) five minutes for other speeches in any debate and Rights of Reply (Rule 13.8 refers)

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

Insert new paragraphs 13.5 and 13.6, and renumber the subsequent paragraphs:

13.5 Intermediate debate procedure

No speech may exceed the following time limits:

- (a) five minutes for a mover of a motion or an amendment

- (b) two minutes for all other speeches

Unless agreed otherwise by procedural motion, the number of speakers, including those seconding the motion and any amendment but excluding those proposing the motion or an amendment, shall not exceed five from the Administration and five from Groups other than the Administration. In the absence of agreement as to who shall speak in debate, the Mayor shall call such Members as appear appropriate and the Mayor's decision shall not be open to challenge.

No rights of reply shall be exercisable.

The motion and any amendment shall be voted upon as if there had been a full debate of the matter.

13.6 Vote only procedure

Where this procedure is invoked, the Mayor shall put the matter to a vote without debate. The motion and any amendment shall be deemed to have been moved and seconded, and shall be voted upon as if there are been a full debate of the matter.



GOVERNANCE COMMITTEE

REPORT

16 March 2011

Subject Heading:

ACCESS TO MEETINGS

CMT Lead:

Christine Dooley
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Report Author and contact details:

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Policy context:

Arising from a recent ministerial letter, to consider whether people attending meetings of Council, Cabinet and Committees should be allowed to use text and other social media to report on proceedings

Financial summary:

There are no significant direct financial implications

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

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

SUMMARY

The Parliamentary Under Secretary (Minister) for Local Government has recently written to local authorities urging them to permit the use of texting and other social media to report or comment on proceedings at meetings.

This report discusses the issues arising and invites the Committee to consider whether the Council Procedure Rules should be altered.

RECOMMENDATIONS

For consideration as to whether to **RECOMMEND to Council** that the Council and Committee Procedure Rules be amended, as necessary, so as to permit the use by members of the public present at a meeting of texting and other social media to report or comment upon proceedings at Council, Cabinet and Committee meetings, so long as the proceedings are not thereby interrupted; and that the Assistant Chief Executive be authorised to make the required adjustments to the Constitution accordingly.

REPORT DETAIL

- 1 The Minister, Bob Neill MP, has recently written to local authority Leaders urging that Councils permit the use by members of the public of texting and other social media to report on or comment about proceedings at their Council, Cabinet and Committee meetings. A copy of the Minister's letter is appended.
- 2 Members will be aware that it has long been the Council's policy to be as open as possible. Council, Cabinet and Committee meetings have been held in public – except to the extent that they deal with exempt or confidential issues – for more than forty years. Since late 2009, meetings of Council and Cabinet have also been webcast, both live and in an online archive available for some months following the meeting.
- 3 The Council Procedure Rules allow the recording and broadcast of proceedings with the Mayor's permission (and Committee Chairmen implicitly have similar powers). Since the Council Procedure Rules were adjusted to allow that, such permission has not actually been sought and, so far as is known, there is no present demand for using social media or texting to report or comment on proceedings. That is not to say, however, that such demand may not emerge.

4 In addition to the points made in the Minister's letter, Members may be aware that the Supreme Court has recently indicated that there is no objection to the use of social media and texting during court proceedings.

5 Members are invited to consider whether the current Council Procedure Rule – text below – should be amended to permit the use of texting and social media as advocated by the Minister. The current Council Procedure Rule reads:

22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS

22.1 Webcasting

A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

22.2 Broadcasting

The Mayor may consent to the making an audio-visual or photographic record (including a radio or television broadcast) of any particular meeting (but not so as to permit the recording or broadcast of any confidential or exempt information).

Such consent may be given for a specific meeting or for meetings generally.

22.3 Recording of Proceedings

An audio recording will ordinarily be made of each meeting of the Council so as to facilitate the transcribing of any part of the meeting where necessary.

6 If the Committee were minded to support the use of texting and social media, the simplest way of achieving that would be to amend 22.2 above so that the Mayor's permission was not required, but the Mayor would need to be empowered to refuse permission or require that recording cease if circumstances so warranted.

7 There is no direct equivalent to this Rule in the Committee Procedure Rules but, if the use of texting and social media is to be permitted, a similar Rule ought to be introduced so as to make the position clear should any question arise.

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No direct implications or risks for equalities arise from this report but the availability of texting and/or social media might be helpful to those unable through disability or other reasons of inequality to attend meetings in person or view webcasts.

Financial implications and risks

There are no financial implications or risks arising from this report.

Legal implications and risks

The Council has a legal obligation to allow members of the public to attend Council, Cabinet and Committee meetings, except when exempt or confidential matters are being discussed.

There is no legal obligation to comply with the Minister's suggestion though it is possible that, in due course, Councils that do not will be subjected to adverse publicity. The Minister's letter includes a quotation from the Information Commissioner that addresses some of the legal issues arising.

BACKGROUND PAPERS

There are no background papers



To All Council Leaders
cc Monitoring Officers

Bob Neill MP
Parliamentary Under Secretary of State

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Government***

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23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections’.

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council’s procedures and decision-making arrangements.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized initial 'B' and a long, sweeping tail.

BOB NEILL MP



GOVERNANCE COMMITTEE

REPORT

16 MARCH 2011

Subject Heading:

MAYORAL ACTIVITY IN HAVERING

CMT Lead:

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Policy context:

The place of the Mayor and mayoral activity and its benefit to the community

Financial summary:

The current level of activity is fully funded. Any changes will impact on that position.

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

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

SUMMARY

This report sets out at the request of, and following comments made at the Council tax setting meeting by, the Leader of the Council and Chairman of this Committee, details of responsibilities, practices and costs associated with the Mayoralty together with pertinent issues for consideration.

RECOMMENDATION

That the Committee determine whether to make any changes in the current arrangements and, if and where necessary, recommend changes to the Constitution to the Council.

REPORT DETAIL

1. Introduction

This report sets out for discussion, issues around the mayoralty and associated costs etc. the opportunity is also taken to deal with transport and staffing.

2. Legal Background

2.1 The Local Government Act 1972 requires London Boroughs at a meeting each May to select a Mayor who is to preside over Council meetings. It is the practice, at the same time, for the Mayor to appoint a Deputy Mayor (Council's Constitution, Part 4, Section 1, para 1(b)). The Deputy Mayor is usually chosen to chair Council meetings in the absence of the Mayor. It clearly makes good administrative and organisational sense for the Mayor to have a deputy but there is, however, no legal requirement to do so.

2.2 The Leader of the Council announced at the Council Tax setting Council meeting that proposals would come forward to change the current arrangements so that the Deputy mayor's position would no longer benefit from a Special Responsibility Allowance. The balance of this report should prompt consideration of ways in which the civic role of the Deputy Mayor could be reduced, but in organisational terms such an appointment is considered to be important.

- 2.3 Under statute, the Mayor cannot be the Leader of the Council or other member of the Executive. It follows that the Deputy should not be either.
- 2.4 The Mayor has responsibilities around the conduct of Council meetings on the night. For the purposes of context, these – in the form of words that appear in the Constitution - are set out in the appendix. In the absence of the Mayor these responsibilities would fall to the member chosen to preside at the meeting, and, in practice, the Deputy Mayor has always been chosen to do this..
- 2.5 The Mayor’s statutory duties regarding the convening of meetings, eg when a valid requisition is received, would fall to the Deputy in the absence of the Mayor.
- 2.6 The Mayor also has responsibilities under the Constitution around the Council agenda. For example under para 10.2 of the Council Rules ‘the Proper Officer shall refer to the mayor any question that appears improper’. In the absence of the Mayor, this responsibility falls to the Deputy Mayor.
- 2.7 In accordance with the Council’s Constitution (Part 2, paragraph 10.05), the Mayor and Deputy Mayor have responsibilities around the fixing of the common seal of the Council to certain documents – details are set out in the Appendix. If the Committee wished to amend these arrangements, or any other mentioned in this part of the report, it would be necessary to make recommendations to the Council accordingly.
- 2.8 The Mayor is the Returning Officer for certain elections. In the absence of the Mayor the Deputy mayor would fulfil this role
- 2.9 While staff have a general duty to involve those living in the borough in civic life, there is a specific requirement under section 69(1) of the Electoral Administration Act 2006 (Encouraging electoral participation), on the local electoral officer to take such steps as thought appropriate to encourage the participation by electors in the electoral process in the area. Part of this duty is delivered through the mounting of civic events aimed at all those living in Havering.
- 2.10 **The Committee is invited to recommend to Council that when considering or reviewing the Members’ Allowance Scheme, the Special responsibility Allowance allocated to the deputy mayor be deleted. The Committee might also wish to consider whether the current ceremonial arrangements at the Council Meeting that selects the Mayor should be reviewed to reflect a change in emphasis of the deputy role.**

3. Report Contents

- 3.1 The balance of this report deals with –
- The general practices associated with -
 - ❖ Engagements
 - ❖ The Mayor’s annual appeal; and
 - ❖ Attendance and representation at Civic Events
 - Transport arrangements
 - Staffing arrangements
 - Special Responsibility Allowances and Funding
- 3.2 Where appropriate the report sets out some other possibilities for consideration by the Committee. These options are not exclusive but give a broad idea of how the mayoralty might operate in the future if there is a desire that current arrangements change.
- 3.3 Each year the new Mayor is provided with a handbook which sets out matters and advice pertinent to the role. This is reviewed by staff each year and is revised as necessary to take into account of, among other things, comments and suggestions by the previous Mayor, relevant formal member-level decisions, and best practice picked up from elsewhere.
- 3.4 This report quotes extensively from the 2010/11 version.

4 Engagements

- 4.1 In order to establish the context it is considered helpful to set out some selected extracts from the handbook.

“The Mayor typically receives approximately 500 invitations per year. These can include opening fairs/fetes, visiting schools or day centres, receiving delegations from around the world, acting as guest speaker at dinners/receptions for all kinds of groups and organisations, attending Annual General meetings, opening restaurants/new businesses in the borough, visiting residents on their 100th birthday, supporting local charities etc.

The average time spent at each engagement ranges from two to four hours depending on the nature of the event, whether it is held in or out of the Borough, when travelling time must be taken into consideration.”

“On average, the Mayor can expect to spend up to approximately 30 or so hours per week on mayoral duties. When the Mayor is unable to attend an event, the Mayor will decide if the invite will be passed to the Deputy Mayor.”

LONDON BOROUGH EVENTS

“The Mayor is generally required to uphold the position of ‘First Citizen’ by representing the borough at civic and non-civic events within Havering, and at

ceremonial events for Greater London. In order to promote Havering, events in nearby authorities are also attended.

These include -

Lord Mayor's Show	October/November
The London Mayors' Association Civic Service. (Robes and Macebearer in Attendance)	October
The London Mayor's Walk	April
London Parade New Year's Day Parade	1 January
London Government Dinner	January

The Mayor will attend other London Boroughs' Civic Services if possible.

Other London Boroughs will also be celebrating anniversaries and events unique to them at which the Mayor might be asked to represent Havering.

The London Mayors' Association organise several events during the year, at which the Mayor will represent both Havering and London and, as such, will expect to play a part in the Association's activities."

- 4.2 **Members may wish to review whether this list is still relevant to today's circumstances and decide to add or to delete some of these representational expectations. The Committee might like to take into account the fact that the position of Deputy mayor could be less prominent in the future**

5 **The Mayor's Annual Appeal**

5.1 Extract from Handbook

"The Mayor may also choose to spend some time fundraising for his/her chosen appeal and typically organises 3-4 fundraising events in conjunction with the chosen good cause. The Mayor's Office will assist to facilitate and co-ordinate events. However, the amount of time spent fundraising is entirely down to the individual Mayor. Some Mayors have organised an Appeal Committee which meets approximately every 8-10 weeks, at which fundraising tasks are shared between the Committee members. It is the personal choice of the Mayor each year to decide which good cause they will support.

If the Mayor forms an Appeal Committee this will only be supported by Council resources in the form of the attending meetings and taking notes at these meetings. Fund raising activities/events are the responsibility of Committee Members to organise, not the Mayor's Support staff. The Council does not provide staffing or financial resources to support numerous fundraising events, but the Mayor's Office supports a range of standard appeal events throughout the year. Any additional events are the responsibility of the Mayor and, if established, a Mayor's Appeal Committee."

- 5.2 The practice has emerged that most events associated with the chosen appeal (see the appendix for recent list of appeals) make money through ticket sales and that many of these sales are by the Mayors (and consorts) of

other local authorities. The outcome of this is that Havering's Mayor receives invitations to others' events. A snapshot of recent such events is set out in the Appendix. In terms of numbers of Council members, Havering Mayor's appeal events are not ordinarily well supported.

- 5.3 It should be noted that there is a cost of supporting Havering and others' events in staff and travel costs. A Mayoral Support Officer (MSO) (or a member of staff organised by Transport) drives the Mayor and consort (or Deputy Mayor and consort) to the events, undertakes any civic support needed, and drives them home. The events usually finish late in the evening and the MSO will need to secure the car back at the Town Hall before finishing work. Much of this attendance will attract additional weekend and unsocial hours payments.
- 5.4 It is questionable whether, on balance, the funds received by the charity supported by the Mayor in Havering exceed the costs to the Council. While one Havering Mayor collected a six figure sum for their nominated appeal, this was exceptional and monies collected are usually more modest, recent amounts being (not in date order) £9,000, £9,500, £10,600, £17,600 and £20,000.
- 5.5 So far as officer support of any appeal is concerned overall few mayors these days use their own contacts to establish an Appeal Committee thus consuming staff time instead in appeal-related activities. This, however, cannot continue and the recent restructure in Democratic Services deleted the dedicated post of Mayor's Secretary.
- 5.6 It is understood that the majority of London Borough Mayors mount an annual charity or Appeal and, evidently, many Mayors from outside London do too. However, there are some boroughs that never invite Havering to their events so it is possible that they do not operate in the same way.
- 5.7 Members may wish to consider the benefits that the Council derives from both mounting charity events or from attending other Mayors' events. While either or both might provide intangible benefits in terms of networking or reputation, only members can tell whether these match the financial cost to Havering.
- 5.8 The Committee is invited to consider whether this is a wholly worthwhile activity and whether to continue with the expectation of Mayors acting broadly as set out in the current handbook (para 5.1 above). Among the alternatives is the Mayor acting as sponsor to a charity with the charity being wholly responsible for using the Mayor to its best advantage over the municipal year.**

6. Attendance and representation at Civic Events

6.1 Extract from Handbook

"There are [also] functions the Mayor fulfils as "First Citizen":

- The Mayor will preside over any Freedom of the Borough and Civic Awards Ceremony.
- The Mayor hosts an 'At Home' event in June or July for Councillors, Council Officers and personal guests
- The Mayor will attend the Remembrance Day Service and two-minute silence ceremony. The formal Borough Remembrance Service [...] is held on the Sunday nearest Remembrance Day. The Deputy Mayor will attend a Remembrance Day Service. A Battle of Britain Service and three St. George's Day parades are held. The Mayor will be expected to take the Scout/cub salute on St George's Day
- The Mayor will officiate at the Holocaust Memorial Service and the two-minute silence ceremony.
- The Mayor is among those who conduct Citizenship ceremonies throughout the year.
- Civic awards – These are presented to citizens who have served the Borough with distinction. Individuals can be nominated by anyone and are determined by the Mayor, in accordance with agreed criteria.
- Civic service – This service is generally held towards the end of the Mayor's term of office, to celebrate the life of the borough. The Mayor decides the venue, and invitations are sent to Council members, past Mayors, representatives of the clergy, community leaders, and representatives of community organisations, senior Council officers and distinguished citizens. This event is organised through the Mayor's Office.
- The Mayor can be asked by the Metropolitan Police to provide letters of support for organisations wishing to hold charity collections in the borough, currently up to a limit of ten per year."

6.2 As with events outside the Borough, at above-listed events the Mayor or Deputy is supported by an MSO and one of the cars is used.

6.3 The Committee is invited to consider firstly, whether this list of activity is appropriate and, secondly, whether there might be changes that might improve outcomes and/or reduce costs.

6.4 Freedom of the Borough: Until 2003 only four people had been honoured in the lifetime of Havering Council. In 2003/04 five people were honoured and, respectively in the municipal years since 2005/6, the numbers have been one, two, three, five and six. In 2006/07 six people were made Honorary Aldermen and the following year, three.

Any two members can put forward names for consideration (i.e. by way of motion to Council in the normal way). During the period of the last Minority Administration it was usual for all Group Leaders to put names forward. During Majority Administrations it has been usual for the Leader of the Council and the Leader of the Opposition to put names forward. It has been usual too for those nominating recipients to discuss the names with other

Group Leaders to ensure that there will be no embarrassment and that a nominee is very likely to secure the required majority vote of support.

In recent years the formal award has been declared at Council (as required by the Local Government Act 1972) and this had been followed later by an event at the Town Hall with speeches, photographs etc, such event including the provision of and serving of refreshments. The event provides an opportunity to promote civic life in Havering.

The costs of the event include staff costs (MSOs often serve drinks and bulk purchase sandwiches etc so that outside caterers do not need to be used). There is also a cost to the Council of the certificates (£25) and medals (£xx) presented to the Freeman and Aldermen.

This has been an area of significant growth in terms of the use of Council resources in recent years. Unless the Council wished to dispense with the post-Council event (and thus have speeches, replies etc at Council meetings instead and dispense with food and beverages), there would not appear to be much room for change to these practices and expectations.

- 6.5 The 'At Home' is held at Langtons and costs, excluding staff costs, around £5,000. This includes the cost of a marquee, vital for the purposes of numbers attending, the accommodation, the catering and the entertainment. The incoming Mayor determines the guest list apart from members, all of whom are automatically invited.

Many local authorities make their Mayor-making meeting into May a big civic event, some including a Ball or some such. Some years ago (and before the time of current staff) Havering had a post-meeting event; This though was changed to a separate celebration some little time afterwards into an "At Home". In 2009 two "At Homes" were held at the then Mayor's request, the second for community and voluntary group representatives and guests from other public agencies and in cost terms was a very much slimmed down version.

Some Mayors have considered means of defraying costs, eg charging a nominal amount for drinks and beverages, but this has never been put in place.

Staff costs include the cost of bulk purchasing food and serving drinks.

Notwithstanding the above, new Mayors do celebrate their appointment immediately after the Council meeting. Costs are incurred by the Council for beverages and food, and staff costs. If alcohol is provided for this celebration this is at the new mayor's own expense.

The Committee may wish to consider whether an event of this sort is still appropriate.

6.6. Remembrance Day

This is a Royal British Legion managed event and the Council/Mayor responds to its invitation. Communications are the principal Havering contact in this regard.

The Mayor attends the event at Coronation Gardens as the principal Havering venue. The Deputy attends Hornchurch while past Mayors attend other venues on behalf of the Council across the borough at the Mayor's request. Two cars and drivers are needed, past Mayors making their own travel arrangements. The Mayor also attends a Holocaust Memorial Day event.

These events, probably the most moving events in the Mayoral calendar, are part of the fabric of Havering's Civic Life and there is no suggestion that there should be any change in the current arrangements.

6.7 Citizenship ceremonies

These are relatively new. The Mayor takes a turn at officiating and does so on average 20 times a year. Use of the mace is part of the ceremony and, thus, a car and MSO is needed to support the event.

There is no suggestion that these arrangements need review.

6.8 Civic Awards

The Mayor makes these awards annually. The conditions are set out in the appendix. The event costs about £500 in terms of catering. Sometimes it is possible to combine this event with a Freeman award event thus driving down costs. At present there is no direct measure of what this event directly contributes to the Council's civic life. It is, however, a long-standing event and is much appreciated by recipients and those that put names forward.

The Committee might wish to consider whether there ought to be any changes in these arrangements.

6.9 Civic Service

In addition to the invitees mentioned in the handbook, it is usual for a range of local Mayors also to be invited. Havering's Mayor also attends other authorities' civic services.

It is usual after the service for the Council to provide a light buffet, beverages and drinks. The usual cost is around £1,000, excluding staff costs.

The Committee might wish to consider whether there ought to be any changes in these arrangements.

6.10 There are three St George's Day Parades. One of these is usually attended by the Deputy Mayor.

The Committee might wish to consider whether there ought to be any changes in these arrangements.

6.11 The Head of Communications reports on the City's New Years Day parade that attendance at the Parade is linked to the borough taking part in the parade with a float or similar display. The cost of this attendance varies but is generally around £5,000, plus staff time.

The Committee might wish to consider whether there ought to be any changes in these arrangements.

6.12 The National Association of Civic Officers (NACO) has frequently considered issues around mayoral attendance. In the appendix there is an extract from some NACO literature which illuminates further some of these issues.

7 Savings in 2010/11

7.1 As part of the 2011/12 MTFs a saving of £3,000 in Mayoral activity has been identified. This has been achieved a year early in 2010/11 by –

- Not running a second “At Home”;
- Changing the arrangements for the outgoing Mayor’s album; and
- Bulk buying foodstuff from cash and carry outlets

Details of the “At Homes” are in paragraph 6.2 above.

7.2 So far as the album is concerned it has been the tradition to provide a professionally bound item comprising a selection of invitations, pictures, letters of thanks etc. Some Mayors have required staff to include a great volume of, sometimes quite bulky, items to be included.

Albums have been costing in the region of £1,000 in professional binding alone. The last album was compiled exclusively by staff and cost £220 plus carriage to have bound professionally, a saving on previous years in the region of £700.

7.3 It is understood that some outgoing Mayors elsewhere are given a computer disk or memory stick with copies of all or a selection of mayoral-year material. Doing this in Havering may not be universally popular. It is intended, however, for the album to be for the future, as a matter of policy, an officer-compiled item with a cost ceiling for professional binding of £250.

7.4 The committee is invited to consider whether it is content with the policy intention mentioned above.

8 Mayoral Transport

8.1 Extract from Handbook

“The Mayoral car is provided to convey the Mayor and Mayoress/Escort or if appropriate the Deputy Mayor and Escort to and from official Mayoral engagements. If the Mayor or Deputy Mayor require that a guest or Councillor colleague shall share their journey then this is perfectly acceptable.

The Mayoral car will not be provided for any kind of other Council business, e.g. ward meetings, circular invitations addressed to all members of the Council, party political meetings or for personal use. “

8.2 The Council has two cars. They are garaged at the Town Hall, the garaging costs etc. falling to the Democratic Services budget..

8.3 By agreement between the Leader of the Council and the (then) Chief Executive a car and a driver (an MSO), when not needed by the Mayor or Deputy Mayor, can be used by others for special, important or other appropriate occasions. These occasions are those when the use of the car promotes Havering’s image as part of the users’ ambassadorial role or when members might be faced with a late night return to Havering. This resource is available to the Leader of the Council and Leader of the Opposition, and the Chief Executive. It is for the person requesting the use of the car to confirm that the use that they require falls into the above category.

8.4 The Leader of the Council uses the car for the above-mentioned purposes from time to time and the costs charged to the Leader’s Office expenditure code. Cars (and drivers) are sometimes used when hosting town twinning exchanges and the costs (driver, fuel, congestion charges) are charged to Communications, the lead town twinning service.

8.5 The 2010/11 Expenses of the Council (G103) budgeted cost for the cars are

Whole Life Charge	£22,690
Contract Hire (this covers hired drivers)	£ 3,710
Fuel	£ 2,450*

[*In 2010/11 fuel costs have already reached £6,000 at the end of Period 9 (December)]

In 2010/11 there have also been other costs which (at Period 8) amounted to £1,358 (eg for one set of new tyres). The Whole Life charge means the lease costs, the maintenance costs, insurance costs and overhead charges. Most of the £22,690 goes to the Transport section, though £9,590 (£799 x 12) is for the Mercedes and this is paid by direct debit to an external lease company.

8.6 Should the Council decide at any time significantly to reduce Mayoral activity it would mean that it might not be necessary to have two cars or two garages.

8.7 **Members are asked whether they wish to make any amendment to the current arrangements.**

9 Staffing

9.1 There are two Mayoral Support Officers. They are on annualised contracts calculated (as from 1.4.11) on the basis of a 36 hour week. Much of their work is during the evening or at weekends. Any hours worked (per quarter) in excess of an average 36 hours per week is paid overtime with enhancements for hours worked after 8pm, before 6am, and at weekends and bank holidays.

9.2 There would be significant savings in terms of driver hours if there was a change in the level of mayoral activity. It would be difficult, however, to undertake mayoral activities with only one driver: with leave and other absences and restrictions to consecutive driving hours, if there was only one driver as a permanent member of staff, it would be necessary to bring in costly agency staff or use Transport staff on overtime. It was largely because of the cost of using external drivers that members decided on having permanent dedicated staff. Even now it is necessary for drivers from Transport (or drivers recruited by them from an agency) to drive the Mayoral car from time to time.

9.3 A recent month saw the MSOs work –

Week1 (5 days)	32 hours (driver A) and 35 (driver B)
Week 2 (7)	66 hours (A) and 57 (B)
Week 3 (7)	56 hours (A) and 63 (B)
Week 4 (7)	34 hours (A) and 30 (B)
Week 5 (5)	30 hours (A) and 30 (B)

Over this period Driver A worked, of the above hours, 32 hours between 8pm and midnight while Driver B worked 20 such hours.

9.4 The MSOs report to the Principal Member Support Officer within, as from 1.4.11, Committee Administration and Member Support.

9.5 They look after school party visits to the Town Hall and are responsible for running and booking them. Groups visiting the Town Hall also include Brownies, Guides, Scouts, and Cadets. The subject matter also covers excellence in education and learning as the school visits are linked to KS1 and KS2 curriculum: There is a waiting list for school visits.

9.6 With the deletion of the Mayor's secretary post, the MSOs now complete weekly diary sheet and diary pack, and basic yes/no responses to

engagements. They also give a talk when visiting local older persons groups and other organisations within the borough

- 9.6 MSOs have a wide scope of duties ranging from preparing and washing the car, to supporting the Mayor dealing with groups of visitors. For example, part of the quest to increase participation in civic life, the MSOs will talk to groups of visitors about the mace and robes, while a discarded robe has been fashioned into a "child size robe" so that youngsters can try it on.
- 9.7 The MSOs participate in the activities of their professional bodies thus, are required to pass advanced roadcraft tests, and have CRB checks.
- 9.8 Should there be any reduction in Mayoral activities it would be hoped that the number of overtime hours worked could be reduced to practically nil.

10 Special Responsibility Allowances and Funding

10.1 Extracts from Handbook

“A guide to expenditure responsibilities

The following is based on precedent and was agreed at 21st March 2007 Council.

“The Mayor and Deputy Mayor allowance covers the cost of all Mayoral activities such as clothing and personal expenses plus sundry expenses including items such as attendance at dinners and raffle tickets, sponsorship and donations. The Mayor and Deputy Mayor will be responsible for all such payments via the SRA which will be taxed. The Council will meet the cost of the Mayor’s “At Home” and other Havering Civic receptions, award pins and certificates at the civic award ceremony; the medals, certificates and frames in the event of there being any ceremony associated with Honorary Alderman/Freeman of the Borough awards, gifts given on behalf of the Council in reciprocation or gifts initiated by the Council for promotional purposes, the cost of maintaining and provisioning the beverage machine in the Parlour, postage costs and all costs associated with the Mayoral transport, robes etc.”

A civic purse was created to cover predominantly the Mayor’s “At Home” plus any other costs incurred in Havering Civic Mayoral receptions. The budgetary provision for this in 2010-11 is £15,920.”

Attached in the Appendix is a chart showing how this works in practice.

10.2 “Managing the Council’s budget

The Democratic Services Manager is the cost centre manager for the £15,920 mentioned above (and any amount so allocated in subsequent years) and is accountable to Council through the Assistant Chief Executive Legal and Democratic Services.

While this expenditure is principally for ‘At Home’, expenditure will be incurred on those items mentioned in the second column of the grid in [Appendix A] and the Democratic Services Manager has discretion to expend the funds on other things broadly consistent with the principles set out in that grid.

So far as the Mayor's Appeal is concerned, donations, income from events and any other monies received will be held by Finance and Commercial on behalf of the mayor and paid out at the end of the year or as otherwise directed by the mayor. A full record of income will be kept by Financial and Commercial, but the Mayor is responsible for keeping records of any expenditure that needs to be offset against funds received."

As from 1 April 2011 the Committee Administration and Member Support Manager will manage this budget following the deletion of the Democratic Services Manager post.

- 10.3 The annual Special Responsibility Allowances, paid in monthly amounts with the Basic Allowance and as agreed by Council are –

Mayor	£14,418
Deputy Mayor	£ 7,650

Until 2007 Mayors and Deputies were allocated a sum (known as remuneration) from which all the costs currently allocated to the Civic Purse had to be met; At the end of their year of office anything left over was paid to the Mayor. At that time no SRA was paid.

- 10.4 The full cost of activity directly attributable to mayoral activity is expected to be in the region of £190,000 in this financial year.

- 10.5 The Committee might wish to consider the current financial management arrangements and whether they wish to revise them in any way mindful of any decisions taken on the level of activity by the Mayor and a Deputy Mayor.**

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the current mayoral activities and support are met from base budget provision. This is managed in accordance with the Council's Financial Framework and financial procedures.

Any amendments may have financial implications, which will be detailed when confirmed and reported appropriately.

Legal implications and risks:

The legal issues around the mayor are picked up in the report

Human Resources implications and risks:

Any reductions in staffing that may occur as a result of this review will be dealt with in accordance with the Council's Organisational Change policy and procedures.

Equalities implications and risks: None directly associated with this report

BACKGROUND PAPERS

The Havering Mayor's Handbook 2010/11
Internal emails providing financial and other information

APPENDIX

Paragraph 2.4

Extract from the Constitution (Council Rules)

“CHAIRMAN OF MEETING

- (a) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (b) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (c) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (d) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any debate, keep order, alter the order of business, amalgamate debates and in general organise the business of the meeting.”

Paragraph 2.8

Extract from the Constitution

Common seal of the Council

The common seal of the Council may be affixed to any document on the authority of any two individuals, one drawn from each of the list A and list B set out below.

The seal shall be attested by those two individuals and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by a person who has attested the seal.

List A	List B
Mayor	Chief Executive
Deputy Mayor	A Group Director
	Assistant Chief Executive Legal & Democratic Services
	Head of Legal Services
	A Legal Manager

Urgent attestations

Where necessary in cases of urgency and where neither of the holders of the offices shown in list A is available, a document may be attested by any two of the members of staff specified in list B. In each such case, the circumstances shall be reported to the Council at its next meeting.

Paragraph 5.2

Appeals 2005/11

2005/06	First Step
2006/07	HABBit Shed
2007/08	Age Concern Havering
2008/09	Friends of Havering Music School
2009/10	Havering Crossroads
2010/11	H.A.D./Rainbow Trust

Paragraph 5.2

Snapshot of recent attended Events sponsored by other Mayors

Sunday 9 January Blessing of the Seas Ceremony, Margate £18.50 per head (2 tickets)

Thursday, 16 December Mayor of Redbridge Carol Concert Snaresbrook court Redbridge £10.00 per head (2 tickets)

Thursday, 09 December Victorian Evening Moot Hall Maldon Essex £40.00 per head (2 tickets)

Monday, 06 December LMA Dinner Westminster City Hall Victoria St London £75.00 per head (2 tickets)

Saturday 04 December Medway Dickens Festival Rochester Kent £20.00 per head (2 tickets)

Paragraph 6.8

Details of the Mayor's Civic Awards – text of note provided to interested parties

Civic Awards

Every day across Havering, people who care about their local community make a positive and selfless contribution to the lives of others. These actions often go unrewarded. Each year we present the Mayor's Civic Awards to people who have given up their time to improve the lives of others in Havering

A number of Civic Awards will be presented by the Mayor in recognition of exceptional effort and commitment by individuals beyond their normal role or occupation, who in so doing have provided benefit to the residents of Havering.

Criteria

Nominations are invited for any person who has, in the course of the year and through their activities, furthered the welfare and/or improved the quality of life of Havering people.

Nominations are invited with regard to any person or organisation who has completed a project, which has improved the physical environment within Havering.

Nominations are invited for any team or individual who has excelled within the sporting field either by a significant winning achievement or by a significant improvement in their skills and personal achievement and development.

They could be a family member, a local business person or your next door neighbour but these special people are making a difference in our local community. The Mayor would like to thank these people on behalf of everyone who lives in Havering..

If a nominee has received an award the previous year they are not eligible to receive an award for the same project the following year.

A framed certificate to each recipient will be presented at the Mayor's reception.

Application of the Awards

1. Presentation of the awards to be made at the Mayor's reception.
2. Residents and Councillors are entitled to nominate individuals/organisations for awards.

Paragraph 6.10

Extract from NACO literature

Members of NACO have debated the quality versus quantity issue at length and have devised a system that is now widely in use throughout the country. Civic heads need to be encouraged and guided, to create and attend engagements that contribute to their personal objectives, given that they should, in turn, have been aligned to the corporate aims.

These are quality engagements whereas other events that may have become traditional 'annuals' may not be – indeed they may need to be dropped in the pursuit of excellence.

Examples of quality engagements are likely to include:

- promotion of re-cycling sites
- anti-poverty initiatives
- tourism promotion
- celebrating cultural diversity
- promotion of voter registration campaigns
- improving electoral turnout
- promoting e-service delivery
- improving public transport
- opening cycle paths

There are many more possibilities, but veterans of civic diary planning may note that there is no mention here of annual dinners or charity events, particularly those that involve travel to some distant corner of the county, to support a civic head from a neighbouring district.

Governance Committee, 16 March 2011

The NACO debates identified dozens of typical engagements and refined them into seven main categories as follows:

- Social - entertaining work colleagues ward party members etc
- Community - attending events such as local amateur theatre, sports clubs, church groups etc
- Promoting - council/partnership initiatives, inward investment etc
- Civic Hosting - receptions, buffets, banquets in connection with community and promoting
- Charities - fundraising events
- Civic Circuit - visiting other authorities for civic dinners, church services etc
- Council/Statutory/Tradition - Chairing Council meetings, attending Remembrance Day, Ceremony of the Keys etc

It is worth noting that Twinning is not included as a specific category. That is because each twinning event will fit somewhere into one of the seven categories. Merely entertaining an overseas civic head would fit into the Civic Circuit category, but hosting an event that promoted a European funding bid and introduced the visitor to a cross section of the public, would fit into the Promoting or Community categories.

With the broad categories identified and agreed, the debate then moved onto assessing how engagements that fitted into them would be likely to contribute to corporate aims – in other words be a 'quality engagement'.

In descending order the categories were ranked as follows and given a weighting that creates a clear picture of where the activities of civic office should be directed

• Promoting	5
• Community	5
• Civic Hosting	3
• Council/Statutory/Tradition	3
• Charities	2
• Social	1.5
• Civic Circuit	1

There was initial controversy about the low ranking given to charity work, but closer examination can explain this.

It is very doubtful that any council will have the raising of money, to support local good causes, through social events and raffles, within its aims and objectives. Councils will support good causes and essential contributions from the voluntary sector, but will do so through grant aid. Civic officers who spend a large percentage of their time creating fund raising events probably do so 'because that is the way it has always been' and they probably fail to cost in their expensive time when measuring the amounts raised by the event.

Paragraph 10.2

The budget split between Council and the Mayor

Task	Council meets Cost	Mayor/deputy mayor
Annual "At Home" and other Havering Civic Receptions	Yes	No
Remembrance Day/ Holocaust Memorial Day.	Yes (Communications/Media)	No
Civic Service	Yes	No
Mayoral Appeal Events (to include, e.g. Balls, Nights at the Dogs etc.)	No	Setting up costs + any deficit
Civic Awards	Yes	No
Hon Aldermen/Freeman of the Borough civic event	Yes	No
Other local authorities' events and other organisations' events	Reciprocal Gifts and LBH initiated gifts Tickets for events - financially limited to amount of previous year or such figure as determined separately	Everything else
Floral tributes	Yes	No
Parlour Guests Costs	Costs associated with events around the promotion of civic pride	No
Christmas hospitality after December Council event	Yes	No
Beverage machine in Parlour	Yes	No
100th Birthday Cards + Christmas Cards	Yes	No
Personal Photographs	No	Yes

Governance Committee, 16 March 2011

Task	Council meets costs	Mayor/D. Mayor meets costs
Donations to worthy causes/sponsorships/raffle tickets	No	Yes
Personal clothing, dry cleaning etc.	No	Yes
Mayoral Transport, Robes	Yes	No



GOVERNANCE COMMITTEE

REPORT

16 MARCH 2011

Subject Heading:

**LOCAL DEMOCRACY, ECONOMIC
DEVELOPMENT AND CONSTRUCTION
ACT 2009 – designation of statutory
Scrutiny Officer**

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442
christine.dooley@havering.gov.uk

Report Author and contact details:

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

Policy context:

Designation of officer in consequence of
re-structuring

Financial summary:

No additional expenditure is anticipated

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

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

SUMMARY

In consequence of the restructuring of Legal & Democratic Services following retirements and redundancies that will be effected on 31 March, the Council needs to designate a new statutory Scrutiny Officer.

RECOMMENDATION

That the Committee **RECOMMEND to the Council** that the post of Committee Administration and Member Support Manager be designated as statutory Scrutiny Officer with effect from 1 April 2011 and that the holder of the post, Ian Buckmaster, be appointed accordingly.

REPORT DETAIL

- 1 The Local Democracy, Economic Development and Construction Act 2009 includes a number of measures intended by enhance community engagement and the democratic process. Although much of the Act is to be repealed by the Localism Bill now before Parliament, among the measures that are preserved by the Bill is the obligation to appoint a statutory Scrutiny Officer.
- 2 In April last year, the Council designated Philip Heady, Democratic Services Manager, as Scrutiny Officer. Mr Heady retires from the Council's service on 31 March and his post disappears at that time. IN consequence of the subsequent restructuring, his duties in relation to Overview & Scrutiny, among other things, will be assumed on 1 April by Ian Buckmaster (who becomes Committee Administration & Member Support Manager on that date).
- 3 It will be noted that none of the existing statutory officers – Head of Paid Service, Chief Financial Officer and Monitoring Officer – is eligible to be designated as Scrutiny Officer.
- 4 In comments made to Parliament, Ministers made clear their expectation that, while the existing statutory officer are required to be of Chief Officer status, there was no need for the Scrutiny Officer to be of that rank. The Committee Administration & Member Support Manager is a third tier manager and of sufficient status and authority to be able to undertake these statutory functions.
- 5 The Committee is therefore asked to recommend accordingly to the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no significant financial implications or risks.

Legal implications and risks:

Compliance with the requirements of the Act is mandatory.

Human Resources implications and risks:

There are no staffing implications.

Equalities implications and risks:

There are no equalities implications.

BACKGROUND PAPERS

There are no background papers



**GOVERNANCE
COMMITTEE**

REPORT

16 March 2011

Subject Heading:

MONITORING OFFICER AMENDMENTS
TO THE CONSTITUTION NOs 5 AND 6

Report Author and contact details:

CHRISTINE DOOLEY
01708 432442

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

Not applicable

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

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

SUMMARY

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

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

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

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

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

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.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 05/11

Date 31st January 2011

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(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 3.6.3	84	Add to Head of Streetcare at paragraph (ff) To authorise the making of and consultation on Orders under Section 21 of the Town and Police Clauses Act 1847.	Error

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 6

Date 28th February 2011

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(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 3.6.5 (i)	85	Delete the words "developing programmes to involve the local community in preparing a Local Agenda 21 for the borough and"	Updating amendment
Part 3 Section 3.6.5 (k)	86	Move "To maintain the definitive map of rights of way" (from Head of Regeneration Policy and Planning) to the Head of Culture and Leisure Services [as (n)] and renumber subsequent paragraphs	Organisational change
Part 3 Section 3.8.1 (aa)	107	(aa) Delete Democratic Services Manager and allocate responsibilities to the Committee Administration and Member Support Manager and renumber subsequent paragraphs (bb) Replace Committee Administration Manager with Committee Administration and Member Support Manager	Organisational change Organisational change
Part 3 Section 4	139	Functions Relating to Community Governance - delete Democratic Services Manager and allocate responsibilities to the Committee Administration and Member Support Manager	Organisational change
Part 3 Section 6 (PO functions)	150, 151, 154-159	Replace Democratic Services Manager throughout with - Committee Administration and Member Support Manager	Organisational change

Governance Committee, 16 March 2011

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		Principal Committee Officer - except Para 4(2)(b) of Part 1 of Schedule 12 (of the Local Government Act 1972), summoning Council meetings – delete Democratic Services Manager, insert Assistant Chief Executive, Legal & Democratic Services	
Part 3 Section 6 (PO functions)	158	<u>Access to Information Procedure Rules</u> Rule 4 (c), the supply of copies of documents to members. For Proper Officer, insert – Committee Administration and Member Support Manager Principal Committee Officer	Omission
Part 3 Section 6 (PO functions)	158	<u>Committee Procedure Rules</u> Add Rule 3 (a) and 3(b), directions and summoning of meetings. For Proper Officer, insert – Committee Administration and Member Support Manager Principal Committee Officer	Omission
Part 3 Section 6 (PO functions)	158	<u>Executive Procedure Rules</u> Delete reference to Rule 2(e) and add Rule 4 (a) summoning Cabinet meetings. For Proper Officer, insert – Committee Administration and Member Support Manager Principal Committee Officer	Error
Part 3 Section 6 (PO functions)	158	<u>Executive Procedure Rules</u> Add Rule 5, notice of portfolio allocation Add Rule 6, contents of Cabinet agendas Add Rule 14, publication of a Forward Plan Add Rule 15*, recording of Executive decisions by individuals Add Rule 16* (g), availability of background papers [*These are renumbered rules]	Omissions

Governance Committee, 16 March 2011

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		For Proper Officer, insert – Committee Administration and Member Support Manager Principal Committee Officer	
Part 3 Section 6 (PO functions)	158	<u>Overview and scrutiny Rules</u> Add Rule 11(d) – consideration of report within two months. For Proper Officer, insert – Committee Administration and Member Support Manager Principal Committee Officer	Omission
Part 3 Section 6	161	<u>Functions of Statutory Officers</u> Add 4. <u>Functions of the Scrutiny Officer</u> (a) To promote the role of the authority’s overview and scrutiny committee or committees; (b) To provide support to the authority’s overview and scrutiny committee or committees and the members of that committee or those committees; (c) To provide support and guidance to – (i) members of the authority, (ii) members of the executive of the authority, and (iii) officers of the authority, in relation to the functions of the authority’s overview and scrutiny committee or committees	Statutory reference
Part 4 Section 1	167	<u>Access to Information Rules</u> Rules 10 (c) (iii) and 10 (e) delete Democratic Services Manager and insert Committee Administration and Member Support Manager	Organisational change
Part 4 Section 3	185	<u>Committee Procedure Rules</u> In Rule 14(b)(i), amend “Rule 8(c)” to read “Rule 7(d)”	Error

Governance Committee, 16 March 2011

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 4 Section 5	244	<u>Council Procedure Rules</u> In Rule 25(i) delete Democratic Services Manager and insert Committee Administration and Member Support Manager	Organisational change
Part 4 Section 6	253-255	<u>Executive Procedure Rules</u> Renumber Rules 16, 17 and 18 as Rules 15, 16 and 17 respectively.[And consequently renumber the Rule mentioned in 4(c)(ii) as 17]	Error
Part 4 Section 8	277	<u>Overview and Scrutiny Rules</u> In Rules 17(b) and (l) delete Chief Executive and insert Committee Administration and Member Support Manager	Organisational change
Part 3 Section 3.7.3	96	Replace throughout with effect from 1 st April 2011 Head of Financial Services with Head of Finance & Procurement.	Organisational change



**GOVERNANCE
COMMITTEE**

REPORT

16 03 2011

Subject Heading:

AMENDMENTS TO THE
CONSTITUTION

Report Author and contact details:

Christine Dooley
Assistant Chief Executive, Legal &
Democratic Services - 2442
Constitutional amendments

Policy context:

Financial summary:

There are no relevant financial
implications

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

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

SUMMARY

1. Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, the Monitoring Officer shall have power to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, to insert recommendations made pursuant to a written report agreed by Council, to clarify the Constitution, insert obvious omissions or to comply with any accepted recommendations made by

District Audit, the Audit Commission, the Standards Board and/or any other government appointed inspection regime.

2. Power to clarify the Constitution, insert obvious omissions or to comply with accepted recommendations of external bodies shall only be exercised after first giving five working days' notice to Group Leaders.
3. If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.
4. Other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - make recommendations to the Council about amending the Constitution

RECOMMENDATIONS

Governance Committee **Recommend** to Council the amendments as set out in the body of this report.

REPORT DETAIL

1. In respect of proposed changes to Part 3, Section 3.7.6 and Section 4 the Head of Development and Building Control would like to propose adjustments to the scope of planning applications which can be decided under delegated powers. The purpose is mainly to avoid generally straightforward applications for Homes in Havering and Education proposals routinely coming before Regulatory Services Committee when the lead in, presentation and staff/member time involved is disproportionate to the impact of the schemes involved.

Homes in Havering Applications

2. Planning applications for Homes in Havering household development are typically straightforward involving extensions, conservatories, disabled ramps etc. Were these proposals not Homes in Havering applications then

the planning section would routinely deal with them under existing delegated powers for householder development. The exception would be if the proposal involves significant judgement and/or had been called into Committee by a Member. It is therefore proposed that the delegated powers be adjusted to include as a new paragraph 3.7.6 (xii) determining:

- (xii) *Erect extensions, conservatories, alterations, disabled ramps and similar household type development in respect of Homes in Havering submitted planning applications which, were they not Homes in Havering properties, would be determined under staff delegated powers.*

School Applications

3. Planning receive significant numbers of straightforward school related proposals such as modest extensions, playground shelters and fencing. It is proposed that delegated powers be adjusted to enable determination of the following:

- (xiii) *Extensions less than 1,000sqm and freestanding shelters and boundary treatment including walls and fencing proposals in respect of school related applications unless objections have been received or the school is within the Green Belt.*

4. In both the above cases the normal call-in procedure would continue to apply.
5. The amendment to the Constitution would be to the Head of Development and Building Control:

IMPLICATIONS AND RISKS

There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas

Financial implications and risks: There are no specific financial implications

Legal implications and risks: There are no relevant legal implications

Human Resources Implications and risks:

Equalities implications and risks:

BACKGROUND PAPERS

There are none



**GOVERNANCE
COMMITTEE**

REPORT

Wednesday 16 March 2011

Subject Heading:

Draft consultation response to CLG's 'Code of recommended practice for local authorities on data transparency'

CMT Lead:

Cynthia Griffin, Group Director Culture & Community

Report Author and contact details:

Jessica Arnold, Corporate Policy and Partnerships, x.4217.

Policy context:

The proposed Code is concerned with achieving greater data transparency in government and accountability to the public.

Financial summary:

Publication of significant transparency data is likely to have additional resource implications. The extent of this can not currently be quantified.

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

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

SUMMARY

In February 2011, the Department for Communities and Local Government published and opened consultation on it's '**Code of Recommended Practice for**

Local Authorities on Data Transparency' (attached as Appendix 2). This report sets out the suggested response by the Council to the consultation.

RECOMMENDATIONS

That the Committee agree the Council's response to the government consultation on local authority data transparency as set out in Appendix 1.

REPORT DETAIL

In February 2011, the Department for Communities and Local Government published and opened consultation on it's '**Code of Recommended Practice for Local Authorities on Data Transparency'** (attached as Appendix 2).

As well as reiterating the importance of data transparency, this document is important for three key reasons:

- It defines the bare minimum information that local authorities will have to publish, with the majority of this being financial information (e.g. expenditure over £500; Councillors' allowances and expenses; senior staff salaries and names; contracts and tenders; financial policy and performance) and also some democratic information
- It puts forward the proposal that local authorities should develop an inventory of all the data that they hold and ensure it is published, including registering the data on data.gov.uk, to allow for national comparison with other local authorities
- It advises about accessible formats for publishing the data and getting the information out into the public domain as accurately and quickly as possible

This report to Governance Committee seeks to inform Members about the Code of Recommended Practice, and gather feedback and approval on Havering's proposed response to this consultation.

The official deadline for consultation responses to be submitted is 14th March, but we have been granted an extension for this until 17th March to allow for the date of this Committee.

Because of the generality of the code it is difficult to assess what impact it will have on the Council. It will clearly involve extra work by staff in preparing databases for publication, in particular the deletion of personal information and commercially confidential information. However as some of the main data types are already the subject of FOI requests, eg grants to voluntary groups, some of the research work is already being done and the extra work for web publication will be minimal. It is also possible that the provision of additional information may generate further FOI requests, but current experience with publication of expenditure over £500 has not led to a surge in 'spin-off' requests.

If a council failed to comply with the code it is probable that the government, given its approach to the publication of expenditure over £500, would seek to 'name and shame' errant councils. Also it is probable that concerned organisations or individuals would make Fol requests for the information, thereby compelling compliance.

IMPLICATIONS AND RISKS

Financial implications and risks: Publication and management of significant amounts of additional data is likely to require extra resources. The extent of this can not currently be quantified. As further confirmation and information becomes available, the financial implications will be explored and reported as appropriate.

Legal implications and risks: While the code is one of 'recommended practice' it is probable that the government will seek compliance by 'naming and shaming' councils that fail to comply with it and that the Local Government Ombudsman will draw adverse conclusions from failures to comply with the code.

Human Resources implications and risks: Publication of this data may require additional staffing resources, the extent to which is currently unknown.

Equalities implications and risks: By July 2011, in order to meet its obligations under the new Public Sector Equality Duty, the Council will soon be publishing a range of equalities data, in addition to the data reporting requirements set out in the Single Data List.

BACKGROUND PAPERS

Code of recommended practice for local authorities on data transparency.

Appendix 1

Consultation response from London Borough of Havering:

Code of recommended practice for local authorities on data transparency

The London Borough of Havering welcomes the current commitment of the Government to achieving stronger local accountability to the public and openness of data and performance information. We also welcome the general spirit of the Code of Recommended Practice on Data Transparency, and the opportunity to comment on the draft version of the code. In our response, we have raised some concerns about achieving the intended outcomes of the code, and posed questions that will require answering before data transparency becomes universally achieved in local government, but generally see this as a positive step in the right direction.

General comments

1. Enforcing data transparency

There is little mention in the proposals around whether the Government plans to enforce councils to publish their data or performance outcomes, which we would welcome further guidance around and would generally welcome, in the spirit of localism, a non-statutory approach to this.

The code does also not mention the Single Data List, a set of 463 pieces of data from the Government that it will require local government to collect on its behalf. We would like clarification if Central Government will be publishing this data once we have submitted it, and in what format.

2. Recognising resource constraints and efficiency

The Code does not recognise the level of investment that will be required to form an inventory of all data held by each Council, and to keep this up-to-date. The Code states that "Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published." (p.11).

Requiring local authorities to publish large amounts of data online, in a way that is easy for the public to understand and use, with the necessary contextual information, will be extremely resource intensive, particularly where additional investment in software is required. Given the extent of these additional requirements, imposed at the same time as funding reductions, we feel is unrealistic, and indeed against the very ethos of localism, to impose these data collection and reporting requirements on local authorities. The Code, and all other Government policy relating to data transparency, needs to acknowledge that local authorities are facing challenging times in terms of resources and capacity which will impact on our ability to publish all our data sets so that they are of use to local people.

A list of all data that the Council holds is a huge amount of information and spreadsheets – further guidance is required about the level of detail that this needs

to go down to. There is no evidence to suggest that local people want access to the a very high level of detail, such as would be provided through the Single Data List, for example, or what value it will add. Perhaps the focus of the Code should not be that *everything* needs to be in the public domain, but that the most important data for public scrutiny and guiding improvement should be published – the core information relating to the running of the organisation, its performance against key priorities and the life outcomes of its residents.

Specific comments

3. Publishing a variety of performance data

We have no objections to the recommended minimum data sets that should be released as laid out in the bullet points (para. 9), to be displayed on a national data website. However, with the exception of the democratic data, these relate entirely to money. Whilst financial information is incredibly important to report publicly on, there is the risk that other, non-financial performance data will be overlooked, and that without other data, such as those demonstrating improvements in outcomes, financial performance indicators can be taken out of context. We would therefore suggest that the wording of this guidance is revised so that financial information reported on www.data.gov.uk is put into context alongside a range of other performance information, which explains the outcomes achieved by local investment.

4. Clarity about what is expected of local authorities

We would like clarity about whether we would need to include data in our inventory that is already publicly available from source, or whether the Code is referring to only local data generated by the Council . For example, much of the public health data we use is already available, at local authority level, from the Department of Health's own websites. Making this available in a second place is not necessarily aiding transparency but merely duplicating effort.

When thinking about the requirement on children's and adults social care, we welcome improved publication of local accounts of performance as a replacement to the regulation undertaken by OFSTED and CQC. However, there needs to be clearer guidance about what the expectations on these services are and also how the public will be supported to understand the 'big picture'. There may be a role for HealthWatch in this, particularly regarding adult social care.

In paragraph 8 of the consultation, we would like further clarification of what 'they should understand what data they hold' actually means in practice. There are huge volumes of data in all local authorities, including an abundance of data that is service specific or to do with internal processes, used by managers for the running of their service. This typically may not be of any interest or use by the public or other agencies.

The Code does not specify how long data, once published, should remain in the public domain. As data sets and performance information are updated with new and latest versions, does the older data need to be archived for the reference of anyone who might wish to trace historical trends or data at a given time? Unless data is continually kept up to date, it is of little value, potentially creating confusion

about what is the latest data or issues about storage of such vast quantities of information. Again, this will require a significant additional staffing resource to maintain.

In paragraph 8, there is a contradiction in the instruction that councils should not pre-determine the 'level of public demand', but should understand 'what data they hold, what their communities want...'. By understanding what communities want and releasing data accordingly, we feel we would be in effect pre-determining public demand. We feel that the meaning of this is unclear and open to interpretation and would welcome more clarity on this issue..

In paragraph 16, regarding controls “to reduce the risk of any payment fraud as a result of publishing data” we ask the extent to which redacting is acceptable¹. On a technical point, we ask is this subjective or will guidance be included in the final Code?

5. Publication of senior salaries and names

In paragraph 9, we ask the following questions:

- Does this include posts which are part time but pro rata would exceed £58,200?
- Will this include salaries enhanced by honorariums for 'acting up' when an unfilled vacancy persists, which would then exceed £58,200?
- Will the list of senior salaries include posts that are currently vacant?

We also ask for clarity around the reason for including people's names against senior salaries and ask what value this adds. We would prefer this requirement to be amended to job titles and salary only.

Related comment

6. Freedom of Information requests

The current charging policy for dealing with FOI states that local authorities cannot charge if the work entailed is estimated to cost less than £450 (i.e. 18 hours @ £25). Against a backdrop of reduced resources and given the increased volume of FOI requests that the Data Transparency Code of Practice will undoubtedly bring, we feel that the number of hours and/or the £25 per hour charge should be reviewed. Perhaps a more realistic figure would be 8 hours (i.e. an average working day) would be more appropriate and fairer to councils.

We feel this is an associated concern when thinking about the Code for data transparency because publication of data will surely lead to further questions being asked by the public, particularly if data is published with no contextual information.

Appendix 2

Code of recommended practice for local authorities on data transparency'

¹ Redacting is a form of editing in which multiple source texts are combined (redacted) and subjected to minor alteration to make them into a single piece of data, in an appropriate form for publication



Code of recommended practice for local authorities on data transparency

Consultation



Code of recommended practice for local authorities on data transparency

Consultation

February 2011
Department for Communities and Local Government

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000
Website: www.communities.gov.uk

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Consultation on a code of recommended practice for local authorities on data transparency

Introduction

1. The Government is consulting on a new Code of Recommended Practice for local authorities on the publication of data ('the proposed Code'). The proposed Code is concerned with making data generated by authorities available and accessible to the public. It is intended to set out the requirement to publish data and minimum expectations and considerations. A draft of the proposed Code is attached and comments are welcomed.

Why we are consulting?

2. The Government wants to place more power into people's hands to increase transparency by seeing how their money is spent. For democratic accountability to increase, local people need to be able to hold local authorities to account over how their council tax is spent and the decisions that are made on their behalf.
Transparency through publication of open and reusable data should act as the trigger enabling local tax payers to see how local authorities are using public money. It also shines a spotlight on waste, establishing greater accountability and efficiency, open up new markets and improves access for small and local businesses and the voluntary sector.
3. Transparency is the foundation of this accountability. If people are to play a bigger role in society, they need to have the tools and information to enable them to do so.
4. The Coalition Programme for Government committed to extending transparency to every area of public life. The Secretary of State for Communities and Local Government wrote to all local authorities in England on 4 June 2010 expressing his expectations that they publish items of spend over £500 as well as publishing invitations to tender and final contracts on projects over £500 from January 2011.

The Secretary of State also challenged them to go further by giving easy open access to data on salaries, councillor expenses, financial position, performance data, licensing applications, transport information and hygiene reports for food outlets.

5. The Secretary of State wishes to strengthen this expectation further by issuing a statutory Code of Recommended Practice in exercise of his powers under section 2 of the Local Government, Land and Planning Act 1980. This section permits the Secretary of State to issue a Code of Recommended Practice as to the publication of information by local authorities about the discharge of their functions and other related matters.

What are we proposing?

6. This proposed Code is intended to provide a high level but formal statutory basis to the local transparency agenda, support current sector standards and complement publication and disclosure requirements under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (SI 2004/3391). It is for local authorities working with others, to determine detailed implementation arrangements.
7. Comments are invited on the draft Code. In particular:
 - Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?
 - The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?
 - Does the proposed Code sufficiently support the publication and reuse of public data?
 - Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?
 - The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability

and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Who are we consulting?

8. We would welcome comments from any organisations affected by this proposed Code and any others with an interest in open public data. This document is available on the Department for Communities and Local Government website (www.communities.gov.uk) and we will be drawing it to the attention of all principal councils in England. It is open to all to make representations on the proposed code, which will carefully be considered.

How to respond

9. Your response must be received by 14 March 2011. We will be running a forum at www.communities.gov.uk/forums/ or comments may be sent by email to: transparencycode@communities.gsi.gov.uk

Responses may also be returned to:

Stuart Macleod

The Department for Communities and Local Government

Zone 3/J4

Eland house

Bressenden Place

London SW1E 5DU

10. Please title your response 'Response to Transparency Code consultation'.

11. It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen next?

12. The Department will take account of the responses received to this consultation. A summary of the responses and the final Code will be published at the same time.

Publication of responses – confidentiality and data protection

13. Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes (These are primarily the Freedom of Information Act 2000, the Data Protection Act 1988 and the Environmental Information Regulations 2004).

14. If you want any information you provide to be treated as confidential you should be aware that under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.

15. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give any assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

16. The Department will process your personal data in accordance with the Data Protection Act and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

Revising the proposed Code

17. The Government expects that from January 2011, all English local authorities will have started to publish the data on £500 expenditure, contracts, tenders and senior

salaries. The local transparency agenda is an evolving one, not least as new standards, expectation and technologies develop. The Secretary of State therefore intends to review the content and scope of the Code within 18 months to account for experience and improved best practice.

Annex 1: Draft code of recommended practice for local authorities on data transparency

Introduction and application

1. This Code is issued by the Secretary of State for the Department of Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue a Code of Recommended Practice (The Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.
2. The Code applies in England only.

Definitions

3. In this Code:

“the Act” means the Local Government, Planning and Land Act 1980;

“local authority’ means:

- a county council;
- a district council;
- a parish council;
- a parish meeting of a parish which does not have a separate parish council;
- a London borough council;
- the Common Council of the City of London;
- the Council of the Isles of Scilly;
- a National Park authority for a National Park in England;
- the Broads Authority;
- the Greater London Authority so far as it exercises its functions through the Mayor;
- the London Fire and Emergency Planning Authority;
- Transport for London;
- the London Development Agency;

- a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority);
- a police authority, meaning:
 - (a) a police authority established under section 3 of the Police Act 1996;
 - (b) the Metropolitan Police Authority;
- a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport);
- joint waste authorities, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- a combined authority established under section 103 of that Act;
- waste disposal authorities, i.e. an authority established under section 10 of the Local Government Act 1985;
- an Integrated Transport Authority for an integrated transport area in England.

Scope

4. Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent. Public data should also be used to highlight inefficiency and open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.
5. “Public data” therefore means the objective, factual, non-personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.

6. The Freedom of Information Act 2000 requires local authorities to have a publication scheme approved by the Information Commissioner's Office that sets out information that must be routinely published. Local authorities must comply with these requirements.

Principles

7. The following principles should underpin decisions about publication and local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards.

DEMAND-LED

8. There are growing expectations that new technologies and data should support transparency and accountability. Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should they understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present it in new ways that makes its meaning more apparent. It is this process that will create demand for data.
9. As a minimum, the datasets that should be released are:
 - Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.
 - Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.
 - Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.
 - An organisational chart of the staff structure of the local authority.
 - Councillor allowances and expenses.

- Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.
- Policies, performance, audits and key indicators on the authorities' fiscal and financial position
- Data of democratic running of the local authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.

10. Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.

11. These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.

OPEN

12. Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.

13. Information must be published in a format and under a licence that allows open reuse, including commercial and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archive is the recommended standard. Where any copyright concerns exist with information, these should be made clear.

14. Local authority information should be where possible published in open and machine-readable formats. The recommended five-step journey to a fully open format is:

* Publish the available data on the web in whatever format;

** Make it available as structured data, for example in a spreadsheet rather than a .pdf document;

*** Publish it in non-proprietary format such as comma separated values (CSV);

**** User Uniform Resource Identifiers (URIs) to define and describe your data, thereby helping users discover and explore it, and understand its meaning and context, and;

***** Using URIs, incorporate links in your data to related external sources.

15. Publication in both .pdf and .csv formats should be the minimum requirement.

16. Local authorities should have controls in place to reduce the risk of any payment fraud as a result of publishing data. A risk management approach should be used to support these open standards. Potential measures to support this are suggested at Annex A of the Code.

TIMELY

17. Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in-house systems; organisational information should be published in line with central Government.

18. Data should be as accurate as possible at first publication. While errors may occur the publication of information should not be unduly delayed to rectify mistakes. Instead, publication and use of the data should be used to help address any imperfections and deficiencies. This concerns errors in data accuracy not errors in redacting personal data, which is covered below.

19. Where errors in data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment.

Exclusions and exemptions

20. Local authorities must comply with the law on data protection, and so must not release data if that would contravene the Data Protection Act 1998 or section 100A(2) LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. The However, the Government believes that local transparency can be implemented in a way that complies with the Data Protection Act.

Annex A: Anti-fraud measures

1. Local authorities should have controls in place to reduce the risk of payment fraud occurring. Typically, controls might include:

- Only accepting requests for changes to supplier standing data in writing.
- Seeking confirmation from the supplier that the requested changes are genuine, using contact details held on the vendor data file or from previous and legitimate correspondence; and not contacting the supplier via contact details provided on the letter requesting the changes.
- Ensuring that there is segregation of duties between those who authorise changes and those who make them.
- Only authorising changes when all appropriate checks have been carried out with legitimate suppliers and only making the changes when the proper authorisations to do so have been given.
- Maintaining a suitable audit trail to ensure that a history of all transactions and changes is kept.
- Producing reports of all changes made to supplier standing data and checking that the changes were valid and properly authorised before any payments are made.
- Carrying out standard checks on invoices before making any payments.
- Regularly verifying the correctness of standing data with suppliers.

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GOVERNANCE COMMITTEE

REPORT

16 MARCH 2011

Subject Heading:

APPOINTMENT OF TRUSTEES TO THE
HORNCHURCH HOUSING TRUST

CMT Lead:

Christine Dooley, Assistant Chief
Executive/Monitoring Officer

Report Author and contact details:

Grant Söderberg, Committee Officer
01708 433091

grant.soderberg@havering.gov.uk

Policy context:

The Council appoints members of certain
local charitable bodies.

Financial summary:

There are no direct costs associated with
this review

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

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

HORNCHURCH HOUSING TRUST

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

The terms of office of Mr Raymond Emmett and Mr David Charles Williams have recently expired. It is understood that both are willing to be re-appointed for a further four year term and the Trust has indicated its willingness to accept them.

RECOMMENDATION

That the two Trustees named above be re-appointed to the Hornchurch Housing Trust for the term expiring in February 2015.

