

London Borough of Havering ***COUNCIL MEETING***

**7.30pm WEDNESDAY, 17 OCTOBER 2007
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business

A handwritten signature in black ink, appearing to read 'Clive Eppell', is centered on a light-colored rectangular background.

Chief Executive

**For information about the meeting please contact:
Ian Buckmaster (01708) 432431
*ian.buckmaster@haverling.gov.uk***

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please

Council, 21 March 2007 - Agenda

leave quietly and do not engage others in conversation until you have left the Council Chamber.

INFORMATION FOR MEMBERS

Commencement of Meeting

As an aid to Members, a single ring of the division bell will sound 5 minutes before the meeting is due to begin, followed by a double ring at 2 minutes before, at which time Members are asked please to take their seats for the commencement of the meeting.

Control of microphones

Members are reminded that, at Council meetings, the microphones are controlled centrally under the direction of the Mayor. Consequently, Members do not need to press the **MIC ON** button in order to speak, nor to turn off the microphone when they have finished.

The Mayor would find it helpful, however if Members would press the **MIC ON** button to indicate that they wish:

- to speak in the course of debate on any motion (including movers and seconders)
- to rise to a point of order, of information or in personal explanation

Voting

When the Mayor calls a division, the division bell will sound briefly. In order to ensure that votes are recorded correctly, Members are asked to wait until the division bell has finished ringing before pressing the appropriate voting button.

Members are, of course, free to change their vote as they choose at any time until the Mayor directs that the votes be counted. Once a count has been called, however, no further change is possible. In the event that a Member's vote appears not to have been recorded, the clerks should be informed immediately, before the result is declared, so that account can be taken of the vote.

Council, 17 October 2007 – Agenda

AGENDA

1 PRAYERS

2 To receive apologies for absence (if any)

3 MINUTES

To sign as a true record the minutes of the Meeting of the Council held on 18 July 2007

4 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.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE

6 PETITIONS

Councillors Gary Adams and Tom Binding have each given notice of an intention to present a petition.

7 IMPROVING THE QUALITY OF LIFE FOR HAVERING – DEVELOPING THE COUNCIL’S CORPORATE BUSINESS PLANNING PROCESS 2008-11 – SUPPORTING STRATEGIES

To consider a recommendation of the Cabinet (meeting on 19 September 2007)

Council, 17 October 2007 – Agenda**8 TENTH LONDON LOCAL AUTHORITIES BILL**

To consider a recommendation of the Governance Committee (meeting on 3 October 2007)

9 OVERVIEW AND SCRUTINY RULES – EXCEPTIONS TO THE CALL-IN (REQUISITION) PROCEDURE

To consider the report of the Chief Executive

10 HAVERING LOCAL DEVELOPMENT FRAMEWORK: ROMFORD AREA ACTION PLAN: APPROVAL OF SUBMISSION DOCUMENT

To consider recommendations of the Cabinet (meeting on 19 September 2007)

11 MEMBERS' QUESTIONS

Council, 17 October 2007 – Agenda**MOTIONS FOR DEBATE****12 RESPONDING TO PETITIONS****Motion on behalf of the Residents' Group**

This Council supports petition powers and will therefore respond positively to the section covering how Local Authorities should deal with petitions which will be covered in the Communities Secretary's recently announced forthcoming consultation paper.

12A Amendment on behalf of the Labour Group

Delete all words after "This Council" and **insert** the following: "supports the decision of the Communities Secretary to publish a consultation paper on the proposal to extend petition powers and agrees to facilitate member involvement and debate on the effects of such an extension of powers before responding positively or otherwise to the consultation paper."

Note: The motion will then read:

This Council supports the decision of the Communities Secretary to publish a consultation paper on the proposal to extend petition powers and agrees to facilitate member involvement and debate on the effects of such an extension of powers before responding positively or otherwise to the consultation paper

12B Amendment on behalf of the Administration

Amend to read: "This Council notes with interest the proposals concerning petitions and will respond positively to any legislation."

13 MONITORING AREA COMMITTEE EXPENDITURE**Motion on behalf of the Residents' Group**

This Council agrees to ensure accountability for the Area Committee funding and effective monitoring of subsequent works.

13A Amendment on behalf of the Labour Group

Delete all words after "This Council agrees to" and **insert** the following: "prepare a report within the next four weeks on the working of the Area Committee discretionary capital expenditure scheme introduced in 2006 to ensure accountability and to provide members

Council, 17 October 2007 – Agenda

with detailed information to assist them when they are reviewing the scheme and its future implementation."

Note: The motion will then read:

This Council agrees to prepare a report within the next four weeks on the working of the Area Committee discretionary capital expenditure scheme introduced in 2006 to ensure accountability and to provide members with detailed information to assist them when they are reviewing the scheme and its future implementation."

14 CULTURE & REGENERATION OVERVIEW & SCRUTINY COMMITTEE – APPOINTMENT OF VICE-CHAIRMAN

Motion on behalf of the Administration

That the current vacancy for the Vice-Chairman of the Culture & Regeneration Overview & Scrutiny Committee be filled by a Member nominated by the Leader of the Residents' Group.

14A Amendment on behalf of the Residents' Group

Delete all words after "be filled by" and **insert** "Councillor Clarence Barrett."

Note: The motion will then read:

That the current vacancy for the Vice-Chairman of the Culture & Regeneration Overview & Scrutiny Committee be filled by Councillor Clarence Barrett.

15 LICENSING COMMITTEE – APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Motion on behalf of the Administration

That Councillor Peter Gardner be appointed Chairman of the Licensing Committee and that Councillor Lynden Thorpe be appointed as Vice-Chairman of the Licensing Committee.

16 FLYING THE UNION FLAG

Motion on behalf of the Residents' Group

Council, 17 October 2007 – Agenda

This Council reconfirms its commitment, following its unanimous decision on 22 August 2003 to flying the flag from the Town Hall complex, that following the replacement flag poles being installed the Union Flag should fly from the Town Hall Square at all times, with the flag of the Cross of St George to the left of the Union Flag and the Borough flag to its right, except on national or other official flag days, eg St David's Day, Merchant Navy Day, or during official twin town visits.

16A Amendment on behalf of the Administration

Amend to read: "This Council reconfirms its commitment to fly the flag as it has done since the present Administration took control in 2002."

Council, 17 October 2007 – Agenda



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
18 July 2007 (7.30 p.m. – 9.55 p.m.)**

Present: The Mayor (Councillor Georgina Galpin) in the Chair

Councillors Gary Adams, June Alexander, Michael Armstrong, Alan Bailey, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, David Charles, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Ted Eden, Roger Evans, Chris Fox, Mark Gadd, Peter Gardner, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Len Long, Andrew Mann, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Fred Osborne, Roger Ramsey, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Frederick Thompson, Jeffrey Tucker, Linda Van den Hende, Melvyn Wallace, Keith Wells, Michael White, Steve Whittaker and Mike Winter

10 guests, members of public and press also attended.

An apology for absence was received from Councillor Gillian Ford

Father Hingley of St Albans Church, Kings Road, Romford opened the meeting with prayers.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The meeting closed with the singing of the National Anthem.

The Mayor expressed condolences to the families of Councillor Edward Cahill, former Council member Valentine Birnie and Michaela Stephens (formerly of the Council's staff) who had all passed away recently. Members stood in silence for a minute in their memory.

Councillors Michael White, Barbara Matthews, Keith Darvill and Jeffrey Tucker in respect of Edward Cahill, Councillor Keith Darvill in respect of Valentine Birnie and Councillor Jeffrey Tucker in respect of Michaela Stephens paid tribute to their work for the Council and the community.

20 **MINUTES (agenda item 3)**

It was **RESOLVED** that minutes of the Annual Meeting of the Council held on 23 May 2007 be signed as a true record.

21 **DECLARATIONS OF INTEREST (Agenda Item 4) – none**

22 **ANNOUNCEMENTS BY THE MAYOR (Agenda Item 5)**

The Mayor's Announcements are attached as **Appendix 1 to these minutes**.

23 **PETITIONS**

Under paragraph 24 of the Council Procedure Rules, 6 petitions were presented to the Mayor. The Council noted that the Mayor had agreed to receive the petitions presented by Councillor Jeffrey Tucker even though due notice had not been given of it, in view of the specific circumstances that it referred to.

Councillor Linda Hawthorn presented a petition of 4715 signatures against the proposed car parking charges in Upminster.

Councillor Clarence Barrett presented a petition of 516 signatures against the proposed Parking Management Strategy.

Councillor June Alexander presented a petition of 2803 signatures against the proposed car parking charges in Upminster and Cranham.

Councillor Andrew Mann presented a petition of 2036 signatures against the proposed car parking charges in Collier Row.

Councillor Barbara Matthews presented a petition of 5970 signatures against the proposed car parking charges in Hornchurch, Elm Park and at the Cherry Tree.

Councillor Jeffrey Tucker presented a petition of 1502 signatures calling upon the Council to consider improvements to the junction of Upminster Road South and Upminster Road North.

It was noted that the petitions would be passed to the appropriate Heads of Service for attention or report to members.

24 ADOPTION OF NEW MEMBERS' CODE OF CONDUCT (agenda item 7)

Council had before them a report of the Standards Committee concerning a new Members' Code of Conduct. An order made by the Secretary of State for Communities & Local Government required that the Council adopt a new Code (conforming to the provisions of that order) no later than 1 October 2007 and Council was now invited to adopt the new Code accordingly.

The recommendation of the Committee was **AGREED** without going to the vote and it was -

RESOLVED

That the new Code of Conduct for Elected Members be adopted without alteration.

25 JOINT SCRUTINY OF HEALTH SERVICES WITH OTHER LOCAL AUTHORITIES (agenda item 8)

Council had before them a report of the Governance Committee concerning the provisions in the Council's Constitution for forming, with other local authorities, joint overview & scrutiny committees to consider health issues. Experience of setting up a joint committee had highlighted shortcomings in the original provisions and the Committee now recommended that changes be made to facilitate the setting up of such joint committees.

Council noted that, as there was need urgently to formalise arrangements for a joint committee, the Governance Committee had authorised the Monitoring Officer to give effect to the changes pending retrospective approval of them.

The recommendation of the Committee was **AGREED** without going to the vote and it was -

RESOLVED

1 That paragraph 6.05, in Article 6 of Part 2 of the Constitution, be amended to read:

6.05 Joint scrutiny of the health service

The Health Overview & Scrutiny Committee is authorised pursuant to Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 to establish together with the health overview & scrutiny committees of one or more other local authorities a joint overview & scrutiny committee.

Any such joint overview & scrutiny committee shall have such terms of reference, and shall exist for so long, as the appointing overview & scrutiny committees may agree.

- 2 That the authorisation of the Monitoring Officer, in anticipation of the Council's approval, to make the necessary adjustment to the Constitution forthwith, be ratified.**

26 USE OF UNPARLIAMENTARY LANGUAGE (agenda item 9)

Council had before them a report of the Governance Committee concerning the use in the course of meetings of unparliamentary language. The Standards Committee had invited the Governance Committee to consider amendment of the Council Procedure Rules to clarify the powers of the Mayor to deal with Members' misconduct.

The Committee recommended that appropriate changes be made and invited the Council also to agree that guidelines be given to the Mayor and other Members chairing meetings as to what constituted "unparliamentary" language. In this connection, the Committee noted the provisions of the new Members' Code of Conduct relevant to meetings (see minute 24).

The recommendation of the Committee was **AGREED** without going to the vote and it was -

RESOLVED

That the following proposed amendments to the Council Procedure Rules be approved:

19.2 Unparliamentarily Language

The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 19.3 below:-

19.3 Member not to be heard further

- (i) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the motion is carried, the Member named in it shall immediately be seated and be silent.

It is considered that unparliamentarily language is language which breaks the rules of politeness such as insulting or rude language and accusations of lying, being drunk or misrepresenting other's words. Offensive words have been identified over the years in relation to this.

27 AMENDMENTS TO THE CONSTITUTION (agenda item 10)

Council had before them a report of the Governance Committee concerning the a number of proposed amendments to the Constitution, in order to improve its usefulness.

The proposals related to a number of service areas and arose out of legislative requirements, changes in Council policy and in the light of experience.

The recommendations of the Committee were **AGREED** without going to the vote and it was -

RESOLVED

That the proposed amendments to the Constitution referred to in Appendix 1 of these minutes, be approved.

28 ANNUAL REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEES (agenda items 11A to 11H)

Council received the annual reports of the eight Overview and Scrutiny Committees for 2006/07 presented by the Committees' Chairmen. The receipt of each of the reports was **AGREED** without going to the vote and it was **RESOLVED –**

- 1 That the annual report of the Adult Services Overview and Scrutiny Committee be agreed.
- 2 That the annual report of the Children's Services Overview and Scrutiny Committee be agreed.
- 3 That the annual report of the Corporate Overview and Scrutiny Committee be agreed.
- 4 That the annual report of the Crime and Disorder Committee be agreed.
- 5 That the annual report of the Culture and Regeneration Overview and Scrutiny Committee be agreed.
- 6 That the annual report of the Environment Overview and Scrutiny Committee be agreed.
- 7 That the annual report of the Health Overview and Scrutiny Committee be agreed.
- 8 That the annual report of the Housing Overview and Scrutiny Committee be agreed.

29 **ANNUAL REPORT OF THE AUDIT COMMITTEE (agenda item 12)**

Council received the annual report of the Committee for 2006/07 presented by the Committee's Chairman. The receipt of the report was **AGREED** without going to the vote and it was **RESOLVED** –

That the annual report of the Audit Committee be agreed.

30 **ANNUAL REPORT OF THE PENSIONS COMMITTEE (agenda item 13)**

Council received the annual report of the Committee for 2006/07 presented by the Committee's Chairman. The receipt of the report was **AGREED** without going to the vote and it was **RESOLVED** –

That the annual report of the Pensions Committee be agreed.

31 **ANNUAL REPORTS OF THE MEMBER CHAMPIONS (agenda items 14A to 14D)**

Council received the annual reports of the four Member Champions. The receipt of each of the reports was **AGREED** without going to the vote and it was **RESOLVED** –

- 1 **That the annual report of the Member Champion for Elderly Persons be agreed.**
- 2 **That the annual report of the Member Champion for Diversity be agreed.**
- 3 **That the annual report of the Member Champion for Younger Persons be agreed.**
- 4 **That the annual report of the Member Champion for the Historic Environment be agreed.**

32 **POLITICAL BALANCE, 2007/08 – further report (agenda item 15)**

Council received the report of the Chief Executive. It was noted that, although one Member elected at the recent by-election for St Andrew's Ward had joined the Residents' Group and another Member had resigned from the Conservative Group and would be sitting as an Independent Member, those changes did not materially affect the distribution of Committee seats, which remained as agreed by Council at its Annual Meeting.

The receipt of the report was **AGREED** without going to the vote and it was **RESOLVED** –

That the Council notes that the changes of political balance consequent on the election of Councillor Mike Winter and resignation of Councillor David Charles from the Conservative Group do not materially affect the overall distribution of Committee seats and that, accordingly, no change is needed.

33 **BEST VALUE PERFORMANCE PLAN, 2006/07 (agenda item 16)**

Council received the report of the Chief Executive. It was noted that the Cabinet had in June agreed the plan, which provided details of the Council's services had performed over the past year. The report referred to the Best Value Performance Indicators (BVPIs), their targets for the current and two

following years and confirmation that the Council had adopted the Code of Practice in its approach to workforce matters and contracting.

The latest BVPP confirms what residents and external inspectors had been saying; that Council services were improving, and had led to the award of 3 stars (out of a possible 4) in the Comprehensive Performance Assessment.

The receipt of the report was **AGREED** without going to the vote and it was **RESOLVED** –

That the Council notes this report and approves the content of the Best Value Performance Plan 2007-10.

34 MEMBERS' QUESTIONS (agenda item 17)

Six questions were listed to be asked under the Council Procedure Rules and they were dealt with in the allocated time. The questions and answers are set out in **Appendix 2 to these minutes**.

35 SUSTAINABLE COMMUNITIES (agenda item 18/18A)

Motion on behalf of the Residents' Group

This Council supports the proposals set out in the recent Sustainable Communities Bill that sets out to:

- Increase the role of local government in setting local policy and planning agendas
- Reduce centralised targets and agendas imposed on councils
- Promote wider local governance
- Increase wider citizenship participation in the decision making process affecting local communities

Amendment by the Administration

Amend to read:

This Council supports localism and the strengthening of local government and eagerly awaits any proposals to achieve this by Central Government and requests the relevant Overview & Scrutiny Committee to consider the proposals and report to Cabinet.

After debate, the Residents' Group accepted the amendment proposed by the Administration, which was agreed without division, and it was:

RESOLVED that –

This Council supports localism and the strengthening of local government and eagerly awaits any proposals to achieve this by Central Government and requests the relevant Overview & Scrutiny Committee to consider the proposals and report to Cabinet.

36 KEEPING STREETS CLEAR (agenda item 19/19A)

Motion on behalf of the Residents' Group

This Council resolves to clear its roads and streets of all items such as advertising boards, goods for sale, builders materials etc.

Amendment by the Administration

Amend to read:

This Council, whilst wishing to clear its roads and streets of all items such as advertising boards, goods for sale, building materials etc nevertheless recognises the needs of our small businesses and requests the relevant Overview & Scrutiny Committee to examine the problem.

After debate, the Residents' Group accepted the amendment proposed by the Administration, which was agreed without division, and it was:

RESOLVED that –

This Council, whilst wishing to clear its roads and streets of all items such as advertising boards, goods for sale, building materials etc nevertheless recognises the needs of our small businesses and requests the relevant Overview & Scrutiny Committee to examine the problem.

37 LEISURE AND TOURISM IN HAVERING (agenda item 20)

Motion on behalf of the Rainham & Wennington Independent Residents' Group

This Council will support the residents of Rainham in recreating the historical Rainham Beach, and promoting tourism and leisure for Rainham Riverside; this is vital for the local economy due to the decline of employment in the area.

The motion was considered without debate or division and it was:

RESOLVED that:

This Council will support the residents of Rainham in recreating the historical Rainham Beach, and promoting tourism and leisure for Rainham Riverside; this is vital for the local economy due to the decline of employment in the area.

38 RAINHAM RECREATION GROUND PAVILION (agenda item 21/21A)

Motion on behalf of the Rainham & Wennington Independent Residents' Group

This Council will ensure that the purpose-built playschool and sports pavilion will be re-built at a more suitable location within Rainham Recreation Ground.

Amendment by the Administration

Amend to read:

This Council will demonstrate its commitment to Rainham by actively pursuing the means by which the playschool and sports pavilion at Rainham Recreation Ground may be reprovided in the most suitable location.

The Rainham & Wennington Independent Residents' Group accepted the Administration amendment; the motion as thus amended was considered without debate or division and it was:

RESOLVED that:

This Council will demonstrate its commitment to Rainham by actively pursuing the means by which the playschool and sports pavilion at Rainham Recreation Ground may be reprovided in the most suitable location.

**Appendix 1
(Minute 22)**

Mayor's announcements

First, can I welcome Councillor Mike Winter back to the Council Chamber.

May I share with you my delight that our young sporting ambassadors once again did the borough proud by coming second in the 2007 youth games.

Our young people are really quite exceptional, as I have been finding out at the many functions I attend as Mayor.

Many of these activities are at schools such as King's Wood, in Harold Hill, where new sports facilities, including an all weather sports pitch, have recently been installed.

The 'Big Dance' at Towers School, which was held to encourage children to exercise more was another event that was tremendous fun and a great success with thousands of children taking part.

Equally enjoyable was the Havering Young Musician of the Year award. There were many talented young musicians who entered this year's competition and I would like to thank them all for their entry. In particular, my congratulations go to the overall winner of the competition and viola player, William Newell.

At every school, club, and event that I have attended the outstanding behaviour of the children and young people are a tribute to our schools, governors, and parents.

My congratulations also go to teacher David Torn, of St Edward's School, and Tim Brown, chair of governors at Albany School, on their success in the regional finals of the Teaching Awards 2007.

David Torn won the Guardian Award for Teacher of the Year in a Secondary School and the Professional Excellence award. Tim Brown was nominated for the Governor of the Year award and received a commendation.

I was very proud to attend the Remembrance Day for the victims of the July 2005 terrorist attacks held at Coronation Gardens. It was a very respectful and moving ceremony which was both well attended and well organised.

I would now like to congratulate our staff in the Environmental Strategy team who won the prestigious Transport for London 'School Travel Plan Borough of the Year' award which acknowledges the borough's effort to promote cleaner and greener ways of travelling. There are currently 60 schools with travel plans in Havering.

For the second year in a row Havering has been awarded the prestigious International Safety Award from the British Safety Council.

The award, which is judged by an independent panel of experts at the British Safety Council, recognises and rewards organisations that have achieved success in reducing accidents.

The Council's Procurement section also received a commendation in the Municipal Journal awards under the Efficiency Achievement of the Year category.

I would just like to tell you that Councillor Michael White, the Leader, myself and my husband were guests of Doctor Eva Lohse, Mayor of Ludwigshafen. for a visit to the town at the end of June. Havering and Ludwigshafen have been twin towns for 36 years and the weekend that we were there was the Annual Festival. Ludwigshafen benefit from hosting a very large chemical company, BASF, who provide direct jobs for 3,000 local people and 12,000 to 15,000 jobs involving other people from partner companies, so they actually employ 45,000 people, it's a large company. We were invited to a huge outdoor classic concert and at the end of the evening they played for our presence Land of Hope and Glory and we were very, very proud. The following evening we attended a pop concert and that was just as great.

One of the highlights of the visit was the cruise down the Rhine: good company, fine wine, good beer and interesting views. We visited a local cathedral and had time for shopping and a little sightseeing.

The Mayor in Ludwigshafen holds post for 8 years and she and a group of people visited us last year for our 35th Anniversary and have shown great interest in coming back and joining us again next year. They will be most welcome.

Whilst we were there in Ludwigshafen, there was a group of 50 plus people, residents of Havering and members of the Ludwigshafen Twinning Group. They joined us and it was great to see so many friendly and familiar faces.

Finally, I would like to thank everyone involved with the Hornchurch Festival and the many summer fun activities that are taking place across Havering. We have an incredible variety of events lined up for the whole borough to enjoy.

I am looking forward to attending the Havering Show, which is a major event in the Council calendar. It's a great family day out and I hope you will join me there.

Amendments to the Constitution

1. Service Planning

Part 3 Section 2 paragraph 14 of the Constitution provided for Cabinet Members 'to consider and recommend the service plan or plans in respect of the portfolio allocated'. In practice, Cabinet Members were consulted on Service Plans but did not formally sign them off on a Cabinet Member decision – Form A. It was **agreed to recommend** that the practice would be accurately reflected by deleting the reference to service plans from paragraph 14 and inserting a provision in Part 3 Section 3 paragraph 3.3.1 General powers of Group Director as follows:

8. To consult with the Lead Member on Service Plans

Paragraph 14 in Section 2 would then read:

14. To consider and recommend plans in respect of the portfolio allocated.

2. Legal Proceedings

Attention had been drawn to a recent Crown Court case relating to another London Borough, where it had been found that a decision under delegated authority to institute legal proceedings made by a member of staff rather than personally by the designated officer was inappropriate as there was no discretion to sub-delegate such a decision.

In order to ensure that the authority to commence proceedings was clear, it was **agreed to recommend** that the Constitution be amended to provide that, in addition to the Assistant Chief Executive Legal & Democratic Services, certain senior members of the legal staff should be empowered to issue proceedings on behalf of the Council:

3.9.2 Assistant Chief Executive Legal & Democratic Services and Legal Managers (who are permanent employees of the Council):

- (i) To prepare or approve the form and content of all legal documentation on behalf of the Council.
- (ii) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
- (iii) To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.

3. Trading Standards

Appendix F in Part 7 of Section 3.

As from 1 April 2007, Trading Standards have a statutory duty to enforce the Copyright Designs and Patents Act 1988, requiring substantial alterations in the process for determining whether action be taken to enforce those provisions. **Now that there was a duty to enforce, the previous arrangement whereby Members were consulted before a prosecution was commenced was no longer appropriate.**

In addition, the Fraud Act 2006 had created new dishonesty offences and repealed others under the Theft Act etc. It was possible that Trading Standards might need to consider prosecution under these provisions as they had in the past under the Theft Act, even though they did not have a statutory duty to do so, especially where used in connection with investigations where Trading Standards continue to enforce. Accordingly, it was **agreed to recommend that the Fraud Act be added to the list of Statutes in Appendix F but with a "T" in the first column next to that entry, indicating that the relevant Lead Member would be consulted before prosecution commenced.**

As from 1 June 2007, Part 5 of the Housing Act 2004 would come into force, requiring the production of home information packs by vendors of properties for sale. The enforcement of these provisions is to be the responsibility of every local weights and measures authority, which in Havering, falls to the Trading Standards department. **Accordingly, it was agreed to recommend that an extra line needed to be inserted into Appendix F referring to Part 5 of the Housing Act 2004.**

As from 1 July 2005 Trading Standards had had a duty to enforce and carry out a yearly review of the sale of spray paint under part 6 of the Anti social Behaviour Act 2003 as amended by the Clean Neighbourhoods and Environment Act 2005. It was **agreed to recommend that the Anti Social Behaviour Act 2003 be added** to Appendix F.

Section 3 Part 3.6.2 para 20.

The second proposal was to amend the Constitution to allow senior Trading Standards Officers to charge offenders at police stations without the normal requirement to seek authorisation from the Assistant Chief Executive Legal and Democratic Services to institute proceedings .

The main intended use of this delegated power was to deal with itinerant street traders who had been arrested and taken to the police station, where they may be charged if the custody sergeant considers it appropriate to do so. Currently there were a number of cases where itinerant traders, typically Chinese selling unlawfully copied DVDs, were identified during investigations, but as Trading Standards officers did not have powers of arrest, they could not deal with the offender immediately. If a prosecution was being considered,

significant time would be required to compile a file of evidence and if proceedings were brought then there was a strong probability that the offender would be untraceable and the costs involved wasted.

If approved, the power would be exercised sparingly; but it would be useful on occasions when the police had arrested a suspect who had typically been engaging in sales of unlawfully copied material.

At the police station, the custody sergeant had responsibility for the management of the suspect and any charges that might be brought. If the Trading Standards officer considered there was sufficient evidence to bring a charge, he would attend the police station and read out the charge. The sergeant would then decide whether bail the suspect; those remanded in custody would appear before Magistrates next day and if they pleaded guilty, would be dealt with immediately and be sentenced without the need to prepare a prosecution file etc, although if the defendant pleaded Not Guilty, there would be no ultimate saving as a prosecution file will have to be prepared and there was a risk that the defendant would be untraceable.

It was accordingly **agreed to recommend** that **Section 3 Part 3.6.2 para 20 be amended** accordingly an additional amendment to this clause is also necessary for the reasons explained above, to read:

20. The Head of Technical Services, the Trading Standards Manager, the Principal Officer (Operations) and the Principal Officer (Fair Trading and Quality)

To exercise the powers and duties of the Council on matters relating to trading standards, consumer protection and metrology, including:

- (i) making such test purchases of goods and services as may be expedient for effective enforcement
- (ii) exercising and enforcing the enactments listed in Appendices E and F , including any regulations made under those enactments

This function must be exercised subject to the Assistant Chief Executive Legal & Democratic Services or the Legal Manager (Community Services) authorising the institution and conduct of any legal proceedings, except in such circumstances where a potential defendant is being held at a police station and the custody sergeant requests that the Trading Standards officer consider charging the individual. In such exceptional circumstances the power to charge the offender be limited to the Trading Standards Manager, the Principal Officer (Operations) and the Principal Officer (Fair Trading and Quality). This procedure will only be used when dealing with itinerant persons where charging by way of summons would not be effective

4. Management of Council Chamber and Committee Rooms

The Committee considered a report on the management of the Council Chamber and Committee Rooms. Among the issues addressed was a need to clarify the day-to-day responsibility for lettings and other meeting arrangements. The Committee **agreed to recommend** the addition to section 3.9.2 of the Constitution of a new paragraph 30 (duties of the Manager of Committee and Overview & Scrutiny Support):

To manage day to day the letting of the Council Chamber and Committee Rooms at the Town Hall in accordance with guidelines agreed by the Governance Committee.

5. Area Committees – venue arrangements

As agreed in November 2005 and January 2006, the Committee reviewed the revised arrangements for Area Committees, which had been introduced in July 2006, following the election. Among the changes then implemented was a proposal that, rather than meeting at different venues for successive meetings, as had been past practice, the Area Committee should meet at a fixed venue.

The Committee noted that some Members had, however, in the light of experience, expressed a preference for Area Committees to be allowed to revert to the previous practice if they so wished. The Committee agreed to support that.

The Committee accordingly **agreed to recommend** that paragraph 4 of the 'Rules and Conventions for Area Committees' be amended to read:

"Each Area Committee will decide where its meetings will be held. The venue may be fixed, or the Committee may decide to meet at different locations within the Area for successive meetings."

6. Environmental issues - StreetCare

Increases in the powers available to the Council to combat various environmental issues require the amendment of the Constitution to enable the Head of StreetCare to exercise those powers without further recourse to Members. The Committee **agreed to recommend** that Part 3 section 3.6.3 (Head of StreetCare) of the Constitution be amended as follows:

Paragraph 6 to read: To exercise the Council's powers and duties relating to litter and shopping trolleys arising from the Environmental Protection Act 1990 and the Refuse Disposal (Amenity) Act 1978.

Paragraph 13 to read: To exercise all powers and duties arising under Section 2 and Parts 3, 4, 5 and 6 of the Clean Neighbourhoods and Environment Act 2005

New paragraph 14: To exercise the Council's powers and duties relating to graffiti and flyposting in Part 6 of the Anti-Social Behaviour Act 2003 and in Part 8 Chapter 3 of the Town & Country Planning Act 1990. (Informative, the power under the Town & Country Planning Act is also held by the Head of Development & Building Control)

New paragraph 15: To exercise the Council's powers and duties relating to builders skips, scaffolding, builders materials and excavations in Part 5 of the Traffic Management Act 2004

New paragraph 16: To exercise the Council's powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport of London Act 2003.

New paragraph 17: To exercise the Council's powers to require information under s.16 Local Authorities (Miscellaneous Provisions) Act 1976 (Informative, this power is also held by a number of other Heads of Service)

7. Budget and Policy Framework Procedure Rules

The Committee was invited to approve revised Budget and Policy Framework Procedure Rules. The revisions comprised new arrangements for consultation with the Overview & Scrutiny and Area Committees in January each year, prior to the budget setting process moving to Cabinet and thence to the Council meeting at which the Council Tax is set; and a number of alterations to clarify arrangements, bring in line with national advice and fit with the Audit Commission expectations as part of the Use of Resources judgement for the Comprehensive Performance Assessment.

In considering the revised Rules, Members asked that the provisions of paragraph 9 be considered further, in order to provide more flexibility when Members consider alternative budget proposals in the run up to the Council Tax setting.

The Committee accordingly **agreed to recommend** that the revised Budget and Policy Framework Procedure Rules be approved, subject to further consideration by the Committee and the Council at their respective next meetings of the provisions of paragraph 9.

Budget and Policy Framework Procedure Rules

1 Framework for executive decisions

The Council will be responsible for the adoption of its budget and policy framework. Once the budget and policy framework is in place it will be the responsibility of the Executive to implement it.

2 Process for developing policy framework

The process for developing and approving the policy framework is:

- (a) An appropriate period of time before a policy needs to be adopted; the Cabinet will publish initial proposals having first canvassed the views of local stakeholders where it considers such consultation to be appropriate.

The Cabinet's proposals shall be referred to the overview and scrutiny committees for advice and consideration. The overview and scrutiny committees shall respond to the initial proposals of the Cabinet within four weeks unless the Cabinet specifies an alternative time limit.

- (b) Having considered the comments from the overview and scrutiny committees and local stakeholders, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to Council. The Cabinet will also report on how it has taken into account any recommendations from the overview and scrutiny committees and local stakeholders.
- (c) The Council will consider the proposals of the Cabinet and may adopt them or refer them back to the Cabinet.
- (d) Before the Council amends the policy it must inform the leader of any objections which it has and give him or her instructions requiring the Cabinet to reconsider the policy in the light of those objections.
- (e) The Council must give the leader a minimum of five working days within which either to submit a revised policy or to advise the Council as to why the Cabinet disagrees with the Council.
- (f) Upon the expiry of the period referred to in (e) above, the Council will make a final decision on the policy, taking into account the views of the Cabinet.

3 Process for developing and approving the budget framework

The process for developing and approving the budget framework is set out in the indicative table appended to these Rules.

- (a) The Cabinet's initial report on its budgetary strategy is available to the Overview and Scrutiny Committees, Havering Strategic Partnership and other stakeholders who wish to express a view.
- (b) In the light of views expressed, the Government's financial announcements and after liaising with senior officers, Cabinet will issue detailed proposals for consultation. There will be one joint briefing of the Overview and Scrutiny Committees. Key local stakeholders, including members of the Havering Strategic Partnership, will also be consulted on the proposals. Area Committees will also be consulted.
- (c) At any time when a report is submitted to Council on the budget the Council will consider the proposals of Cabinet and may adopt them, refer them back to Cabinet or substitute its own proposals in their place.

4 Decisions outside the approved budget or policy framework

- (a) The Cabinet, staff, area committees or joint arrangements discharging executive functions, may only make decisions which are in line with the approved budget or policy framework. A decision that is not relevant to or covered by the policy framework but which is in line with a Cabinet-approved plan or strategy is not contrary to the policy framework.
- (b) Subject to 5 below, if the Cabinet, staff, area committees or joint arrangements discharging executive functions wish to make a decision which is contrary to the policy framework, then that decision can only be made by the Council.
- (c) If the Cabinet or staff want to make a decision which potentially is contrary to or not wholly in accordance with the policy framework, they must take advice from the Chief Finance Officer and the Monitoring Officer. If the advice is that the decision is contrary to or not wholly in accordance with the policy framework then the decision must be referred to Council for decision, unless the decision is a matter of urgency, in which case paragraph 5 shall apply (urgent decisions outside the budget or policy framework).

5 Urgent decisions outside the budget and policy framework

- (a) Having consulted with the Chief Finance Officer and the Monitoring Officer, the Cabinet or staff may take a decision which is contrary to or not wholly in accordance with the budget or policy framework if the decision is a matter of urgency.

However, the decision may only be taken if:

- (i) it is not practical to convene a quorate meeting of the Council, and

- (ii) the Chair (or in his or her absence the Deputy Chair) of a relevant overview and scrutiny committee accepts that the decision is a matter of urgency.
- (b) The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the relevant Chair of overview and scrutiny committee must be noted on the record of the decision and reported to the next available Council meeting along with a full report explaining:
 - the decision
 - the reasons for the decision
 - why the decision was treated as a matter of urgency.

6 Call-in decisions outside the budget and policy framework

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to or not wholly in accordance with the Council's policy framework, then it shall seek advice from the Chief Finance Officer and Monitoring Officer who in appropriate cases will consult with the Head of Paid Service.
- (b) In respect of functions which are the responsibility of the Cabinet, the Chief Finance and/or Monitoring Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Chief Finance Officer and/or Monitoring Officer concludes that the decision was a departure, and to the overview and scrutiny committee if the Chief Finance Officer and/or Monitoring Officer concludes that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Chief Finance Officer and/or Monitoring Officer is that the decision is contrary to or not wholly in accordance with the budget or policy framework, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting, the Council will receive a report of the decision or proposals and the advice of the Chief Finance Officer and/or Monitoring Officer. The Council may either:
 - (i) endorse a decision or proposal of the Cabinet as falling within the existing policy framework. In this case no further action is required, save that the decision of the Council must be minuted and circulated to all members in the normal way, or

- (ii) amend the Council's policy framework to encompass the decision or proposal and agree to the decision or proposal with immediate effect. In this case, no further action is required save that the decision of the Council must be minuted and circulated to all members in the normal way, or
- (iii) where the Council accepts that the decision or proposal is contrary to or not wholly in accordance with the policy framework, and does not amend the existing budget or policy framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the Chief Finance Officer and/or Monitoring Officer.
- (iv) in taking decision on the budget the advice of the Chief Finance Officer shall be paramount and on the policy framework the Monitoring Officer shall be paramount but in both circumstances the statutory officers will undertake any necessary consultation with each other.

Budgetary Matters

7 Virement

Detailed procedures for the exercise of virement are set out below and refer to permanent virements. The key relating points are:

- (a) There are no delegated powers to members to change budgets.
- (b) No member of staff has the authority to enter into expenditure commitments above the approved budget.
- (c) If, at any stage, there appears to be a significant (above £25,000) difference between anticipated actual expenditure or income and the budget, virement should be exercised within the service to resolve the issue.
- (d) Where the apparent overspend cannot be resolved within the service, the Head of Financial Services must be consulted immediately in order to consider what actions are necessary.

Revenue Virements

- (e) Individual virements within a Directorate will be permissible over £250,000 and up to and including £999,999 subject to the written confirmation of the relevant Group Director, the Group Director Finance & Commercial and the Lead Member Resources and the appropriate Lead Member
- (f) Virements between Directorates over £250,000 and up to and including £999,999 will require a Cabinet decision
- (g) Any virement in excess of £1 million will require a Cabinet decision and will be a key decision requiring notification in the Forward Plan

- (h) All other virements within and between Directorates will be undertaken by staff and those in excess of £100,000 and up to £250,000 will be reported in the Revenue Monitoring Report to Members.
- (i) Virements within and between Directorates under £100,000 require compliance with the Financial Framework and Financial Procedure Rules and the approval of the Group Director Finance & Commercial
- (j) Virements cannot be used for releasing any money out of the revenue contingency fund.

Capital virements

- (k) Individual virements between capital schemes are permitted as long as there are no policy issues involved in accordance with the procedures as set out in the Financial Framework and Financial Procedural Rules. Where funding can be found within a services own resources but there are policy issues involved then the virement is subject to the written confirmation of the Group Director Finance & Commercial and relevant Lead Member
- (l) Where virements cannot be identified within the Service and the sum required is below 10% of the overall scheme value or £100,000 whichever is the higher the Group Director Finance & Commercial be authorised to approve the sum subject to the capital resources being identified and her being satisfied that there are no alternatives. In addition, the relevant Lead Member can by Lead Member Protocol authorise the virement if there are any policy issues involved.
- (m) Where virements cannot be identified within the Service and the sum required is above 10% of the overall scheme value or £100,000 whichever is the higher, the approval of Cabinet is required.

Both Capital and Revenue virements

- (n) The cumulative value of virements for the year should be considered when deciding whether the various thresholds have been reached. The Group Director Finance & Commercial will take the final decision as to whether a number of smaller virements need to be grouped together for threshold calculation purposes.

- 8 (a) **In year changes to budget**
Decisions by the Cabinet, staff, area committees or joint arrangements exercising executive functions can discharge only those executive functions that are within the approved budget. No changes to the approved budget, except within the scheme of virement set out at 7 above, can be made unless approved by the Council.

(b) **Use of contingency funds**

- (i) The Group Director Finance & Commercial may set up a central revenue contingency fund. There will only be one such fund for the entire Council.
- (ii) The Group Director Finance & Commercial is authorised to release sums from the contingency fund if
 - the amounts are not greater than £25,000 and the item is deemed by her as unforeseen and a relevant use of the contingency
 - where an item of expenditure has been approved by members subject to confirmation of the amounts involved
 - if the item is urgent (e.g. an emergency or threat to life) and there is insufficient time to consult with the Lead Member Resources
- (iii) The Lead Member Resources on a Lead Member Protocol can release all other sums from the contingency fund if
 - the item is deemed by the Group Director Finance & Commercial as unforeseen and a relevant use of the contingency
 - in consultation with the Group Director Finance & Commercial if the item is urgent (e.g. an emergency or threat to life)
- (i) The Chief Executive has power to incur expenditure from the Contingency fund without any further approval in exercise of his powers under paragraph 3.2 of part 3 of the Constitution to incur expenditure in connection with an emergency or disaster within the borough.
- (ii) The Group Director Finance & Commercial will also provide for a level of contingency for capital projects and sums will be released in accordance with the capital virement rules.

(c) **Future year's commitments to budget**

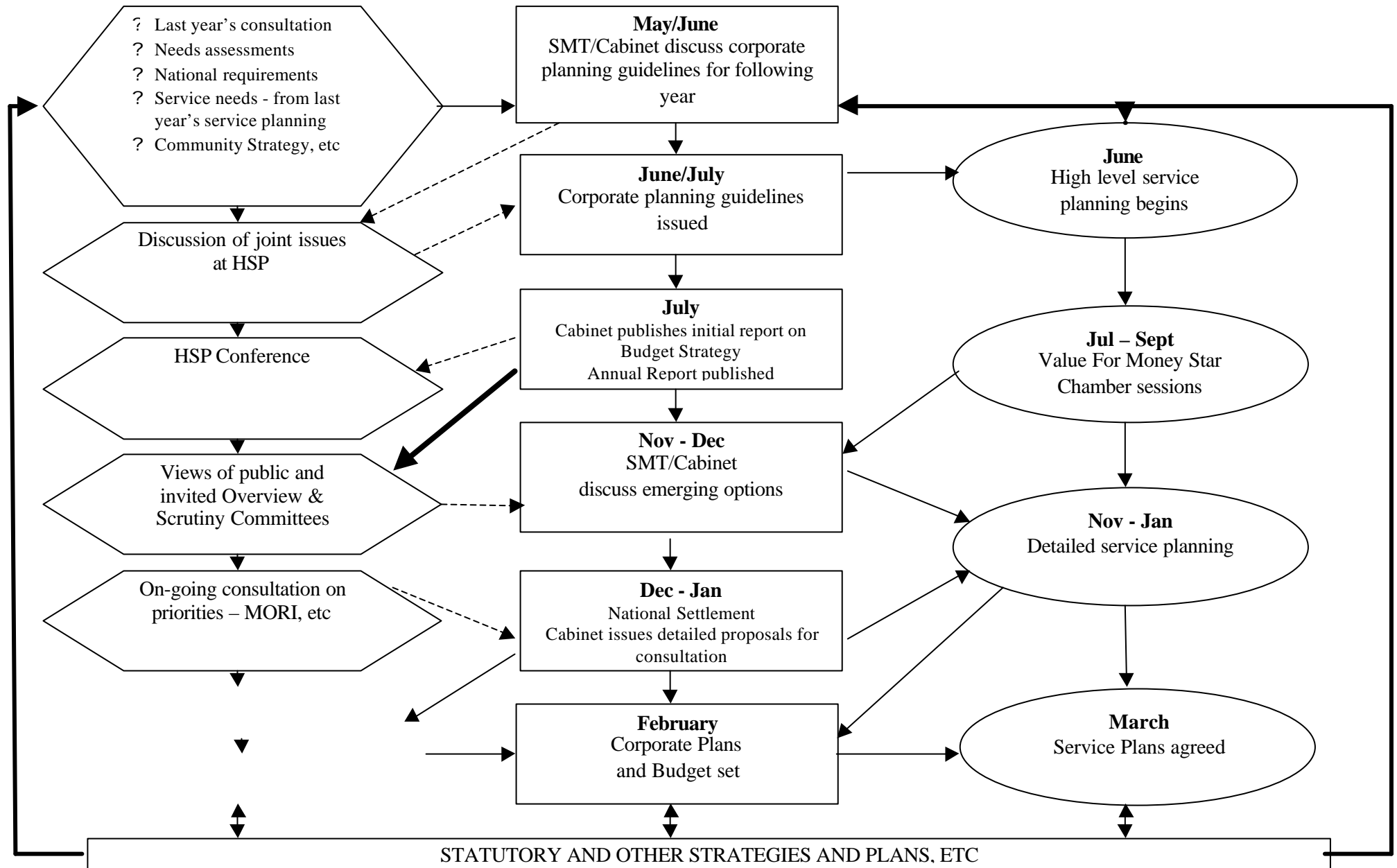
- (i) Cabinet has delegated authority to make individual future years' commitments not provided for within the budget up to a total of £500,000 per financial year subject:
 - to information being included within the first available monthly Member Information pack following the decision which will show a cumulative review of decisions on future spending commitments made by Cabinet and Council respectively.
 - to a report to Council each year as part of the budget process setting out the individual sums
- (ii) Once the limit specified in (i) above is reached each and every item relating to commitments for future years needs the approval of Council
- (iii) Additional commitments that have been individually approved by the Council do not count towards the

£500,000 limit for future year commitments but will be included in the yearly report referred to in (i) above.

- (d) **Closedown of Accounts**
- (i) The Group Director Finance & Commercial will make arrangements to close the accounts in accordance with legislative arrangements, the overall strategy and her duties/powers as Chief Financial Officer
 - (ii) The Lead Member Resources will consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.

9 Advice to Group Leaders in Budget preparation

- (a) During preparation of the budget or alternative budgets prepared by the opposition leading to the Council Tax Setting meeting, the Council's Group Director Finance & Commercial and/or relevant finance staff designated by her will give group leaders and/or their nominated Members such advice and assistance as the Group Director Finance & Commercial deems appropriate in connection with the preparation of the budget or alternative budget.
- (b) This information will be given in strictest confidence and staff will not copy other Members into the information. Members shall not share the paperwork or information provided outside the political group or outside the organisation.
- (c) The advice will specifically cover whether the proposals would allow the Chief Finance Officer to consider the budget to be balanced and the impact any proposals would have on Council balances in subsequent years.
- (d) The information will be treated as provided in the preparation of alternative budgets if provided with effect from 1st February up to and including the date of the Council Tax Setting Meeting, in any given year.



QUESTIONS AND ANSWERS

1 Upminster Windmill

To the Cabinet Member for Public Realm (Councillor Andrew Curtin)

By Councillor Linda Hawthorn

It is now 6 months since Upminster Windmill was damaged by a storm. Can I be advised of details of how the repairs are progressing and when the new sail will be fitted.

Answer

The project to replace the sails need to be carried out in two stages.

The first stage is commissioning a specification and drawings plus other contract documentation. This will be prepared by a specialist millwright to form a tender package which would have been sent out week commencing 9 July 2007. Following the appointment of the Millwright, it is anticipated that the first stage will be completed within approximately six weeks.

The second stage of the works will be sending out the completed tender package by competitive tender to specialist millwrights. The tenders submitted will be for the manufacturing and installation of the new sails and associated works and the successful tenderer will manufacture and install the new sails and carry out the associated works. Following this, it is anticipated that the new sails would be completed and installed by approximately October/November 2007.

2 'Friends of Parks'

To the Cabinet Member for Environmental & Technical Services (Councillor Paul Rochford)

By Councillor Linda Hawthorn

Can I be advised of the number of funding applications which have been made by 'Friends of Parks' Groups and the results of these.

Answer

Of the sites where we work in partnership with friends groups, we are aware of the following funding applications that have been made –

Friends of Upminster Park – one bid to the 02 Community Fund which was unsuccessful

Cottons Park – in partnership with the Council – one bid to Cleanaway which was successful in the sum of £50K towards play area works.

3 Capital allocations to Secondary Schools

To the Cabinet Member for Children's Services (Councillor Geoffrey Starns)

By Councillor Ray Morgon

Would the Leader Member for Children Services confirm the amount of capital allocated to each secondary school since the financial year beginning April 2002?

Answer

I am pleased to be able to report that in the period 2002 to date, that is financial year ending 2008, capital grant from government totalling £6.5m has been distributed to secondary schools. The table I set out in the published answer shows how much has gone to each of our schools. The local authority has no discretion to influence the formula, which is largely determined by the size of the school. You will note from the figures that we also gave to schools close to £23 million from our own Council funds as part of our contribution to schools.

Schools are required to give attention to the condition needs of their buildings before considering more aspirational projects and the local authority generally works in strong partnership with schools to achieve productive outcomes

Secondary (Non-VA)	Devolved Capital		LA Capital	
Abbs Cross School	£	443,593	£	293,910
The Albany School	£	466,810	£	2,395,500
Bower Park School	£	386,952	£	2,163,899
Brittons School	£	573,553	£	1,183,146
The Chafford School	£	494,485	£	1,500,000
Emerson Park School	£	493,839	£	1,583,192
Frances Bardsley School	£	611,808	£	-
Gaynes School	£	498,964	£	1,042,423
Hall Mead School	£	519,303	£	1,848,405
King's Wood School	£	441,940	£	1,542,109
Marshalls Park School	£	427,718	£	198,439
Redden Court School	£	366,718	£	6,638,845
The Royal Liberty School	£	333,295	£	562,369
The Sanders Draper School	£	489,547	£	1,920,054
Total 2002 - 2008	£	6,548,522	£	22,872,291

4 **Self Service system in Libraries**

To the Cabinet Member for Public Realm
(Councillor Andrew Curtin)

By Councillor June Alexander

Can the Cabinet Member provide costings for the new self-service system in Upminster library and the total cost for implementation across the borough.

Answer

The cost of installing the self service terminal at Upminster Library, the accompanying security gates and the staff terminal was £16,000.

Havering is the first Library in the London Library Consortium to start using this technology and subsequently this first library has been done at a substantial discount. The normal cost for the technology at Upminster Library would be £25,000.

The installation of self service technology at Upminster represents another fantastic first for Havering Library Service in the Consortium and for the people of Havering.

Before borough wide implementation plans are devised the technology will be tested and customer satisfaction measured. It is unlikely the technology will prove cost effective in very small branches.

The terminal has so far released 36 hours of staff time per week to invest in other activities such as more reading groups and better ICT support. It will also assist in increasing opening hours in libraries across the borough later in the year.

The self service terminal will also enable the library service to reduce the size of its counter at Upminster in order to fit in more books and to expand the reference library.

If the pilot is successful total implementation costs across the borough are likely to be in the region of £100,000 to £200,000.

5 **Green Waste Collection**

To the Cabinet Member for StreetCare & Parking
(Councillor Barry Tebbutt)

By Councillor Clarence Barrett

Whilst the roll out of the green wheelie bins has been met with general approval, there are still households (eg terraced houses) that may still prefer to use green waste bags (£5 for 5) as a convenient alternative.

As the green bags are currently collected with general refuse, with the contents of both being sent to landfill, and in order to achieve improved composting rates, can

the green bags be collected at the same time as the fortnightly green wheelie bin collections?

Answer

The wheeled bin garden waste collection and composting scheme has proved extremely popular with residents. The service was rolled out Borough wide from April 2007 and several thousand customers have already subscribed to the service.

The wheeled bin collection rounds are scheduled from our known customer database.

Incorporating residents who still prefer to purchase green sacks onto these schedules would prove extremely resource intensive and problematic for both StreetCare, who manage the collection schedules on behalf of Biffa, and Customer Services who sell the sacks and who would then have to track and relay customer details and take bookings via an appointments system to arrange collections. This would require collection rounds to be amended weekly and could well result in increased missed collections of both sacks and bins, and an overall decrease in customer satisfaction.

6 Library Fines

To the Cabinet Member for Public Realm

(Councillor Andrew Curtin)

By Councillor Clarence Barrett

Over each of the last three years, what is the level of Library fines imposed and the subsequent collection rate?

Answer

A charge of 15 pence per day is imposed for each adult item that is overdue and 3 pence for each children's item. There is a limit of £6 per adult item and £1 per children's item on the amounts of fines that are chargeable.

In 2004/5 the Library Service collected £114,494 in fines, in 2005/6 - £118,764 and in 2006/7 - £122,312.

People with overdue items are prevented from borrowing further items until fines are cleared.

A small amount of library fines are written off – because the person has moved house or the debt is uncollectible. In 2006/2007 £15,411 of library fines were written off. At the same time thanks to the hard work of the Income Section and the Library Service £120,000 of overdue books were recovered.



CABINET

19 SEPTEMBER 2007

7

IMPROVING THE QUALITY OF LIFE FOR HAVERING – DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2008-11 – SUPPORTING STRATEGIES

Cabinet was advised that strategies supporting the Council's Corporate Business Planning, which were aimed at ensuring that all of its resources and assets were being used to support the priorities, had been reviewed and were available for perusal on the Internet.

These strategies comprised:

Medium Term Financial Strategy (MTFS): which summarised the Council's budget and identified resource requirements for the next three years. It set out the issues facing the Council and aimed to ensure financial stability, that resources were directed to priorities, that the Council adapted to the prevailing financial climate and that stakeholders and the wider community could see the Council's plans for resources.

Although the strategy was developed as the year progresses, an annual refresh was done to reflect changes in priorities and background, national and local.

This year's refresh included reference to the outcome of the Lyons review into local government financing, and the potential impact of the Government's Comprehensive Spending Review. It also set out the Council's priority areas for investment and its aspiration for Council Tax rises to be kept at, or below, 3.5% and explained the further improvements made to the financial planning process. This helped to ensure that Council resources would be directed towards community priorities.

Capital Strategy: this set out the Council's approach to capital investment in the medium term and ensured that its capital resources were carefully planned and helped the achievement of its priorities. The strategy was supported by the Capital Asset Management Plan which set out the overall approach to the maintenance of the Council's assets. The refresh this year had streamlined the document and reflected that high level priorities are determined prior to detailed business case and prioritisation.

ICT Strategy: this ensured that the Council was making best use of strategic technology to deliver its business needs. It built on the good progress the Council had made towards electronic service delivery and ensured that required progress was maintained towards meeting the Government's Priority Service Outcomes and BVPI 157. The refresh this year had assessed the base requirements to maintain the Council's existing infrastructure as well as identifying opportunities to improve systems for better services.

Workforce Plan: this plan identified the key challenges facing the Council over the next three years in recruiting and retaining the workforce it required to meet its priorities.

Risk Management Strategy: the Council's well respected Risk Management Strategy was regularly reviewed by the Audit Committee. It included outward, as well as inward, looking key risks. The risks were not an exhaustive listing, but those seen as being the highest priority to consider/address within corporate planning.

Other Supporting Plans and Strategies: the Council had to complete a number of other plans and strategies to meet government requirements and local circumstances. These reflected the ambitions, priorities and objectives set out in the corporate planning process. They might need to be revisited as this process moved forward.

Cabinet agreed those supporting strategies and RECOMMENDED to Council that they be adopted.

Note: in the interests of economy, the full texts of the various strategies are not reproduced with this report but can be viewed on the Council's website at the following addresses:

Risk Management Strategy:

http://www.havering.gov.uk/intranet/utilities/action/act_download.cfm?mediaid=5072

Procurement Strategy:

http://www.havering.gov.uk/intranet/media/pdf/0/d/ProcurementStrategy0609Version3_1.pdf

Capital Strategy:

http://www.havering.gov.uk/intranet/utilities/action/act_download.cfm?mediaid=10379

Medium Term Financial Strategy:

http://www.havering.gov.uk/intranet/utilities/action/act_download.cfm?mediaid=10378

ICT Strategy:

http://www.havering.gov.uk/intranet/utilities/action/act_download.cfm?mediaid=10692



GOVERNANCE COMMITTEE

8

3 OCTOBER 2007

REPORT TO COUNCIL 17 OCTOBER 2007

TENTH LONDON LOCAL AUTHORITIES BILL

London Councils (through Westminster City Council) is promoting general powers legislation on behalf of London Boroughs following consultation with the Boroughs. This is similar to action that has been taken on nine occasions since 1986. Boroughs have been formally asked whether they wish to participate in the proposed legislation for the 2007/08 parliamentary session. If a Borough does not participate in the promotion of the Bill, it will not be included in the schedule listing participating Boroughs and, should the Bill become law, would not be able to use any of the provisions. The Bill is known as the Joint London Authority and Transport for London Bill.

It has been indicated that each participating Borough would need to make provision in the region of £9,500 to cover London Councils' costs in promoting the Bill. This would be spread over several financial years.

In order to accord with the procedures associated with local legislation of this nature, it is necessary for various notices to be published and resolutions to be passed by the Council for Havering to be included among the participating Boroughs. Some additional costs to those indicated above, e.g. for public notices etc., fall directly on the Council. These should not exceed a few hundred pounds. A Borough wishing to be included has to pass a resolution approving the provisions and that the motion must:

- a) Be passed by a majority of a whole number of the members of the Council at a meeting of the Council held after 30 clear days notice of the meeting and its purpose has been given by advertisement in one or more local newspapers circulating in the areas of the Borough(s), such notice being given in addition to other ordinary notice required to be given for the convening of such a meeting of the Council. Due notice was placed by London Councils on 10 August 2007 in the London Evening Standard.
- b) Be confirmed by a like majority at a further such meeting convened in accordance with (a) above and held as soon as may be after the expiration of 14 days after the Bill has been deposited in Parliament.

Council, 17 October 2007

This means that at least 28 Members must vote for the proposal if the Council are to participate in promoting the Bill.

The Bill should be deposited by the end of November 2007. Consequently the first Council meeting mentioned in (a) above must be that of 17 October 2007. All London Boroughs have been included in the public notice in anticipation of their participation.

A list of the proposals for inclusion in the list is appended as appendix 1

Experience of previous Bills has shown that suggestions are likely to be made as the promotion deadline approaches, that some of the proposals will be controversial (and therefore difficult to enact) and others will not be suitable for private legislation. London Councils' Leaders' Committee would be able to come to a final view on which proposals to proceed with at its meetings in October and/or November 2007. The list has yet to be analysed by Parliamentary Agents, and their advice will be taken if a Bill proceeds on each item's suitability.

Financial Implications and risks:

The suggested costs, £9,500, would be met from the contingency. There is a risk that the Bill will not eventually pass onto law: expended funds would be irrecoverable.

Once provisions do pass into law there will be financial consequences of enacting them. A better view on this can be taken once the final list has been fully worked up. It is expected that some of the provisions will be adoptive, i.e. the Council would have to specifically resolve, after due notice, to bring the provisions into effect.

Legal Implications and risks:

If the Council does not participate in promoting the Bill then it will not be able to utilise the powers granted once the Bill becomes law

Human Resources Implications and risks:

None direct associated with the promotion of the Bill.

Equalities and Social Inclusion Implications and risks:

London Councils reports that any proposals in a new Bill would have to be carefully considered to ensure that they were in conformity with the statutory equalities duties applicable to London Councils and member authorities. There are no equalities and Social Inclusion Implications associated with the promotion of the Bill.

Council, 17 October 2007

The format of the resolution that the Council needs to pass in order to participate in the promotion of the Bill has been provided by London Councils and is in the formal form of wording provided by the Parliamentary agents and the Committee **RECOMMENDS TO COUNCIL THAT IT BE PASSED IN THE RECOMMENDED FORMAT AS FOLLOWS:**

RESOLVED -

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to

manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

No.	Item	Possible provision	Initiating borough	Comments / detail
ENVIRONMENT				
ENV 1	Environmental Fixed penalties	Provide a decriminalised regime (with appeals to an adjudicator) or allow borough to keep fines handed down by courts	London Councils	Currently there is little incentive for local authorities to pursue unpaid environmental fixed penalties through the courts. The costs of taking such cases to court is not met by costs and boroughs do not get to keep the fine.
ENV 2	Plastic bag levy or outright ban	Introduce a (10p?) levy on any plastic bag, possibly based on the Irish system. Income to be used to help pay for new waste facilities	Lambeth, Sutton and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. A ban has just been proposed in San Francisco and others.
ENV 3	Chewing gum levy	Introduce a levy on chewing gum which would be used to pay for cleaning discarded gum off the street	Westminster and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. 9th Bill tried to impose regulations on sale of chewing gum.
ENV 4	Smoking related litter	Extend range of premises where a street litter control notice can be issued.	Chartered Institute of Wastes management, and ENCAM	This will address smoking related litter by amending section 94 of the Environmental Protection Act 1990 to allow street litter control notices to be issued in respect of any premises if there is smoking related litter in the vicinity of the premises and this is due to customers or users of the premises. Smoking related litter outside buildings is expected to be a major issue when the indoor smoking ban takes effect in 2007.

Council, 17 October 2007

ENV 5	Pigeon Control Areas	The Clean Neighbourhood and Environment Act 2005 contains Dog Control Areas and consents for the distribution of free printed material. Either of these mechanisms could be applied to pigeon feeding, but it needs to be linked into Fixed Penalty Notices	Westminster and H & F	DCLG has recently stated in a discussion paper that bye laws for feeding pigeons are unacceptable and will not be agreed as they are considered "relatively trivial nuisances". This seems to go against current government agenda about improve local environmental quality and any programme of treatment against pigeons relies upon removal of food sources.
ENV 7	Charges for public toilets	Create a power to charge for the urinals (currently precluded). Local authorities are currently precluded from charging for the use of men's urinals (although not closets) by virtue of the Public Health Act 1936. The Public Lavatories (Turnstiles) Act 1963 also prohibits the installing of turnstiles in the vicinity of local authority conveniences.	City of London	The introduction of charges for male and female closets (possibly by means of a coin slot mechanism), but not for urinals, would raise issues of sex discrimination. Whilst the City has been advised that a claim on sex discrimination grounds may be successfully resisted, it would clearly be more satisfactory to seek a change in the law so as to enable London boroughs to charge for the use of its urinals as well as closets. In practice charging is most likely to be effectively implemented through the use of turnstiles so changes would need to be effected to both pieces of legislation.
ENV 8	Control of items placed on the highway, including advertising 'A' boards.	Control of 'A' shaped advertising boards and other items placed on the highway.	Westminster & RB Kingston	To allow powers to remove and dispose of, as well as the recovery of admin costs, enforcement costs and FPNs for contravention. This would address issues included in current legislation but which ineffective enforcement procedures.
ENV 9	Tackling street clutter in London	Extending powers enjoyed by the City of London to remove street clutter	English Heritage	This includes signs, lights traffic signs etc that could be fixed to buildings, as in the City.

Council, 17 October 2007

ENV 10	Regulating tables and chairs on the highway	Amending regulations relating to tables and chairs licensing on the highway. Currently authorities, when charging, cannot take into account the amount of highway to be used	RBK&C	Licences granted under S115E of the Highways Act 1980 regulate tables and chairs on the highway. The fee that can be charged for the licence cannot take account of the area of highway that is to be used. A clause is therefore proposed, whether by amendment of the Highways Act 1980 or otherwise, to allow London Boroughs to take account of the area of highway that is used when setting charges for licences for tables and chairs on the highway.
ENV 11	Powers to issue fixed penalty fines for depositing refuse containers on the highway and/or within litter bins	Powers to issue PCN fines for depositing refuse containers on the highway and/or within litter bins	RB Kingston	We are seeking to confirm the need for this legislation. It seems that the powers LB Kingston want are already contained with in the Clean Neighbourhoods and Environment Act 2005 (CNEA). However, this clause was proposed after the CNEA received Royal assent, and we are checking back with RB Kingston on this, and getting clarification of what powers they are actually seeking.
ENV 12	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters.	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters.	Richmond, Chris Warner, Legal Services	s225 enables a local planning authority to serve a Notice where fly posting has take place and if the posters are not removed then the lpa may do so themselves and recover "the costs they may reasonably incur in exercising their power..". S225(9) provides that if any damage is caused to land or chattels in exercise of the power then the person suffering damage may recover compensation from the lpa. We have a situation were posters were removed from telecommunications boxes. Strong glue was used and we had to re-paint the boxes at an additional cost of £100. If we had not done so we could have been faced with a compensation claim from the owner of the telecommunications box. It is felt that this money should be recoverable from the person who was served with the Notice. It is questionable however whether removal costs extend to re-painting. We would suggest an amendment to include any re-instatement/repair costs as a result of the removal/obliteration.

Council, 17 October 2007

HOUSING

HSE 2	Serving notice in houses of Multiple Occupation (HMO)	Provides power to a borough where a landlord of a House of Multiple Occupation fails to comply with a management regulation, that the borough can serve notice specifying that the works are done, and if not undertake the works in default.	RBK&C	The Government made the Management of Houses in Multiple Occupation (England) Regulations 2006 which imposed duties in respect of the repair, maintenance, cleanliness and good repair of facilities and equipment. In HMOs the 2006 regulations also provide for proceedings against a person for an offence under section 234(3). But, there is no provision however to allow the Council to serve notice and to undertake works in default, if those arrangements are not in place. The Housing Act or the regulations should provide that, where the HMO fails to comply with one of the management regulations the authority may serve notice specifying the works which are required to make good the neglect. If this notice (with associated timescales) is not complied with, the authority may then undertake works in default. This would reinstate the power which authorities previously had under the Housing Act 1985.
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PUBLIC PROTECTION

PPR 1	Scores on the doors	Provide a requirement for food premises to display food hygiene information and an offence of forging or altering the displayed information	Lambeth	Would underpin voluntary schemes and could act as a trial for a national scheme. Note the FSA has a pilot project covering all LBs.
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Council, 17 October 2007

PPR 2	Amend special treatments premises legislation.	This would help in a number of areas as follows. To clarify exemptions relating to care homes etc, control special treatments provided at home addresses, remove certain exemptions, and catch new treatments.	Westminster, Brent	Require new treatments to be licensed. Amend Part II of the LLA Act 1991 so as to remove some of the statutory exemptions, and require new treatments to be licensed.
PPR 3	Social club control	Control of social clubs	Haringey	There have been concerns that boroughs have insufficient control over the number of 'member only' clubs that are established, especially in premises formally used as retail premises. While not necessarily seeking to restrict their number or interfere with the town planning requirements, it is desirable to ensure that there are proper management controls, self regulation and as a consequence less enforcement agency involvements.
PPR 4	Amend sex establishment legislation	To allow boroughs to serve notices and summonses on sex establishments by ordinary post (currently requires recorded delivery post). Also proposed to amend a typographical error in the legislation following a court case.	Westminster	Changing the legislation regarding post would bring it into line with more recent national legislation. A recent court case also showed up an error in the legislation and this should be corrected, by amending the error in the City of Westminster Act 1996 (sex establishment legislation).
PPR 5	Amending planning powers relating to sex establishments	Powers are sought that would allow boroughs to object/restrain if sex establishments (lap-dancing clubs) are proposed too close to residential areas.	Tower Hamlets	TH has a 'serious issue' with current legislation regarding the licensing of sex establishments, particularly where there are 'lap-dancing clubs' in residential areas which cause part of the community distress

Council, 17 October 2007

STREET TRADING

STT 1	Management of Street Markets	Powers to authorise a third party to manage street markets within an agreed local framework. This could allow a borough to hand management over to a BID, for instance.	H & F	Currently only councils have the ability to manage and enforce street markets. In many instances this is a low priority.
STT 3	Disposal of seized goods and equipment	Disposal of seized goods after a payment of a PCN requiring confirmation of the owner's name and address	Westminster	Amend the street trading provisions of the London Local Authority Act 1990 and the City of Westminster Act 1999 so as to permit disposal of seized goods and equipment after payment of a fixed penalty or failure to comply with a notice served in conjunction with a fixed penalty requiring confirmation of the owner's name and address in writing within 14 days.
STT 4	Require consent to provide free food in the street	Powers relating to the provision of on-street free food.	Westminster	Requirement to obtain consent to provide free food in the street (soup runs), with the power to attach conditions to the consent. Also prohibition of soup kitchens in designated areas.
STT 5	Amendments to City of Westminster Act 1999	Affects street trading in Westminster. More details to come.	Westminster	These ideas may also be attractive to other boroughs, and should also be applied using the LLA 1990
STT 6	Street trading under Local Authority Act 1990	Detailed aspects of Street Trading legislation	Richmond, Chris Warner, Legal Services	(a) deals with succession to a relative is deleted, (b) Clarification in the Act on how internet sales should be dealt with under street trading eg is an offer of a vehicle for sale on the internet covered by street trading where the vehicle is parked on the street but with no For Sale signs displayed? (c) More generally is it time for a consolidation of the street trading provisions in light of the various amendments since 1990?

Council, 17 October 2007

TRANSPORT

TRN 1	Recovery of traffic management and street cleansing costs, and power to close/manage traffic for 'special events'.	Recovery of traffic management and street cleansing costs due to football matches and other large public events. Power to charge venues which attract large numbers of people and result in extra costs for street cleansing and traffic management. This could also cover the power to close/manage roads for 'special events'	Kingston (and Wandsworth or H & F?)	Recovery of costs from some events is likely to be covered by the Licensing Act 2003, the fee for which is meant to cover all aspects of an event. However, this is not the case with the football stadia's safety certificate which only covers activities inside the ground. Nor is it the case with venues/events that do not need a license. On the issue of new powers, the RTA does allow boroughs to do this, but there is a limit on the number of times the powers can be invoked.
TRN 2	Charging points for electric vehicles	Clarification of powers to provide charging points for electric vehicles in the street, and in particular in relation borough liabilities which are at present unlimited	H & F	The powers could relate to both, installing charging points on behalf of residents, and running a charging system.
TRN 3	Recover damages to the highway	Power to require an owner or developer to provide a deposit, prior to commencement of development, which could then be offset against any costs arising from making good damage caused by the owner or developer. There is also a suggestion that where there is damage, fixed penalty fines could be used.	Bromley and RB Kingston	It has also been suggested that powers are required to deal immediately where mud and other building material are deposited on the highway to the detriment of free/safe passage. The powers should also allow for the recovery of administrative costs, and fixed penalty fines.

Council, 17 October 2007

TRN 5	Gated road closures	Powers to fine those who open emergency gates without authorisation under the relevant traffic order	Camden	Fines collected would go towards costs of the surveillance.
TRN 7	Pedicabs	Powers to control pedicabs	London Councils, Westminster and TfL	This item has support from both London Councils, and TfL. In addition Westminster Council is very animated about this issue. This needs to be tried again.
TRN 8	Issuing PCNs by post	Issuing PCNs by post where service prevented by vehicle driving away	TfL	Proposed by TfL. Our opinion is that this is worth a try but will be difficult to get approval for.
TRN 9	Cycle lanes	Allowing decriminalised enforcement of cycle lanes	TfL	Proposed by TfL with no borough opposition.
TRN 10	Advanced stopping areas	Allowing decriminalised enforcement of advanced stopping areas at traffic lights	TfL	Proposed by TfL. Our opinion is that this is fine in principle, but the definition will be tricky to avoid it covering red lights generally.
TRN 11	mobile phones and driving	Allowing decriminalised enforcement of the use of mobile phones while driving	TfL	Proposed by TfL. Our opinion is that this is difficult in practice and principle. This is an endorseable offence and hence driver liability. Previously we have said that endorseable offences should remain criminal.
TRN 12	uninsured vehicles	Allowing local authorities to take action in relation to uninsured vehicles	TfL	Proposed by TfL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.
TRN 13	vehicles without an MOT	Allowing local authorities to take action in relation to vehicles without an MOT	TfL	Proposed by TfL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.

Council, 17 October 2007

TRN 14	Cyclists on the footway	Section 72 of the Highways Act 1835 makes it an offence to cycle on the footway. Section 51 and Schedule 3 of the Road Traffic Act 1988 provide that such an offence is punishable by a fixed penalty of £30.	RBK&C	It is proposed that London local authorities should have the power to vary the fixed penalty according to the area where the offence takes place and the seriousness of the offence. London authorities should have the discretion to impose a far greater penalty than the current £30 fixed penalty. TEP advises that this would bring in differential penalty levels for parking, which has already proved difficult and time-consuming to get agreement and implementation.
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Council, 17 October 2007



COUNCIL

9

17 OCTOBER 2007

REPORT OF THE CHIEF EXECUTIVE

OVERVIEW AND SCRUTINY RULES – EXCEPTION TO THE CALL-IN (REQUISITION) PROCEDURE

**Proposed acquisition of land at auction; and
Consideration of Representations to Stage One of the Formal Consultation on the
Proposed Transfer of the Mardyke Estate.**

SUMMARY

Under paragraph 17d of these rules, the Leader of the Council is required to submit quarterly reports to Council on decisions taken by, among others, Cabinet members in the circumstances set out in Rule 17 (exemption to the call-in (requisition) procedure) in the preceding three months. The report should include the number of decisions taken and a summary of the matters in respect of which those decisions were taken. This report deals with two such decisions taken in the last three months.

RECOMMENDATION

That the report be noted.

REPORT DETAIL

- 1 Under Rule 17 of the Overview and Scrutiny Committee Rules-
 - (a) The call-in procedure shall not apply where a decision being taken by Cabinet or an individual Cabinet member, or a key decision made by a member of staff or an area committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The record of the decision and notice by which it is made shall state whether in the opinion of the

Council Meeting, 17 October 2007

decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

- (b) The decision making person or body can only take an urgent decision and avoid call-in procedures after obtaining agreement from the Chairman or in the absence of the Chairman, the Vice Chairman of the relevant overview and scrutiny committee that the decision be treated as urgent. If there is no Chairman or Vice Chairman of a relevant overview and scrutiny committee, or if the Chairman or Vice Chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

2. Proposed acquisition of land at auction

- 2.1 By way of a Form A, the relevant Cabinet Member authorised the acquisition of land at auction not likely to exceed £500,000. Cabinet had the authority to approve acquisition above this level.
- 2.2 The auction date for the land was 9 July, and whatever decision route was taken to authorise acquisition, the potential for call-in meant that the decision would not be beyond challenge before the auction date.
- 2.3 As there was not an available Cabinet meeting before the auction date, the Form A was endorsed by the Cabinet member and the Executive Director for Finance and Commercial under the urgency powers in Part 3.1 paragraph 8 (ii) of the Constitution.

3. Consideration of Representations to Stage One of the Formal Consultation on the Proposed Transfer of the Mardyke Estate

- 3.1 It was considered that this decision should be taken as a matter of urgency as any delay likely to arise from applying the call-in procedure had a strong likelihood of seriously prejudicing the interests of the Council by incurring a net impact on the Housing Revenue Account (HRA) in 2009/10 in excess of £1.6 million. The impact would have arisen from the working of the housing subsidy system.
- 3.2 If the call-in procedure had been applied, there would have been the likelihood that any resultant Housing Overview and Scrutiny Committee meeting would not have met until late July 2007. Then, given that Cabinet did not have a scheduled meeting in August, it was considered likely that Cabinet would not have

Council Meeting, 17 October 2007

considered any Housing Overview and Scrutiny Committee report until late September 2007. Only then would there be authority to start Stage Two of the Formal Consultation and the ballot process. This timescale would in all likelihood obviate the possibility of a transfer of the Mardyke occurring before 31 March 2008.

- 3.3 Analysis showed that if the transfer of the Mardyke estate were delayed after the start of 2008/09, there would have been a revenue loss to the HRA in 2009/10 of £965,000.

4. **Financial Implications and Risks:**

Whilst there were financial implications which led to the two decisions described in this report, there are none directly associated with this report.

5. **Legal Implications and Risks:**

There are none directly associated with this report.

6. **Human Resource Implications and Risks:**

There are none directly associated with this report.

7. **Equalities and Social Inclusion Implications and Risks:**

There are none directly associated with this report.

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CHERYL COPPELL
Chief Executive

Background Papers List

Decision under Rule 17 of the Overview and Scrutiny Rules signed by Rita Greenwood, Group Director for Finance and Commercial and Councillor Roger Ramsey, Lead Member for Resources.

Decision under Rule 17 of the Overview and Scrutiny Rules signed by Councillor Steven Kelly, Lead Member for Sustainable Communities and Councillor Barry Oddy, Chairman of the Housing Overview and Scrutiny Committee.

Council Meeting, 17 October 2007



CABINET

19 SEPTEMBER 2007

10

HAVERING LOCAL DEVELOPMENT FRAMEWORK - ROMFORD AREA ACTION PLAN: APPROVAL OF SUBMISSION DOCUMENT

Cabinet noted that excellent progress had been made in preparing the suite of documents comprising Havering's Local Development Framework (LDF). Following on from the Core Strategy, Development Control Policies and Site Specific Allocations, the report now submitted brought forward the Romford Area Action Plan for approval for formal submission to the Secretary of State.

The Romford Area Action Plan was a key part of Havering's LDF, which would guide change in Romford up to 2020 and promote and enhance its position as east London's premier town centre. It established a statutory basis upon which planning decisions could be made and built on the extensive work that the Council and its partners had undertaken in preparing the Romford Interim Planning Guidance and recently-launched Romford Urban Strategy.

As with the LDF Core Strategy, the preparation of the Area Action Plan had involved several key stages of public consultation, the latest being on the Preferred Options Report. The report outlined the public consultation undertaken on the Area Action Plan at the preferred options stage from August to October 2006 and included a comprehensive assessment of all the representations submitted from the public and organisations.

Approval was invited of the submission version of the Area Action Plan, which closely followed the approach Members had endorsed in the preferred options document. Once submitted to the Secretary of State, Independent Examination of the submission version of the Plan was scheduled for August-September 2008 and adoption as formal Council policy was expected in April 2009.

Cabinet was also invited, as with the Core Strategy at this stage, to adopt the Plan for the purposes of Development Control pending its formal adoption.

Cabinet was advised that the Submission Romford Area Action Plan had been prepared to satisfy Section 19 (1) and (2) of the Planning and Compulsory Purchase Act 2004 and Regulation 28 of The Town and Country Planning (Local Development) (England) Regulations 2004. The Council was required to submit this plan if it wanted it to become part of the future development plan for the borough. It had already committed to do so as the Romford Area

Council, 17 October 2007

Action Plan was identified in the Council's approved Local Development Scheme. If it did not do so, the ability of the Council to resist inappropriate developments would be weakened. The Final Sustainability Appraisal Report had been undertaken as part of the Sustainability Appraisal process which was necessary to satisfy European Union Directive 2001/42/EC, and Sections 19 (5) a and (5) b of the Planning and Compulsory Purchase Act 2004.

Section 20 of the Planning and Compulsory Purchase Act stated that the purpose of the Independent Examination was to determine in respect of the Development Plan Documents whether they were 'sound'. The tests of 'soundness' were contained in PPS12. The Submission Romford Area Action Plan had been prepared with regard to these tests. If a DPD were considered unsound by the Inspector he/she would issue a set of binding recommendations. The Council would have to incorporate any changes received by the Inspector and then adopt the DPD.

Members asked that their appreciation of the work done by officers in respect of these issues be recorded.

Cabinet agreed to recommend to the Council:

- 1 That the comprehensive assessment of responses received from the public and organisations on the preferred options be approved and included in the Statement of Compliance.**
- 2 That the Submission Romford Area Action Plan be approved.**
- 3 That the Proposals Map showing the designations and site allocations set out in the Submission Romford Area Action Plan, be approved.**
- 4 That the tests of 'soundness' and the commentary on how the Romford Area Action Plan complies with them, which the Inspector will use to test the Area Action Plan at the examination before issuing recommendations in a binding report, be noted.**
- 5 That the Romford Area Action Plan be considered in conjunction with, and where appropriate complementary to, Havering's existing UDP (adopted in March 1993) with the weight attached to each policy in the decision making process dependent on the nature and number of the representations received during the submission consultation period in accordance with the principles set out in the Government Guidance note 'The Planning System General Principles'.**

Note: in the interests of economy, the appendices containing the various Plans referred to in the report to, and recommendations of, the Cabinet have not been reproduced with this report. All Members received copies of those appendices with their agendas for the Cabinet Meeting.



COUNCIL
17 OCTOBER 2007

11

QUESTIONS

- 1 **Penalty notices for dropping litter**
To the Cabinet Member for StreetCare & Parking
(Councillor Barry Tebbutt)
By Councillor John Mylod

It has been noted and residents are concerned about the amount of litter dropped by members of the public, despite the best efforts of our Town Centre Staff.

Can the Cabinet Member for StreetCare inform me how many members of the public have been issued with penalty notices in the past 6 months for dropping litter and will he be instigating an anti-litter campaign to educate the public (again)?

- 2 **School Crossing Patrol vacancies**

To the Cabinet Member for Public Safety
(Councillor Peter Gardner)
By Councillor Clarence Barrett

What is being done to fill vacancies that currently exist in school crossing patrols?

- 3 **Council Tax write-offs**

To the Cabinet Member for Resources
(Councillor Roger Ramsey)
By Councillor Clarence Barrett

What is the level of Council Tax collection write offs in each of last three years?

Council Meeting, 18 July 2007 – Questions

4 Anti-smoking legislation – Department of Health grant

To the Cabinet Member for Resources (Councillor Roger Ramsey)

By Councillor Clarence Barrett

In respect of the recent introduction of smoke-free legislation, what has the £123,250 grant awarded to this council from the Department of Health being spent on?

5 Rainham – Christmas trees and lights

To the Cabinet Member for Housing & Regeneration (Councillor Michael Armstrong)

By Councillor Jeffrey Tucker

Could the Council please arrange for the Christmas tree and lights to be up and running in time for this year's Rainham Village Christmas Fayre, which is on 1 December?

6 Support for Leader of an Opposition Group

To the Cabinet Member for Public Safety (Councillor Peter Gardner)

By Councillor Jeffrey Tucker

Being the Leader of an Opposition Group brings extra responsibilities and pressures from the public. To enable me to represent those residents to a high standard, I need adequate Council support. Will the Council please give me the support I need?

7 Major development proposals for the Rainham area

To the Cabinet Member for Housing & Regeneration (Councillor Michael Armstrong)

By Councillor Jeffrey Tucker

To name just a few, Rainham has had many high quality interested proposals such as the film studio development. Euro Disney an international train station, the latest being the Sun International Casino. These proposals have always been the light at the end of the tunnel for the residents and local businesses. Is there any other major proposals that would benefit the residents and regenerate the area?

Council Meeting, 18 July 2007 – Questions

8 The Council's Constitution: references to Leaders of Opposition Groups

To the Leader of the Council (Councillor Michael White)

By Councillor Jeffrey Tucker

It is printed in page 365 of the Constitution of the London Borough of Havering that there is only two opposition parties to the Leader of the Council and the administration. I being the Leader of the Principal Opposition, the other being the Leader of the Minority Opposition. Who is who and where is the third, Councillor Jeffrey Tucker, Leader of the Independent Residents' Group?

9 Remembrance Day Service, Rainham - publicity

To the Cabinet Member for Public Safety (Councillor Peter Gardner)

By Councillor Jeffrey Tucker

Following the reports in the press, will this Council please assist Councillor Len Long with all the printing he needs highlighting at the much attended and respected Remembrance Day on 11 November starting at 11am, and all future events – Remembrance Services?

10 Investment in Libraries

To the Cabinet Member for Public Realm (Councillor Andrew Curtin)

By Councillor Tom Binding

Will the Cabinet Member make a statement about the progress in implementing the programme of investment in the Borough's Libraries and in particular outline the timetable for implementation of the remaining part of the programme?

11 Outcome of the Council's Public Consultation on its Primary Schools Review

To the Cabinet Member for Children's Services (Councillor Geoff Starns)

By Councillor Keith Darvill

When will he publish the results of the Public Consultation and bring forward the Council's proposals for implementation?

Council Meeting, 18 July 2007 – Questions

12 **Proposed New Romford Swimming Pool**
To the Leader of the Council
(Councillor Michael White)

By Councillor Keith Darvill

Will the Leader of the Council make a statement about progress towards identifying a Private Sector Partner for the proposed development of the new swimming pool in Romford and outline the timetable for planning, construction and opening of the facility.

13 **Rise Park – fencing replacement**
To the Cabinet Member for Public Realm
(Councillor Andrew Curtin)

By Councillor Andrew Mann

Can the Cabinet Member please tell me when he intends to replace the fencing in Rise Park? The matter was first raised in this Chamber some 9 months ago, when he promised it would be fixed.

14 **Penalty Charge Notices: use of CCTV cars**
To the Cabinet Member for StreetCare & Parking
(Councillor Barry Tebbutt)

By Councillor Andrew Mann

Can the Cabinet Member please tell me how many penalty charges the Borough's CCTV cars have issued from the first day of operation up to and including 8 October 2007.