

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

**7.30pm WEDNESDAY, 19 JULY 2006  
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**



**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.

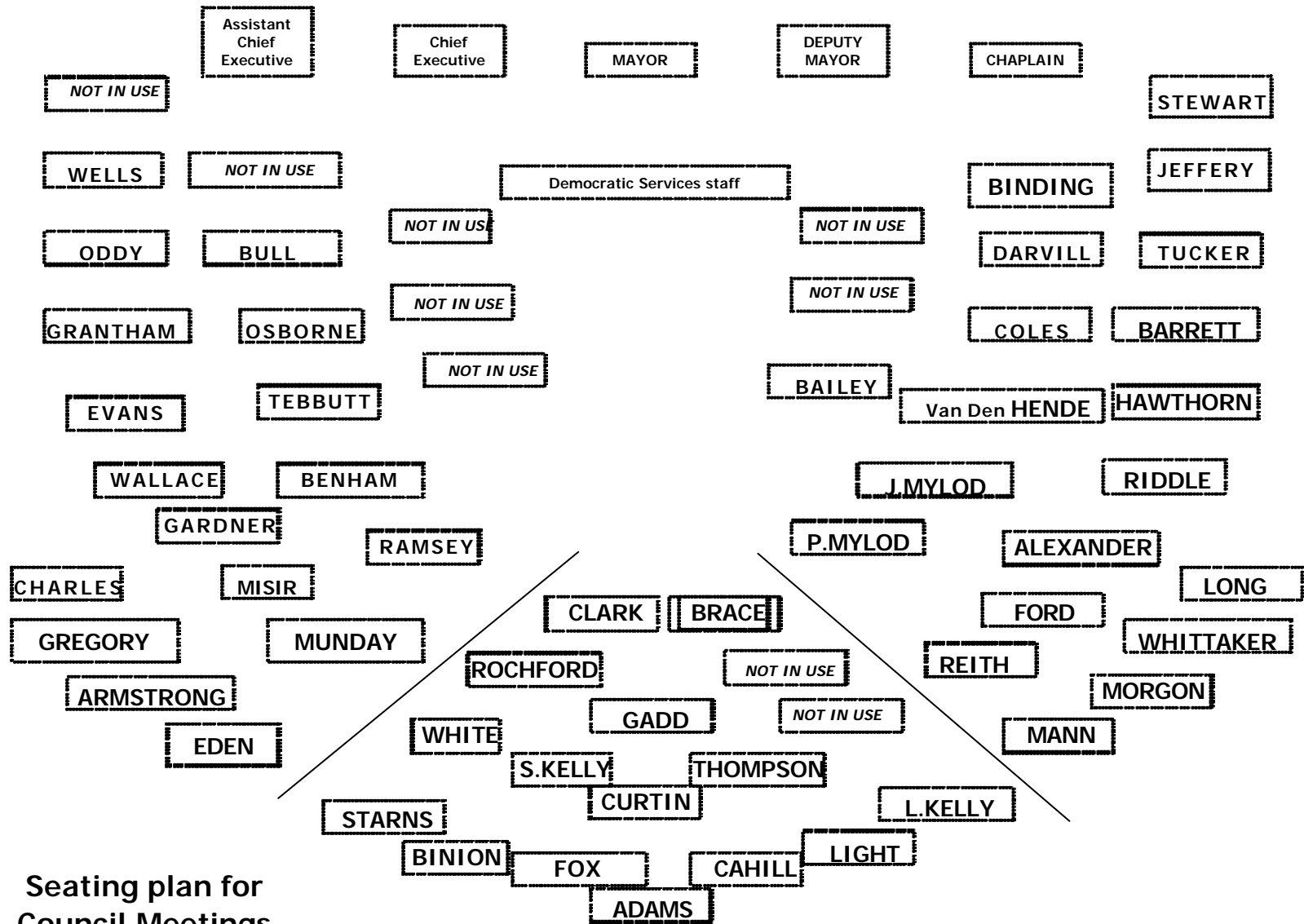
### **3. CONDUCT AT THE MEETING**

**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.**

**Council, 19 July 2006 - Agenda**

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the Council Chamber.



Seating plan for Council Meetings

# 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.

## **AGENDA**

1 **PRAYERS** will be said the Reverend Father Sheils of Corpus Christi Church, Collier Row

2 To receive apologies for absence (if any)

3 **MINUTES**

To sign as a true record the minutes of the Annual Meeting of the Council held on 24 May 2006

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 **AWARDS FOR EMINENT SERVICE TO THE BOROUGH OR TO THE COUNCIL**

To consider whether to

- (a) confer on the **Reverend Canon Hugh Dibbens** and **Ian Yeoman**, being persons who have rendered eminent service to the borough, the Honorary Freedom of the Borough;
- (b) confer on former Members **Ivor Cameron, Wilf Mills, Denis O'Flynn, Louise Sinclair, Owen Ware** and **Reg Whitney**, each of whom has rendered eminent service to the Council, the office of Honorary Alderman; and
- (c) authorise the presentation to any other former Member of a certificate of service

6 **ANNOUNCEMENTS BY THE MAYOR OR THE LEADER OF THE COUNCIL**

## **Council, 19 July 2006 - Agenda**

### **7 PETITIONS**

Councillors Jeffrey Tucker and Sandra Binion have both given notice of intentions to present petitions

### **8 AMENDMENTS TO THE CONSTITUTION**

To consider a report of the Governance Committee

### **9 ANNUAL REPORT OF THE PENSIONS COMMITTEE (formerly the Investment Committee)**

To consider a report of the Pensions Committee

### **10 REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT, FINDING MALADMINISTRATION BY THE COUNCIL**

To consider a report of the Monitoring Officer on the findings of the Local Government Ombudsman following a complaint relating to a development in Essex Road, Romford

### **11 CAPITAL PROGRAMME REVISION**

To consider a report of the Chief Executive - to follow when available

### **12 OVERVIEW AND SCRUTINY COMMITTEE RULES – EXCEPTION TO THE CALL-IN (REQUISITION) PROCEDURE – Elderly Care Homes Re-provisioning**

To consider a report of the Chief Executive

### **13 BEST VALUE PERFORMANCE PLAN 2006**

To consider a report of the Cabinet

### **14 MEMBERS' QUESTIONS**

**Council, 19 July 2006 - Agenda**

**NOTE:** The deadline for submission of amendments to reports first published with this agenda is **midnight, Monday 17 July 2006**



**MOTIONS FOR DEBATE**

**15 MEMBERS' ALLOWANCES: PUBLICATION**

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

This Council agrees that the full list of allowances paid to councillors be included in the next 'Living in Havering' newsletter.

Also, time sheets should be included to all Cabinet Members and Leader of the principal Opposition so that our true employers (the public) know how their money is being spent - and whether they are getting value for money.

**16 REGIONAL CASINO**

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

The Council must launch a legal challenge to overturn the Casino Advisory Panel's decision to exclude Havering from their regional casino shortlist.

**16A Amendment by the Administration**

The Council will consider a legal challenge in the event of the current appeal being unsuccessful following its review by the Casino Advisory Panel

**17 ADJUDICATION AND REVIEW COMMITTEE: APPOINTMENT OF VICE-CHAIRMAN**

**Motion on behalf of the Administration**

*In accordance with Rule 15.1 of the Council Procedure Rules, as the motion seeks to rescind a decision made at a meeting of Council within the past six months, the notice of motion has been signed by at least 25 per cent of the members.*

To replace Councillor Ted Eden as a Vice-Chairman of the Adjudication & Review Committee with Councillor Melvin Wallace.

Note: the notice of motion is signed by Councillors:

Barry Tebbutt, Steven Kelly, Paul Rochford, Kevin Gregory, Robby Misir, Barry Oddy, Georgina Galpin, Jeff Brace, Geoff Starns, Lesley Kelly, Pam Light, Frederick Thompson, Gary Adams, Sandra Binion, Keith Wells and Michael White.

## **Council, 19 July 2006 - Agenda**

### **18 HISTORIC ENVIRONMENT CHAMPION**

#### **Motion on behalf of the Residents' Group**

As the role of Historic Environment Champion is a valuable asset to the borough, Council appoints Councillor Linda Hawthorn to the post.

#### **18A Amendment by the Administration**

**Replace** "Councillor Linda Hawthorn" with "the Cabinet Member for Public Realm"

**Note** – the motion would then read:

As the role of Historic Environment Champion is a valuable asset to the borough, Council appoints the Cabinet Member for Public Realm to the post.

### **19 OVERVIEW & SCRUTINY PROCESS**

#### **Motion on behalf of the Residents' Group**

This Council is concerned with the apparent lack of, accountability, openness and robustness of the current overview and scrutiny process since May 2006, it calls upon the senior members of the Administration and Opposition to meet urgently to review the situation and report back at the next Council meeting.

#### **19A Amendment by the Administration**

This Council is committed to the openness and robustness of its Overview & Scrutiny Committee process and it invites the Governance Committee to consider current procedure.



**MINUTES OF THE ANNUAL MEETING OF THE COUNCIL OF  
THE LONDON BOROUGH OF HAVERING  
Havering Town Hall, Romford  
24 May 2006 (7.30 p.m. – 8.40 p.m.)**

**Present:** The Mayor (Councillor John Mylod) in the Chair at the start of the meeting

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

Andrew Rosindell MP and approximately 60 guests, members of public and press also attended.

Apologies for absence were received from Councillors David Charles and Mark Gadd.

Pastor Solomon Odeleye 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.

**1 DECLARATIONS OF INTEREST (Agenda Item 2A)**

All members present declared a personal interest under paragraph 8 of the Members' Code of Conduct as they would benefit from the Members' Allowance scheme 2006 which was the subject of a report later in the meeting.

**Annual Council, 24 May 2006**

**2 MAYORALTY (Agenda Item 3(1))**

**Motion on behalf of the Administration**

That Councillor Wendy Brice-Thompson be elected Mayor for the Municipal Year 2006/07.

The Administration proposal was **AGREED** without a vote. It was, therefore, duly **RESOLVED**:

**That Councillor Wendy Brice-Thompson be elected Mayor for the Municipal Year 2006/2007.**

**Councillor Wendy Brice-Thompson** having made a Declaration of Acceptance of Office of Mayor as required by the Local Government Act 1972, then took the Chair and thanked the Council for the honour conferred upon her. The Mayor indicated that the Mayor's Consort for the year would be Councillor Frederick Thompson.

Councillor Barbara Reith expressed the thanks of the Council to Councillor Mylod for his services in 2005/2006. Councillor Mylod suitably replied.

**3 DEPUTY MAYOR - Appointment (Agenda Item 4(2))**

In accordance with the Local Government Act 1972 the Mayor signified in writing her appointment of **Councillor Georgina Galpin** as Deputy Mayor for the ensuing year and to carry out the duties of the Mayor in case of the Mayor's illness or absence.

Councillor Georgina Galpin made a Declaration of Acceptance of Office accordingly and indicated that the Deputy Mayor's Consort for the year would be Mr Galpin.

**4 MINUTES (Agenda Item 4)**

It was **RESOLVED** that the minutes of the meeting of the Council held on **29 March 2006** be signed as a true record.

**Annual Council, 24 May 2006**

**5 MAYOR'S ANNOUNCEMENTS AND CHIEF EXECUTIVE (Agenda Item 5)**

The Mayor announced that she would announce her chosen appeal for her year in office shortly, but made no other announcements.

There were no announcements by the Chief Executive on this occasion.

**6 ELECTION OF LEADER OF THE COUNCIL (Agenda Item 6)**

**Motion submitted by the Administration**

That Councillor Michael White be elected to the office of Leader of the Council for the Municipal Year 2006/2007.

The proposal was **AGREED** without a vote and it was **RESOLVED**:

**That Councillor Michael White be elected to the office of Leader of the Council for the Municipal Year 2006/2007.**

**7 ELECTION OF DEPUTY LEADER OF THE COUNCIL (Agenda Item 7)**

**Motion submitted by the Administration**

That Councillor Steven Kelly be elected to the office of Deputy Leader of the Council for the Municipal Year 2006/2007.

The proposal was **AGREED** without a vote and it was **RESOLVED**:

**That Councillor Steven Kelly be elected to the office of Deputy Leader of the Council for the Municipal Year 2006/2007.**

**8 MEMBERS OF THE CABINET (Agenda item 8)**

**Motion submitted by the Conservative Group**

That Councillors

**Steven Kelly**

**Roger Ramsey**

**Eric Munday**

**Andrew Curtin**

**Annual Council, 24 May 2006**

**Geoffrey Starns  
Barry Tebbutt  
Paul Rochford  
Michael Armstrong  
Peter Gardner**

be elected to the Cabinet for the Municipal Year 2006/07.

The proposal was **AGREED** without a vote and it was **RESOLVED**:

**That Councillors**

**Steven Kelly  
Roger Ramsey  
Eric Munday  
Andrew Curtin  
Geoffrey Starns  
Barry Tebbutt  
Paul Rochford  
Michael Armstrong  
Peter Gardner**

**be elected to the Cabinet for the Municipal Year 2006/07**

**9 TO APPOINT THE COMMITTEES OF THE COUNCIL, ETC (Agenda item 9)**

Council had before them the report of the Chief Executive. The recommendations in the report were **AGREED** without going to the vote and it was **RESOLVED**:

**That, subject to consideration of the issues referred to in the reports at agenda items 10, 11 and 12 following and to the decisions thereon:**

- (1) The Committees listed in the Appendix (Appendix 1 to these minutes) be appointed for the 2006/07 Municipal Year.**
- (2) Two voting co-optees representing the Church of England and the Roman Catholic interests and three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Children's Services Overview and Scrutiny Committee.**

**Annual Council, 24 May 2006**

- (3) The other non-elected member “appointments” and invitations to attend shown in the Appendix be confirmed.

**10 APPOINTMENT OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEE  
(Agenda Item 10)**

Council considered a report from the Governance Committee and a collateral report of the Chief Executive. The Governance Committee had endorsed the recommendations of its Sub-Committee regarding independent members and had recommended them to Council. The recommendations were **AGREED** without going to a vote and it was -

**RESOLVED**

- 1 That, in order to ensure that the Standards Committee can comply at all times with the statutory requirements as to the number of Independent Persons, the number of Independent Members of that Committee be increased to four.
- 2 That the following persons be appointed as Independent Members of the Standards Committee:
 

Debra Collard	Jack Knowles
Jennifer Spearman	Tracey Moran
- 3 That Debra Collard and Jennifer Spearman be appointed for a term of two years ending at the Annual Meeting of the Council in 2008 and that Jack Knowles and Tracey Moran be appointed for a term of four years ending at the Annual Meeting of the Council in 2010.
- 4 That these and all future appointments of Independent Members be made on an over-lapping basis, so that at the Annual Meeting in 2008 and every fourth year thereafter two appointments will be made, and the other two appointments will be made at the Annual Meeting in 2010 and every fourth year thereafter, any casual vacancy arising being filled for the remainder of the relevant term.
- 5 That Jennifer Spearman be re-appointed as Chairman and Debra Collard re-appointed as Vice-Chairman of the Standards Committee, both for the duration of the terms to which they are now appointed.

**Annual Council, 24 May 2006****11 APPOINTMENT OR REVISION OF RESPONSIBILITIES OF CERTAIN OVERVIEW & SCRUTINY COMMITTEES (OSCs) (Agenda Item 11)**

Council considered a report proposing changes to the overview and scrutiny committees noting in particular that the Police and Justice Bill currently before Parliament would require the establishment of a Crime and Disorder Committee (as an OSC) to scrutinise crime and disorder activity. The proposals in the report were **AGREED** without going to a vote and it was -

**RESOLVED**

**(1) In respect of Health and Adult Services, that the following amendments to Article 6, paragraph 6.01 of the Constitution be agreed:**

**(a) The words “and Health” be deleted from “Adult Services and Health Overview and Scrutiny Committee” and that a new “Health Overview and Scrutiny Committee” be added.**

**(b) The areas of responsibility for the Health Overview and Scrutiny Committee be as follows:**

- Health
- Scrutiny of NHS bodies under the Council’s health scrutiny function

**(c) The references to Health matters be deleted from the areas of responsibility of the Adult Services Overview and Scrutiny Committee.**

**(d) The first line of Article 6, paragraph 6.05 of the Constitution (Joint scrutiny of health service development proposals) to now read as follows:**

**“This article applies when either the Children’s Services Overview and Scrutiny Committee or the Health Overview and Scrutiny Committee are consulted....”**

**(2) In respect of Crime and Disorder scrutiny, that the following be inserted after the reference to the Education OSC in Article 6, paragraph 6.01 of the Constitution:**

**(a) In the first column “Crime and Disorder Committee” and in the second column “8 councillors or the number of councillors determined by Council from time to time”.**



**Annual Council, 24 May 2006**

[Note: see also the Chief Executive's Report at agenda item 11]

- (b) In the third column, the area of responsibility for this Committee be as follows:
- Exercise of the functions conferred on the Committee by [clause 14 and Schedule 6 of the Police and Justice Bill]

and that the Monitoring Officer be authorised to amend the legislative reference in the third column to reflect the content of the Bill when finally enacted.

## **12 COMMITTEE SIZES AND POLITICAL BALANCE (Agenda Item 12)**

Council had before them a report on committee sizes and political balance with recommendations moved and seconded by the Administration.

### **Amendment submitted by the Labour Group (Agenda Item 12A)**

That the proposals for the allocation of Committee places be revised so that the Labour Group members be allocated places on the following Committees –

- 1) Children's Services – Overview and Scrutiny
- 2) Culture and Regeneration – Overview and Scrutiny
- 3) Governance
- 4) Licensing

and that the political balance table be adjusted accordingly.

After debate the proposal by the Labour Group was **LOST** by 33 votes to 18 (see voting division I), the original proposal was **AGREED** without any member voting against and it was -

### **RESOLVED**

- 1 That the number of seats on each Committee appointed by Council be as shown in the Appendix (Appendix 2 to these minutes).
- 2 That Council notes the political balance of those Committees in accordance with the principles detailed in the report), and allocates seats to Groups accordingly.

**Annual Council, 24 May 2006**

- 3 That overview and scrutiny committees be empowered, when establishing a topic group, to invite any member (other than those who are Cabinet members) to participate in that topic group; and that the Monitoring Officer be authorised to amend the Constitution to that effect.

**13 ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES (Agenda Item 13)**

**Motion submitted by the Administration**

That the following Chairmen and Vice-Chairmen be appointed –

<b>Committee</b>	<b>Chairman <i>Councillor</i></b>	<b>Vice-Chairman <i>Councillor</i></b>
Adjudication & Review (2 Vice-Chairmen)	Robert Benham	Pam Light Ted Eden
Appointments	Dennis Bull	Eric Munday
Audit	David Grantham	Frederick Thompson
Governance	Frederick Thompson	Kevin Gregory
Pensions	Melvin Wallace	Roger Ramsey
Licensing (3 Vice-Chairmen)	Edward Cahill	Georgina Galpin David Charles Melvin Wallace
Regulatory Services	Roger Evans	Eric Munday
Adult Services Overview & Scrutiny	Jeff Brace	
Corporate Overview & Scrutiny	Robby Misir	
Children's Services Overview & Scrutiny	Lesley Kelly	
Culture & Regeneration Overview & Scrutiny	Mark Gadd	David Charles

**Annual Council, 24 May 2006**

Environment Overview & Scrutiny	Sandra Binion	Gary Adams
Housing Overview & Scrutiny	Barry Oddy	
Crime and Disorder	John Clark	
Health Overview & Scrutiny	Ted Eden	

**Alteration submitted by the Administration (Agenda Item 13A)**

Regulatory Services Committee – Vice-Chairman

**Delete** Eric Munday and **insert** Barry Tebbutt**Amendments submitted by the Residents' Group (Agenda Item 13B)****1 Adjudication and Review Committee – Vice-Chairman**

<b>Delete</b>	Ted Eden and
<b>Insert</b>	Pat Mylod

**2 Licensing Committee – Vice-Chairman**

<b>Delete</b>	Melvin Wallace and
<b>Insert</b>	John Mylod

**3 Regulatory Services Committee**

Chairman:	<b>Delete</b> Roger Evans and <b>Insert</b> Jeff Brace
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Vice-Chairman:	<b>Delete</b> Eric Munday and <b>Insert</b> Linda Hawthorn
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**4 Overview and Scrutiny Committee Chairmen**

Adult Services	<b>Delete</b> Jeff Brace and <b>Insert</b> Pat Mylod
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Corporate	<b>Delete</b> Robby Misir and <b>Insert</b> Clarence Barrett
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**Annual Council, 24 May 2006**

Children's Services	<b>Delete</b> Lesley Kelly and <b>Insert</b> Gillian Ford
Culture	<b>Delete</b> Mark Gadd and <b>Insert</b> Ray Morgon
Environment	<b>Delete</b> Sandra Binion and <b>Insert</b> Andrew Mann
Housing	<b>Delete</b> Barry Oddy and <b>Insert</b> June Alexander
Crime & Disorder	<b>Delete</b> John Clark and <b>Insert</b> Linda Van Den Hende
Health	<b>Delete</b> Ted Eden and <b>Insert</b> Linda Hawthorn

**5 Insert the following Vice-Chairmen**

Adult Services	Pat Mylod
Corporate	Clarence Barrett
Children's Services	Gillian Ford
Housing	June Alexander
Crime & Disorder	Linda Van Den Hende
Health	Linda Hawthorn

**6 Replace Vice-Chairman**

Culture	<b>Delete</b> David Charles and <b>Insert</b> Ray Morgon
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**7 Replace Vice-Chairman**

Environment	<b>Delete</b> Gary Adams and <b>Insert</b> Andrew Mann
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Council consented to the alteration at agenda item 13A.

On the proposal of the Mayor that those appointments over which there was no dispute (with the exception of the Vice-Chairmen of the overview and scrutiny

**Annual Council, 24 May 2006**

committees at agenda item 13B5) be agreed, those appointments were **AGREED** without going to a vote.

On the proposal of the Mayor, the appointment of those Chairmen and Vice-Chairmen for which there was more than one nomination were dealt with by individual votes as follows –

<b>Position</b>	<b>Administration Nominees Councillor</b>	<b>Votes</b>	<b>Residents' Nominees Councillor</b>	<b>Group</b>	<b>Votes</b>	<b>Voting Division</b>
<b>Adjudication and Review Committee Vice-Chairman</b>	Ted Eden	32	Pat Mylod		16	2
<b>Licensing Committee</b>	Melvin Wallace	32	Pat Mylod		17	3
<b>Regulatory Services Vice-Chairman</b>	Barry Tebbutt	34	Linda Hawthorn		17	4

Councillor Brace indicated that he did not wish to stand as Chairman of the Regulatory Services Committee (a proposal set out in agenda item 13B3) and, accordingly, the Residents' Group proposal fell. On the proposal of the Mayor that as there was only one remaining nomination for that position, Councillor Roger Evans, that nomination be agreed without going to a vote was **AGREED**.

After debate the proposal of the Residents' Group at agenda item 13B4 regarding the appointment of Chairmen of the overview and scrutiny committees was **LOST** by 33 votes to 19 (see voting division 5). The Administration's proposals were **AGREED** without going to a vote.

On the proposal of the Mayor that the appointments of Vice-Chairmen of the overview and scrutiny committees set out in the Residents' Group proposal at agenda item 13B5, positions over which there was no dispute, were **AGREED** without going to a vote.

On the proposal of the Mayor, the appointment of those remaining Chairmen and Vice-Chairmen for which there was more than one nomination were dealt with by individual votes as follows –

**Annual Council, 24 May 2006**

<b>Position</b>	<b>Administration Nominees <i>Councillor</i></b>	<b>Votes</b>	<b>Residents' Nominees <i>Councillor</i></b>	<b>Group</b>	<b>Votes</b>	<b>Voting Division</b>
<b>Culture and Regeneration Overview &amp; Scrutiny Committee Vice- Chairman</b>	David Charles	32	Ray Morgon		16	6
<b>Environment Overview and Scrutiny Committee Vice-Chairman</b>	Gary Adams	34	Andrew Mann		16	7

It was **RESOLVED** that the following appointments be made –

<b>Committee</b>	<b>Chairman <i>Councillor</i></b>	<b>Vice-Chairman <i>Councillor</i></b>
<b>Adjudication &amp; Review (2 Vice-Chairmen)</b>	<b>Robert Benham</b>	<b>Pam Light Ted Eden</b>
<b>Appointments</b>	<b>Dennis Bull</b>	<b>Eric Munday</b>
<b>Audit</b>	<b>David Grantham</b>	<b>Frederick Thompson</b>
<b>Governance</b>	<b>Frederick Thompson</b>	<b>Kevin Gregory</b>
<b>Pensions</b>	<b>Melvin Wallace</b>	<b>Roger Ramsey</b>
<b>Licensing (3 Vice-Chairmen)</b>	<b>Edward Cahill</b>	<b>Georgina Galpin David Charles Melvin Wallace</b>
<b>Regulatory Services</b>	<b>Roger Evans</b>	<b>Eric Munday</b>
<b>Adult Services Overview &amp; Scrutiny</b>	<b>Jeff Brace</b>	<b>Pat Mylod</b>

**Annual Council, 24 May 2006**

<b>Corporate Overview &amp; Scrutiny</b>	<b>Robby Misir</b>	<b>Clarence Barrett</b>
<b>Children's Services Overview &amp; Scrutiny</b>	<b>Lesley Kelly</b>	<b>Gillian Ford</b>
<b>Culture &amp; Regeneration Overview &amp; Scrutiny</b>	<b>Mark Gadd</b>	<b>David Charles</b>
<b>Environment Overview &amp; Scrutiny</b>	<b>Sandra Binion</b>	<b>Gary Adams</b>
<b>Housing Overview &amp; Scrutiny</b>	<b>Barry Oddy</b>	<b>June Alexander</b>
<b>Crime and Disorder</b>	<b>John Clark</b>	<b>Linda van den Hende</b>
<b>Health Overview &amp; Scrutiny</b>	<b>Ted Eden</b>	<b>Linda Hawthorn</b>

**14 APPOINTMENT OF CHAMPIONS (Agenda Item 14A)****Motion submitted by the Conservative Group (Agenda Item 14)**

That the following be appointed Champions as indicated –

**for Diversity – Councillor Christine Fox**  
**for Elderly Persons – Councillor David Charles**  
**for Younger Persons – Councillor Gary Adams**

**Amendment submitted by the Residents' Group (Agenda Item 14A(1))**

<b>Delete</b>	David Charles
<b>Insert</b>	Pat Mylod

On the proposal of the Mayor, Council voted for the two members as Champion for Elderly Persons on a straight vote with Councillor Charles receiving 32 votes and Councillor Mylod 17 (see voting division 8) and it was **RESOLVED**

That the following Champions be appointed –

**for Diversity – Councillor Christine Fox**  
**for Elderly Persons – Councillor David Charles**  
**for Younger Persons – Councillor Gary Adams**

**Annual Council, 24 May 2006**

**15 CHAMPION FOR THE HISTORIC ENVIRONMENT (Agenda Item 14B)**

Motion submitted by the Administration

That no appointment be made to the role of Champion for the Historic Environment.

**Amendment submitted by the Residents' Group (Agenda Item 14B(1))**

**Delete** all after "That..." and

**Insert** "this Council is firmly committed to preserving Havering's heritage for our future generations and to demonstrate this, this Council remains wholly supportive of English Heritage, by continuing the important role of Champion for the Historic Environment and to this end nominates Linda Hawthorn to this position".

During the course of the debate, with Council's consent, the Administration's motion was withdrawn to enable further discussion to be held about the need for the appointment.

**16 STATEMENT BY THE LEADER OF THE COUNCIL (Agenda Item 15)**

The Leader's Statement is attached as Appendix 3 to these minutes.

**17 COUNCIL PROCEDURE RULES: ANNUAL MEETING OF COUNCIL  
IN THE YEAR OF LOCAL ELECTIONS – submission of motions, reports and  
amendments (Agenda Item 16)**

Council received a report of the Governance Committee which proposed changes in the Council timetable. The recommendations in the report were AGREED without going to a vote and it was -

**RESOLVED**

**That the following additional rules be inserted in the Council  
Procedure Rules (Part 4 of the Constitution):**

**11 MOTIONS ON NOTICES**

**11.5 For the Annual Meeting on a year in which ordinary elections  
of all councillors are held, in 11.1 there shall be substituted  
for "10 clear days", "6 clear days"**

**13 RULES OF DEBATE**



**Annual Council, 24 May 2006****13.17 Amendments at Annual Meeting in the year of ordinary elections**

**For the Annual Meeting in a year in which ordinary elections of all councillors are held, in 13.6 there shall be substituted for “6 clear days”, “1 clear day”.**

**18 MEMBERS' ALLOWANCES (Agenda Item 17)**

Council noted on 29 March it had made a Members' Allowance Scheme for the year effective from 1 April 2006. The report to Council at that time noted that any amendments to the scheme would be considered at Annual Council and Council was now considered a report with the following recommendations which were treated as the proposals of the Administration –

1. That in the light of the report agreed by Council on 7<sup>th</sup> December 2005 the allowance for Area Committee Chairmen be reduced from £6,390 to £4,260 effective from 8 May 2006.
2. Following consultation with the Administration the allowance for a Leader of a Minority Opposition and a Deputy Leader of a Minority Opposition shall only be payable to a Leader and Deputy Leader of a political group with six members and over.
3. The Monitoring Officer be authorised to amend the Members' Allowance scheme as agreed by Council.
4. Members agree that the percentage increase in basic allowances set out in paragraph 12 of the scheme being 2.95% be applied and paid with effect from 1 April 2006 as provided for in the scheme.

**Amendment submitted by the Rainham & Wennington Independent Residents' Group (Agenda Item 17A)**

**Delete** recommendations 1, 2 and 4 and replace them with:

1. That the Council ceases to pay Special Responsibility Allowances, and that Members be paid only the basic allowances provided for in the Members' Allowance Scheme, with no increase on the basic allowance over the next 4 years.
2. That the remaining recommendation be renumbered accordingly.

**Annual Council, 24 May 2006**

**Amendment on behalf of the Administration (Agenda Item 17B)**

**Add** new recommendation:

- (5) Reinstatement in schedule 1 an SRA of £1,700 for Vice-Chairman of Overview & Scrutiny Committee

Following debate the amendment submitted by the Rainham & Wennington Independent Residents' Group was **LOST** by 37 votes to 4 (see voting division 9).

With the consent of the Council the amendment at Agenda Item 17B was withdrawn.

The original proposal was **AGREED** without going to a vote and it was **RESOLVED -**

1. That in the light of the report agreed by Council on 7 December 2005 the allowance for Area Committee Chairmen be reduced from £6,390 to £4,260 effective from 8 May 2006.
2. That the allowance for a Leader of a Minority Opposition and a Deputy Leader of a Minority Opposition shall only be payable to a Leader and Deputy Leader of a political group with six members and over.
3. That the Monitoring Officer be authorised to amend the Members' Allowance scheme as agreed by Council.
4. That the percentage increase in basic allowances set out in paragraph 12 of the scheme being 2.95% be applied and paid with effect from 1 April 2006 as provided for in the scheme.

(**Note** – the voting detail is shown in **Appendix 4 to these minutes**).

**Annual Council, 24 May 2006****APPENDIX 1  
(See Minute 9)****APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES  
(and see also Minute 11)**

Adjudication and Review Committee

Appointments Committee

Audit

Governance

Pensions Committee

Licensing Committee

Regulatory Services Committee

Adult Services Overview and Scrutiny  
Committee (see also Minute 11)

Children's Services Overview and Scrutiny  
Committee

Corporate Overview and Scrutiny Committee

Culture and Regeneration Overview &  
Scrutiny Committee

Environment Overview and Scrutiny  
Committee

Housing Overview and Scrutiny Committee

Elm Park and Hylands Area Committee (Ward members only)

Emerson Park and Harold Wood Area  
Committee (Ward members only)

Gidea Park Area Committee (Ward members only)

Harold Hill Area Committee (Ward members only)

Hornchurch Area Committee (Ward members only)

North Romford Area Committee (Ward members only)

Romford Area Committee (Ward members only)

**Annual Council, 24 May 2006**

South Hornchurch and Rainham Area (Ward members only)  
Committee

Upminster Area Committee (Ward members only)

**Annual Council, 24 May 2006****APPENDIX 2  
(See Minute 12)****COMMITTEE SIZES AND POLITICAL BALANCE**

<b>COMMITTEE and size</b>		<b>CONSERVATIVE</b>	<b>RESIDENTS</b>	<b>RAINHAM &amp; WENNINGTON IND. RESIDENTS</b>	<b>LABOUR</b>
Governance	<b>10</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>
Licensing	<b>10</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>
Regulatory Services	<b>10</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>
Adjudication & Review	<b>9</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>0</b>
Audit	<b>8</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>0</b>
Standards	<b>8</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>
Appointments	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Pensions	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Adult Services OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Children's Services OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Corporate OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Culture &c OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Environment OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Health OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Housing OSC	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
Crime & Disorder	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>Actual seats allocated</b>	<b>115</b>	<b>74</b>	<b>31</b>	<b>6</b>	<b>4</b>

**Annual Council, 24 May 2006****Appendix 3  
(See Minute  
16)****LEADER'S STATEMENT**

Tonight we put right a great wrong that was carried out two years ago when electing the Mayor of the LB Havering and, in putting right that wrong, can I be the first, Madam Mayor, to congratulate you on becoming Havering's first citizen. I know Wendy, that it has been two years in the waiting but I am confident that you will be an absolutely marvellous Mayor and will represent this borough well in the days and months ahead.

Four years ago, Cllr. Eric Munday and I wrote a document called 'Putting People First'. That became the manifesto for Havering Conservatives for the 2002 election. What we did not realise when we wrote it is that that document would, in itself, signal a great change, not only for the Conservative Party locally, but also for local residents for whom it was intended. Unlike previous documents it did not concentrate on strategic policies or putting in place elaborate plans and frameworks but the document was about outcomes, delivering services to local people at a price they can afford and now when I look at this document I feel extremely proud. Proud that we have been able to deliver nearly 98% of the pledges that were detailed in that document.

So, what did 'Putting People First' mean and why was it so radical in the way in which it changed this Organisation?

Firstly, I think it was successful because it was a mature vision of a changing organisation. It understood what community leadership was about and moved forward on the priorities identified in the document. It wanted to be inclusive in the way in which it tackled poverty, tackled problems with teenagers and the way it looked at the whole BME agenda. It wanted to be geographically inclusive in a sense that it had a one borough approach to the way in which we dealt with problems and looked intensively at the way in which town centres and leisure facilities were delivered. It also wanted to tackle the whole pan-London agenda to make sure that Havering's voice was heard as a London Borough especially on issues around transport.

It talked about creativity, creating a place that was Havering where people wanted to live and work. Where education, culture and leisure services were the best that we could deliver. It offered opportunity through regeneration and looked at ways in which we could improve our environment. It wanted to ensure that Havering's identity was promoted by ensuring that the LB Havering actually stood for something.

'Putting People First' was also about prosperity. Not only for our residents but the way in which we established links with SMEs and other business partners throughout the borough.

The 'Putting People First' agenda was also about values. It was about a perception of community. How this Council interacts with that community. How we prioritise the services that benefit our community and that we should always be honest. Honest with ourselves and honest with our clients.

So Madam Mayor, I hope you will not mind if I spend just five minutes reviewing just how successful 'Putting People First' was.

In Environment we wanted to improve the quality of highway cleaning and the repair and renewals of the roads and pavements. We wanted to better maintain our street trees and roll out CCTV across Havering to help the police reduce crime. One only need to look at the new street

## **Annual Council, 24 May 2006**

cleaning fleet to understand the priority that we placed on cleaning up our borough. We increased the frequency of cleans for both the borough roads and our town centres. One only needs to look at investment in roads such as Pettits Lane to see the investment made by a Conservative Administration on this priority. And last, but by no means least, is the rollout of CCTV across the borough which has, I believe, helped the police in fighting crime.

In Social Services, we said we would halt the closure of residential homes and that is exactly what we did. In the lifetime of the last Administration no home was closed. Indeed, what we have is a policy that looks forward. Looks forward to dealing with some of the problems in our current homes and, for the first time, the Council has a vision to provide a better quality of home for our elderly.

It wasn't just homes in Social Services. We also managed to improve the time waiting for assessment. We managed to improve respite care and also, with facilities like Yew Tree Lodge, began to configure a different type of service that had at its core the needs of some of the most vulnerable in our society.

In Education we went from strength to strength. Our schools are amongst the best in the country and with an Education and SS Department that has been brought together to take on the challenge of the Children's Agenda.

In relation to value for money, the Council over the last three years in particular has had a tremendous success story. When Cllr. Ramsey stands up and puts forward a three year plan, one thing we can be sure of is that the plan will be delivered. The last three council tax increases in Havering have been amongst the lowest ever seen in this borough and I will remind you that we have had council tax setting of 5.2%, 2.9% and last year 1.7%. This has happened because of the tight fiscal management that Cllr. Ramsey, has established throughout the Council.

But it isn't a case of just saving money. The investment in our parks, in our libraries, in our roads that I have mentioned and in our streetcare show that it is possible to invest whilst keeping the council tax down.

In Culture and Regeneration, as I have just mentioned, investment has led to the delivery of a whole range of improved services for the residents of this borough. The year on year investment in our parks, well over £1m has transformed them.

We also established Team Zones in parks, along side play areas for the younger children. This shows clearly the priority the Administration had towards the youth of the borough.

This is also demonstrated in the investment in our libraries. Let's just recap – Upminster, Gidea Park, Harold Hill, Collier Row completed. £1m set aside for Hornchurch, which is currently undergoing its transformation, and £1m put aside for Elm Park library. These are clear indications of an Administration that delivers on its promises.

So in summary, £9m spent on Central Park Pool. £2m extra for Parks. £75m for the Decent Home standard. £2m extra for Streetcare. £10m investment in the Grange and Yew Tree Lodge. £40m support for our schools and a Council Tax of 1.7% is what we achieved as a Council and what the previous Conservative Administration delivered for its residents.

But now it is time to move on to a new agenda, to 'Building on Success'. Our manifesto this time set out twelve pledges to the electorate that we will deliver over the next four years. Therefore the challenge for this Administration is to emulate the success of the past four years and deliver on as much of it's manifesto pledges as it possible can.

## **Annual Council, 24 May 2006**

So in Crime and Order we will work in partnership with the Police and their new Neighbourhood Policing Scheme to tackle crime as well as the fear of crime.

We aim to continue with the rollout of CCTV across the borough and introduce ANPR (Automatic Number Plate Recognition) systems in our town centres to assist the local police and their fight against crime.

Looking at the environment, one of the things we want to do is to tackle graffiti throughout the LB Havering. We will continue to expand the service to ensure that the recent successes in the fight against those who will 'tag' in Havering are continued and again working with the Police we will use our powers of enforcement to deal with those who graffiti our town centres.

On highways we will pledge to continue to invest in the roads of the borough, concentrating on upgrading both roads and pavements in residential areas.

In Streetcare we will build on our improvements and achievements of the last Administration.

'Better Havering' is delivering results and we need to continue to invest in the programme whilst developing new initiatives like a Green Round for the residents of this borough.

Madam Mayor, leisure and sport are priorities within our new agenda. Building on the success of the last four years, we pledge to continue to introduce Team Zones and play areas into our parks. Where possible we will work with 'Friends of Park' groups in partnerships to deliver better outcomes in those areas. And yes, we are committed to establishing a new swimming pool in Oldchurch Park. This, of course, works hand in hand with our view about sport, where we want to ensure that we expand the competitive range of sporting activities that take place in this borough. Because in doing so we have an effect on the health of not only adults but also children within Havering and also promote a much healthier lifestyle for the residents of this borough.

In Housing we are committed to investing £75m in providing better quality of housing for the tenants who live in our homes.

One of the major challenges for us as an Administration, Madam Mayor, is to deal with those young adults in our society, especially those who are not currently engaged in the mainstream process. So we are therefore pledged to work with all of our young children to develop a range of services that ensures that we meet their aspirations whilst at the same time continue to invest in Havering's excellent education service by supporting teaching staff and others whose job it is to educate the future generations.

Lastly, Madam Mayor, there are two more items of promises which go to make up 'Building on Success' and that is Council Tax and Civic Pride.

Our record on Council Tax I have already alluded to and therefore it will come as no surprise to the Council to find out that I propose to continue in the next four years in the same way we did in the previous four years, that is to drive the CT down as low as possible whilst continuing to manage the Council's finances so that monies can be found to invest in key services.

Lastly, Madam Mayor, this Administration will be committed to Civic Pride. One of the highlights for me in the last term was the visit of the Queen to the borough. On that day, Havering residents, I believe, had pride in what their borough was achieving and have continued to have



## **Annual Council, 24 May 2006**

pride in Havering. I want to continue to develop that and in doing so ensure that civic pride in a central core to the new Conservative Administration.

That, Madam Mayor, is what we are going to do. Build on success of 'Putting People First' and there is another manifesto which concentrates heavily on outcomes and has as a priority delivery of services to the residents of this borough.

I move now Madam Mayor on to the team that is going to help me deliver on these promises.

In the last Administration, we reformed the senior management structure of the Council. It is now time that the Executive of the Council also reflected the change that has been made. Therefore in proposing the Cabinet this evening, I will reflect those changes, announce the names of those people and their portfolios that they will be working in for the next twelve months.

First of all, Cllr. Steven Kelly, Deputy, Leader of the Council and Cabinet Member for Sustainable Communities. Steven will have the responsibility for the whole sustainable community's agenda. Working with Mark Gaynor, he will be given the task which will not only include adults, education and social services but also have in the strategic champions role within the Havering Strategic Partnership for elder persons.

Working in Steven's Team will be Cllr. Michael Armstrong who will be the Lead Member Sustainable Communities for Housing & Regeneration and Cllr. Peter Gardner, who will be Lead Member Sustainable Communities for Public Safety and although these two Members of the Cabinet have specific responsibilities, they will work with Steven in ensuring that the 'Building on Success' agenda is delivered within the Sustainable Communities portfolio.

Cllr. Andrew Curtin will be the Cabinet Member for Public Realm. Within this area of work lies libraries, culture, leisure and Havering's response to the 2012 Olympic Games and the challenges around that whole agenda. Andrew will work closely with Cynthia Griffin, as well as Cllr. Paul Rochford, who will have the Lead Member Public Realm Environment and Technical Services portfolio and Cllr. Barry Tebbutt, who will be the Lead Member Public Realm Streetcare and parking. Hence this team is responsible for delivering on a whole range of services that are very important to the residents of this borough i.e. Streetcare, parks and leisure, libraries and parking.

Cllr. Roger Ramsey will continue to deliver the resource agenda for the Council ensuring that he has control of both finance and procurement as well as some health and safety issues.

Cllr. Eric Munday, will be the Cabinet Member for Performance and Corporate. Within his portfolio he will have responsibility for performance management, best value and the CPA, human resources, equalities, facilities management, communications and media and a whole lot more besides.

The last Cabinet Member is Cllr. Geoff Starns, who will continue in his role as Cabinet Member for Children. This will include Children and Social Services, Children's education, youth services and the strategic partnership champion for the Childrens' Trust.

This new approach for Cabinet has its core in team work. Cabinet Members are responsible for not only their portfolios but for ensuring that the 'Building on Success' agenda is delivered in their areas.

Madam Mayor, what I have set out this evening is a vision for Havering that continues to concentrate on outputs and the delivery of services to our public.

**Annual Council, 24 May 2006**

May 4 was a great victory for the Conservative Party in Havering. We won seats in areas where Conservatives have not had representation for a long time and now that the public have given us their trust in electing thirty-four Conservative councillors and, for the first time since 1982, giving one party overall control of the LB Havering, I, as Leader of this Council, must make sure that the power that the residents have invested in me is used correctly. Two years ago, I said that it would take 54 councillors working together in partnership to improve this Council. The last two years has proven to me that working together is a much better way of tackling the problems of this Council than trying to do it alone. Instinctively, I believe in consultation rather than confrontation and therefore the open and transparent nature of the last Administration will be continued into the next Administration therefore the meetings that I have with the Leader of the Opposition to talk about things that occur within the Council will continue.

In closing, Madam Mayor, the challenges ahead of us are many. I have outlined our policy initiatives for the coming Administration and our priorities. I have always considered it an honour to be a councillor of the LB Havering and in particular to be its Leader. I promise not to ever let the residents of this borough down and working with my team, I believe we can build on success and deliver a Havering that people want to live and work in.

**VOTING RECORD**

DIVISION NUMBER:	1	2	3	4	5	6	7	8	9	10
<b>The Mayor [Cllr. Wendy Brice-Thompson]</b>	X	X	X	X	X	X	X	X	X	✓
The Deputy Mayor [Cllr. Georgina Galpin]	X	X	X	X	X	X	X	X	X	✓
<b>CONSERVATIVE GROUP</b>										
Cllr. Michael White	X	X	X	X	X	X	X	X	X	✓
Cllr. Gary Adams	X	X	X	X	X	X	X	X	X	✓
Cllr. Mike Armstrong	X	X	X	X	X	X	X	X	X	✓
Cllr. Robert Benham	X	X	X	X	X	X	X	X	X	✓
Cllr. Sandra Binion	X	X	X	X	X	X	X	X	X	✓
Cllr. Jeff Brace	X	X	X	X	X	X	X	X	X	✓
Cllr. Dennis Bull	X	X	X	X	X	X	X	X	X	✓
Cllr. Eddy Cahill	X	X	X	X	X	X	X	X	X	✓
Cllr. David Charles	A	A	A	A	A	A	A	A	A	A
Cllr. John Clark	X	X	X	X	X	X	X	X	X	✓
Cllr. Andrew Curtin	X	X	X	X	X	X	X	X	X	✓
Cllr. Ted Eden	X	X	X	X	X	X	X	X	X	✓
Cllr. Roger Evans	X	X	X	X	X	X	X	X	X	✓
Cllr. Christine Fox	X	X	X	X	X	X	X	X	X	✓
Cllr. Mark Gadd	A	A	A	A	A	A	A	A	A	A
Cllr. Peter Gardner	X	X	X	X	X	X	X	X	X	✓
Cllr. David Grantham	X	X	X	X	X	X	X	X	X	✓
Cllr. Kevin Gregory	X	X	X	X	X	X	X	X	X	✓
Cllr. Lesley Kelly	X	X	X	X	X	X	X	X	X	✓
Cllr. Steven Kelly	X	X	X	X	X	X	X	X	X	✓
Cllr. Pam Light	X	X	X	X	X	X	X	X	X	✓
Cllr. Robby Misir	X	X	X	X	X	X	X	X	X	✓
Cllr. Eric Munday	X	X	X	X	X	X	X	X	X	✓
Cllr. Bary Oddy	X	X	X	X	X	X	X	X	X	✓
Cllr. Frederick Osborne	X	X	X	X	X	X	X	X	X	✓
Cllr. Roger Ramsey	X	X	X	X	X	X	X	X	X	✓
Cllr. Paul Rochford	X	X	X	X	X	X	X	X	X	✓
Cllr. Geoffrey Starns	X	X	X	X	X	X	X	X	X	✓
Cllr. Bary Tebbutt	X	X	X	X	X	X	X	X	X	✓
Cllr. Frederick Thompson	X	X	X	X	X	X	X	X	X	✓
Cllr. Melvin Wallace	X	X	X	X	X	X	X	X	X	✓
Cllr. Keith Wells	X	X	X	X	X	X	X	X	X	✓
<b>RESIDENTS' GROUP</b>										
Cllr. Barbara Reith	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. June Alexander	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Clarence Barrett	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Gillian Ford	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Linda Hawthorn	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Len Long	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Andrew Mann	0	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Raymond Morgon	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. John Mylod	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Patricia Mylod	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Brenda Riddle	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Steve Whittaker	✓	✓	✓	✓	✓	✓	✓	✓	0	0
Cllr. Linda van den Hende	✓	✓	✓	✓	✓	✓	✓	✓	X	0
<b>RAINHAM &amp; WENNINGTON INDEPENDENT RESIDENTS' GROUP</b>										
Cllr. Jeffery Tucker	✓	0	0	✓	✓	0	X	0	✓	X
Cllr. Coral Jeffrey	✓	0	✓	X	✓	0	0	✓	✓	X
Cllr. Mark Stewart	✓	0	0	X	✓	0	X	0	✓	X
<b>LABOUR GROUP</b>										
Cllr. Keith Darvill	✓	✓	✓	✓	✓	✓	✓	✓	X	0
Cllr. Tom Binding	✓	✓	✓	✓	✓	✓	✓	✓	X	0
<b>British National Party Member</b>										
Cllr. Alan Bailey	X	0	0	0	X	0	0	0	✓	0
<b>Liberal Democrat Member</b>										
Cllr. Jonathan Coles	✓	✓	✓	✓	✓	✓	✓	✓	X	0
<b>TOTALS</b>										
<b>YES</b>	18				19				4	32
<b>NO</b>	33				33				37	3
<b>RESIDENTS' GROUP CANDIDATE(S)</b>		16	17	17		16	16	17		
<b>CONSERVATIVE GROUP CANDIDATE(S)</b>		32	32	34		32	34	32		
<b>ABSTAIN/NO VOTE</b>	1	4	3	1	0	4	2	3	11	17
<b>DECLARATION OF INTEREST/NO VOTE</b>	0	0	0	0	0	0	0	0	0	0
<b>ABSENT FROM MEETING</b>	2	2	2	2	2	2	2	2	2	2
	54	54	54	54	54	54	54	54	54	54

IN FAVOUR/RES.CANDIDATE ✓      AGAINST/CONS.CANDIDATE X  
 NOT VOTING O      ABSENT A  
 INTEREST DECLARED ID



# GOVERNANCE COMMITTEE

# 8

5 JULY 2006

## REPORT TO COUNCIL

### AMENDMENTS TO THE CONSTITUTION

The Council's Constitution is subject to continuous review to ensure that it remains "fit for purpose" and that there is a smooth flow of business through the Council's decision-making processes.

Following the creation of Homes in Havering, the Arm's Length Management Organisation (ALMO) and the transfer to it via a management agreement of various property management and tenancy relation matters, the Council's role moves from being the direct provider of those services to overseeing and monitoring their provision. The Council still retains responsibility for strategic housing issues. It is therefore necessary to amend the housing rules of Cabinet, the Cabinet Member for Housing & Regeneration and the Housing Overview & Scrutiny Committee to reflect these changes. It will also be necessary to amend the powers of the Head of Housing & Health, but those changes will be made once Homes in Havering is fully operational.

The Committee therefore **RECOMMENDS:**

That the changes to the Constitution set out in the Appendix to this report be approved.

## Proposed changes to the Constitution

Part 2 Article 6:01 (Areas of responsibility)

Delete Housing and replace with Overview of ALMO; Housing Retained Services

Housing and Committee	Overview Scrutiny	8 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"><li>• <del>Housing</del></li><li>• <u>Overview of ALMO</u></li><li>• <u>Housing Retained Services</u></li><li>• Social inclusion</li></ul>
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Part 3 Section 1.5 (Functions delegated to Area Committees)

Add new point 12 after 11.

12 To monitor local services (but not Housing Landlord services).

Part 3 Section 2.1 (Functions exercised by Cabinet alone)

Add new bullet point at end of list

- Approve annually the Homes in Havering Delivery Plan

Part 3 Section 2.1 paragraph 25 (Cabinet functions: award of contracts)

Delete first bullet point:

- ~~works contracts in respect of the Council's housing revenue account assets, where Cabinet is to award only those contracts where the total contract value is above £1,000,000.~~

Part 3 Section 2.1 para 37 (Cabinet functions: Housing)

Delete sub paragraphs (b), (c), (f) and (j)

~~(b) managing and maintaining all land and property held for the Council's housing functions~~

~~(c) maximising opportunities for tenant participation and~~

involvement

- ~~(f) providing, laying out, maintaining and overseeing all Council gardens, open spaces and land held for housing purposes~~
- ~~(j) taking responsibility for all right-to-buy matters affecting land or properties held in connection with the housing function.~~

Replace with:

- (b) oversight and monitoring of the ALMO Homes in Havering
- (c) managing and maintaining all land and property held for the Council's housing functions other than that land and property the management of which has been delegated to Homes in Havering.



**COUNCIL**

**19 JULY 2006**

**9**

**REPORT OF PENSIONS COMMITTEE  
21 June 2006**

**ANNUAL REPORT OF THE PENSIONS COMMITTEE  
(formerly the Investment Committee)**

The Annual Report of the Pensions Committee for 2005/06 is attached.

**RECOMMENDATION**

That the Council receives the Annual Report.



**COUNCIL**  
**19 July 2006**

**10**

**REPORT OF THE MONITORING OFFICER**

**SUBJECT: REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT,  
FINDING MALADMINISTRATION BY THE COUNCIL**

The Ombudsman has investigated a complaint by an individual living in Mawneys Ward about the Council's decision to approve planning permission for a block of flats opposite her house.

The full details of the complaint, of the issues dealt with in the Ombudsman's investigation and of his findings are set out in the investigation report appended to this report.

Although the report is couched, as required by law, in terms that protect the identities of the complainant, referred to as "Mrs Walnut" (not her real name) in the report, and of the Council Members and officers involved, the Ombudsman has taken the unusual step of naming the former Member whose actions led to the complaint and investigation.

The Ombudsman has found that the former Member's failure to deal appropriately with the matters complained of caused maladministration, leading to injustice to the complainant.

In order to remedy the maladministration and injustice, the Ombudsman recommends that the Council:

- a) pay £200 to Mrs Walnut to compensate her for the distress she has suffered, and the time and trouble she has been put to
- b) consider periodically the need to remind Members dealing with planning applications of their responsibilities.

The Council is obliged to report back to the Ombudsman its intentions in the light of his findings and recommendations. It is suggested that the Ombudsman be advised:

- 1 That the Council accepts the report and the criticism implicit in it;



- 2 Agrees to pay to “Mrs Walnut” the recommended compensation of £200; and
- 3 Intends to comply with the second recommendation by requiring the Democratic Services Manager to publish an appropriate reminder at not less than quarterly intervals in Calendar Brief. This will be done by reference to the Protocol on Probity in Planning.

### **Financial implications and risks**

The cost of the compensation recommended by the Ombudsman will be met from within existing budget provision for Members’ support. There are no identified financial risks

### **Legal implications and risks**

There are no identified legal implications or risks, unless the Council decides (contrary to accepted policy and practice) not to accept the Ombudsman’s findings or recommendations. In the event that the Council fails to do that, the Ombudsman may decide to issue a second report, further criticising the Council.

### **Environmental and equalities implications and risks**

There are no identified implications or risks for the environment or equalities.

## **RECOMMENDATION**

That the Council informs the Local Government Ombudsman that it:

- 1 Accepts the report and the criticism implicit in it;
- 2 Agrees to pay to “Mrs Walnut” the recommended compensation of £200; and
- 3 Agrees that the Democratic Services Manager shall publish in Calendar Brief at not less than quarterly intervals an appropriate reminder to Members of their obligations under the Protocol on Probity in Planning.

**Staff Contact:** Ian Buckmaster, Manager of Committee and Overview & Scrutiny Support  
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**IAN BURNS**  
**Deputy Monitoring Officer**

### **Background Papers**

Report of the Local Government Ombudsman

# Report

on an investigation into  
complaint no 04/A/16802 against  
The London Borough of Havering

29 June 2006

**Investigation into complaint no 04/A/16802  
against The London Borough of Havering**

<b>Table of Contents</b>	<b>Page</b>
<b>Report Summary</b>	<b>1</b>
<b>Introduction</b>	<b>3</b>
<b>Legal and Administrative Background</b>	<b>3</b>
<b>Investigation</b>	<b>4</b>
<b>Background</b>	<b>4</b>
<b>The Planning Application</b>	<b>5</b>
<b>The Committee meeting</b>	<b>7</b>
<b>The Standards Committee</b>	<b>7</b>
<b>Comments from other Members and the Chief Executive</b>	<b>9</b>
<b>The Council's Comments</b>	<b>10</b>
<b>Councillor Tebbutt's Comments</b>	<b>10</b>
<b>Conclusion</b>	<b>10</b>
<b>Appendix 1: The Standards Committee's Findings</b>	<b>13</b>
<b>Appendix 2: Protocol on Probity in Planning Matters</b>	<b>14</b>

## **Report Summary**

### **Subject**

Planning

Mrs Walnut complains about the Council's decision to approve planning permission for a block of flats opposite her house. Approval was given after the then Chair of the Committee, Councillor Tebbutt, used his casting vote and she says that, in view of his prior involvement with the owners and developer of the land, Councillor Tebbutt breached the Council's 'Protocol on Planning Probity'; in view of his involvement he should not have been part of the decision-making process.

Mrs Walnut says the block of flats, which is considerably higher than surrounding houses, is out of place, takes away her privacy and completely overlooks her home.

### **Finding**

Maladministration causing injustice

### **Recommended remedy**

I recommend that the Council

- a) pay £200 to Mrs Walnut to compensate her for the distress she has suffered, and the time and trouble she has been put to
- b) consider periodically the need to remind Members dealing with planning applications of their responsibilities.



## Introduction

1. Mrs Walnut complains that the Council failed to deal with an application for planning permission correctly, in particular that the then Chair of the Committee, Councillor (now ex-Councillor) Alby Tebbutt, wrongly used his casting vote to allow the application to be approved. She complains that the new building takes away her privacy, and that she is completely overlooked by 12 flats.
2. The law generally requires me to report without naming or identifying individuals. The names used in this report are therefore not the real names of those concerned, with the exception of Councillor Tebbutt. I have used his real name as I consider it to be in the public interest. Although he is no longer a councillor, I have referred to him as 'Councillor Tebbutt' in this report as that was his title at the time of the events.
3. The law requires that I shall not normally consider a complaint unless it was made to me or to a Member of the authority concerned within 12 months from the day on which the person aggrieved first had notice of the matters alleged. In view of the serious nature of the complaint I have exercised discretion to investigate events in this complaint from 2002. I have treated events before that date as background to this complaint.
4. Members of Commission staff have met Mrs Walnut and inspected the site, inspected the Council's records and interviewed some of the Councillors involved, one of the Council's legal officers and the Chief Executive. A copy of a draft of this report and conclusions was provided to the Council, the complainant and Councillor Tebbutt. Where appropriate, their comments have been included in the text.

## Legal and Administrative Background

5. There is an ethical framework for local government laid down by law<sup>1</sup>, which has four main elements:
  - Councils are to adopt a local Code of Conduct for Councillors based on a Model Code of Conduct issued by the government
  - Councils are to establish a Standards Committee whose main responsibilities are to provide support and guidance to members on their local Code; promote high standards of conduct; and to investigate and adjudicate (with a monitoring officer) allegations of breaches of the local Code referred to it by the Standards Board for England (see below)
  - There is a statutory Code of Conduct for local authority employees
  - The Standards Board for England arranges the investigation of allegations of breaches of the local Code, either through its Ethical Standards Officers, or by referral back to a council's Standards Committee

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<sup>1</sup> Part III of the Local Government Act 2000

6. The Model Code, on which all local Codes of Conduct must be based, sets out the expectations as to the conduct of councillors in carrying out their official duties. Members are expected to comply with the spirit not just the letter of their local Code. The Council has adopted a local Code based on the Model Code. It also has a Protocol on Probity in Planning, which applies to councillors and staff involved in the planning process, in conjunction with Members and Staff Codes of Conduct. A copy of the Protocol is appended to the report. The introduction of the Standards Board for England, Standards Committees and local Codes has not affected my jurisdiction to investigate complaints of maladministration by councils.
7. Planning applications should be considered without any bias or predetermination: Members must approach each application with an open mind. In addition, it is important that there is no appearance of bias; the question is not just whether there is any bias, but whether, from the point of view of a reasonable observer, there is a possibility of bias.<sup>2</sup>
8. The Council's planning policies are set out in the Havering Unitary Development Plan. Decisions on planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The Council has a Scheme of Delegation under which planning officers have delegated power to deal with many applications, but contentious applications where objections have been made, or applications for significant developments, are referred to the Council's Regulatory Services Committee. The Committee is made up of 12 councillors. The Chair of the Committee has a casting vote. A planning officer provides a report for the Committee for each application, making a recommendation. The Committee must consider the report, but is not obliged to follow the recommendation. Members must consider each application on its merits, taking account of any comments made at the meeting, and should not pre-judge applications.
9. At the time of these events, Councillor Tebbutt was the Chair of the Council's Regulatory Services Committee. He had been a councillor for over 20 years and was a senior member of the Conservative group. He had sat on planning committees for many years and became Chair in 2002. He says when he became Chair there was a very inexperienced Committee, with an equal split between his own party and the Opposition.
10. Councillor Tebbutt says the Planning Department's performance had been very poor. When he became Chair he introduced new practices, following the example of other councils he had visited. In the past, applicants were simply told to submit an application. They sometimes incurred costs of professional advice unnecessarily. A key change was the introduction of informal pre-application discussions so that applicants could get free advice from the Department to help prepare applications.

## **Investigation**

### **Background**

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<sup>2</sup> Georgiou v London Borough of Enfield & Others, Administrative Court, April 2004

11. For many years residents had been complaining about noise and fumes from paint spraying, from a car repair business operating from premises in their road of predominantly two storey houses with pitched roofs, and about the road being blocked by transporter lorries delivering and collecting cars, or vehicles being parked in the road. The site was not allocated in the Unitary Development Plan for commercial use; the preferred use was residential. Councillor Tebbutt says the Council had wanted to do something about the site for some years and he was asked to sort it out. It was not appropriate to have a business operating in a residential area, but there was no way to remove the business other than by compulsory purchase, which was against Council policy.
12. Councillor Tebbutt considered it would be a planning gain if the site could return to residential use. He visited the site and spoke to the owner of the business, Mr Sparks, who leased the premises. At first Mr Sparks was not keen to speak to him; he felt he had had a lot of trouble with the Council, which he thought was trying to put him out of business. Councillor Tebbutt says he reassured Mr Sparks he was not there to cause trouble, but to try and sort things out for him. Mr Sparks said his lease would expire within 12 months but he wanted to renew it. Councillor Tebbutt suggested he take the opportunity to move to larger premises and allow the site to be redeveloped for housing, which would be to everyone's advantage.
13. Councillor Tebbutt then spoke to Mr Trump, the owner of the site. He asked Mr Trump if, in view of the problems with the site, he had considered the opportunity to develop the site. He suggested that Mr Trump speak to the Planning Department, where he could get free advice.
14. Councillor Tebbutt says he attended a site visit with the owner's architect and a planning officer as part of pre-application discussions. Plans had not yet been prepared. He suggested the architect contact the Highways department to see if a rear access road could be unblocked, to improve access. He also suggested the developer speak to the owner of a bungalow next to the site; if the developer could buy the bungalow, he could turn the site from an 'L' shape to a square. He says there was no discussion of what development could go on the site.
15. Councillor Tebbutt says that he met Mr Oxford, the owner of the bungalow, at the architect's request (Mr Oxford had refused to speak to the architect) because he thought it was a shame that man was missing an opportunity. He says he explained to Mr Oxford that Mr Trump and the Council were trying to improve the site. He says Mr Oxford was not very forthcoming, but he explained there was an opportunity to make some money because if the development went ahead his house would be worth more, and he should talk to the architect. Mr Oxford agreed (he later sold his property, thus allowing the whole site to be developed).

### **The Planning Application**

16. In February 2003 Mr Trump made an application for permission to redevelop the site for 33 one bedroom flats within three linked three storey blocks. Eleven objections and a petition opposing the development signed by 23 residents were received.



17. Councillor Tebbutt says he considered applications before committee meetings and might form an initial view, but he did not pre-judge applications. He always went to the meeting with an open mind, prepared to be persuaded by any comments made.
18. The application was considered by the Regulatory Services Committee in April 2003. The planning officer's report said there were advantages in the loss of the non-conforming use but nevertheless recommended refusal on various amenity grounds. The application was deferred, at Mr Trump's request, so that he could put forward an amended proposal.
19. Councillor Tebbutt attended a meeting at the Planning Department with the architect and two planning officers. He says they discussed possible changes to the plans, to try to resolve issues raised by the objections. The original plans were for an 'H' shaped development of three blocks of flats. One of the officers suggested removing the middle block, which would reduce problems with overlooking into neighbouring properties.
20. Mr Trump submitted a revised application for 30 flats in two four-storey flat roofed blocks. Councillor Tebbutt says no objections were received to this revised application (but the Council's records show nine further letters were received and the residents' petition was resubmitted). The Committee considered this in July 2003.
21. Councillor Tebbutt says he spoke to the Leader of the Labour Group on the Council a few days before the meeting and asked if he could speak to two Labour Members on the Committee about the application. He says this was because it was a difficult site. It had previously been a Labour ward and, out of respect for a (Labour) ward councillor who had died, he would make sure opposition Members were able to have their say at the meeting. Councillor Tebbutt spoke to two Labour Members. They later accused him of acting improperly, allegations which he strongly denied (see paragraphs 29 to 34 below).
22. The planning officer's report noted that the Council's policy encouraged residential redevelopment when commercial sites in residential areas became available. It recommended refusal on the basis of overdevelopment, lack of adequate outdoor amenity space and the size of the development being dominant and intrusive, contrary to policies in the Unitary Development Plan. But it said there were benefits in removing from a residential area a business use with a history of complaints and adverse environmental impact; Members might wish to balance the disadvantages against the benefits of removing the existing use.
23. Councillor Tebbutt says he heard a rumour on the day of the meeting that the Opposition would cause trouble at the meeting, by alleging he had tried to intimidate them into approving the application. He says that about an hour beforehand he spoke to the Legal Officer who was to clerk the meeting and they discussed everything, including all the meetings he had attended. He asked if he should stand down as Chair of the meeting, but the Legal Officer's advice was that this was unnecessary, though he should explain his interest in the matter.
24. The Legal Officer says he had no knowledge of the site before that day. He asked Councillor Tebbutt why anyone would think he should not chair the meeting. Councillor Tebbutt said it was claimed he knew the owner of the site, but that was not true; he had just spoken to the interested parties and suggested they discuss what development might be possible. He had not gone to any meetings about the proposals.

25. The Legal Officer says on the basis of what Councillor Tebbutt told him, he advised there was no need for him to stand down, but he should explain his involvement at the beginning of the meeting. Councillor Tebbutt did so, and no-one objected to him chairing the meeting.

### **The Committee meeting**

26. The minutes of the meeting noted:

“Prior to the consideration of the item the Chair, Councillor Alby Tebbutt, announced that although he had been in discussion with the applicant and that had resulted in the application being submitted he had no other involvement and need not declare an interest and stand down from consideration of the proposal.”

27. At the meeting some members raised concerns about the size and impact of the scheme, but others commented that the non-conforming use would be removed. It was noted that nine letters of representation had been received in response to the revised plans.

28. When Members voted on the application, the vote was split. Councillor Tebbutt used his casting vote and the application was approved by seven votes to six. Details such as the design and colour of the building were delegated to officers to deal with. Officers subsequently approved design details and the flats were built. Mrs Walnut says that four storey blocks of flats in a road of two storey houses were too big and overbearing. The front of the building is painted bright blue and is out of keeping with neighbouring houses. They overlook her property, with balconies facing her bedroom window, and she says she has lost her privacy. She is concerned about parking problems. She says the value of her house has reduced.

### **The Standards Committee**

29. A councillor made a complaint about Councillor Tebbutt’s closeness to the applicant, his use of the casting to vote to force controversial applications through, and his approach to other Members before the meeting. The Standards Board for England referred it back to the Council, saying it did not concern a breach of the Code of Conduct but did raise serious concerns about the Planning Protocol. The Council’s Standards Committee decided to consider whether Councillor Tebbutt had breached 14 paragraphs of the Protocol on Planning Probity.

30. The Standards Committee heard evidence from two Councillors. They said Councillor Tebbutt had come to see them before the committee meeting, and had said

“I’ve got real problems with this application ... I’ve promised people it will go through and now I look at the report and it’s down for refusal and the officer has sodded off on holiday.”

31. They said he told them about his involvement, how he had told the site owner he could make money by selling the site; the car repairers that they could move to better premises; and local residents that they could get rid of the business. He was now worried that none of this would happen. He had asked them how they intended to vote.

32. One of them felt he was trying to lobby support; it went beyond the usual pre-meeting conversations. Another said he did not consider it amounted to lobbying but was concerned about Councillor Tebbutt's involvement and felt he should not chair the meeting. He raised it with the Leader of his Group and the Chief Executive and, following advice from them and the Council's Monitoring Officer, referred it to the Standards Board for England. Another Councillor had overheard some of the conversation. He had known Councillor Tebbutt for a long time and did not find him intimidating, but could see that others might.

33. Councillor Tebbutt said the allegations were unfounded and politically motivated. He said:

- he simply brought people together and pointed out to everyone involved the opportunities to redevelop the site; for example, he had said to Mr Trump:

“I contacted the owner by telephone and pointed these facts out to him that there is an opportunity to consider and I said to him ‘If any sensible businessman doesn't consider that option ... is not much of a businessman.’ I said, ‘I should strongly suggest you look at that proposition, that opportunity ... if you want advice on it that's what our officers are there for to advise you in a situation like this’.”

- he attended a meeting with officers and the architect, but his comments were nothing to do with whether the development was acceptable or not (though it could be improved if the middle block were removed). A proposal was made to remove the middle block and he left that for officers to negotiate
- at the committee meeting two letters were read out from residents withdrawing their objections and there was no opposition to the application from any residents. The report recommended refusal, but it was a balanced report, and it was for Members to use their own judgment, not just ‘rubber stamp’ the recommendation
- he took legal advice before the meeting and followed that advice
- as Chair, he had no choice but to use his casting vote
- he definitely did not lobby other Members; although he spoke to some of them, he made a point of saying he was not in any way indicating which way they should vote
- the planning department's performance had been extremely poor, but he had turned it round, so much so that the inspectors had commented it would be held up as a beacon to other councils

34. The Senior Planning Officer said officers had told the developer they considered the application was unacceptable overdevelopment but the applicant was not prepared to make further changes. The recommendation was for refusal, but there were arguments in favour and it was for Members to make their own judgment. He had attended one meeting where Councillor Tebbutt had been present, but had not been present at any

other meetings the Councillor may have attended. He had not felt Councillor Tebbutt had put pressure on officers in favour of the development.

35. Mr Trump told the hearing he had met Councillor Tebbutt and the Senior Planning Officer on site. They had discussed ways of making the application acceptable. He had been under the impression the application would be approved, though Councillor Tebbutt had not told him this.
36. The Legal Officer did not give evidence at the hearing, but gave a written statement, in which he said Councillor Tebbutt:

“ informed me that his only involvement had been to get the parties together to solve the problem. He had had no further involvement apart from that. As far as he was concerned there was no reason for him to leave the meeting.”
37. He confirmed that he had advised Councillor Tebbutt to explain his involvement to the Committee, which he did. The Committee made no comment and the meeting went ahead.
38. The Standards Committee considered 14 paragraphs of the Protocol on Planning Probity. It decided there was no breach of eight paragraphs, but the Committee recommended that Councillor Tebbutt be removed from the Regulatory Services Committee for a period of six months for breaching six paragraphs. The Committee’s findings are set out in an appendix to the report. The Council accepted the recommendation and he was suspended from the Committee for six months from 24 December 2004. He was not reappointed after the suspension ended (though attended a few meetings as a substitute for Members unable to attend).

#### **Comments from other Members and the Chief Executive**

39. The Labour Members who complained about Councillor Tebbutt’s actions say they were concerned before the Committee. He had been lobbying them and his involvement suggested he had already decided planning permission should be approved. He was not, therefore, impartial. Two of them did not sit on that committee and could do nothing about his involvement. The third says that, as he explained that he had been given legal advice that it was appropriate to continue, she did not think it possible to take any action.
40. One of them says he raised the issue with the senior Conservative Members and the Chief Executive at a local government conference the day before the Committee meeting. As a result of their conversation he understood they would take action, but nothing was done.
41. The three Labour Members say they discussed the situation after the Committee meeting and decided some action should be taken. This led to the complaint to the Standards Board, which was referred back to the Council to deal with. They each considered Councillor Tebbutt was acting with good intentions, trying to bring about an improvement to the area, but there are strict rules on conduct and he did not follow them.
42. The then Deputy Leader says there was no direct discussion at the conference, though he was aware the Labour Members had some concerns. He spoke to Councillor Tebbutt before the Committee meeting and accompanied him to his meeting with the Legal

Officer. In view of the legal advice given he did not see any reason why Councillor Tebbutt should not chair the meeting. He does not consider Councillor Tebbutt had done anything wrong and feels the complaint was politically motivated.

43. The Chief Executive says he does not recall being involved in any discussions at the time. It is possible there were some conversations while he was nearby, but he was not directly involved in any. He says if any issue had been raised with him his advice would have been to refer it to the Council's Monitoring Officer, who is responsible for such matters.

### **The Council's Comments**

44. The Council says it has gone to considerable lengths to ensure Members comply with the protocol; extensive training was given after the elections in 2002, and again after the recent elections, addressing these issues in depth. Councillor Tebbutt's actions were contrary to advice and training given to Members and resulted from his personal actions, rather than any corporate failure by the Council. The decision to suspend him for six months shows that the Council finds such conduct unacceptable.

### **Councillor Tebbutt's Comments**

45. Councillor Tebbutt says

- the actions of the Labour councillors were politically motivated – instead of reporting their concerns to the Monitoring Officer in the days leading up to the Committee meeting, as they should have done, they colluded to create a situation which they then used to their advantage by making a complaint about him
- even if he had stood down, another Conservative councillor would have acted as his substitute, it is extremely likely the Conservative Members of the Committee would have supported the application and the decision would therefore have been the same
- Mrs Walnut's concerns were not valid; the new building is an improvement on the previous use, parking problems are less severe and any impact on her is minimal.

### **Conclusion**

46. Councillor Tebbutt says he did nothing wrong; all he did was to get interested parties talking to each other, and the subsequent redevelopment removed the business premises, which residents had been complaining about. He could speak to those involved and engage in discussions about possible ways to develop the site, but the Council's protocol advised against this. It also imposed duties on Councillor Tebbutt about how to conduct himself in such circumstances. He did not fulfil those duties, since he
- had not simply got people together, but might reasonably be seen as having initiated the proposals and had then engaged in discussions about the development (and did not keep notes of those discussions)

- by his actions, indicated that he was in support of the proposal and was seeking support from others, which called into question his impartiality
- used his casting vote to approve the application, for which he had previously indicated support.

47. Councillor Tebbutt's actions were in flagrant breach of the Council's Protocol on Planning Probity. This application was contentious, with objections from many local residents. It was essential not only that the Committee was impartial, but that it was clearly seen to be so. In view of his involvement, he should not have engaged in the decision making process.

48. Councillor Tebbutt says he sought legal advice and acted on that advice, and he declared his interest, so if any other members were concerned they should have objected at that point. But the Legal Officer says Councillor Tebbutt did not explain fully all his involvement. The minutes of the meeting record only that he said he had brought people together. In any event, although members may seek advice, it was ultimately his responsibility to make the decision about whether to withdraw from the process. In view of his involvement he should have stood down.

49. The Council's Protocol on Probity represents the standard against which Members' conduct in dealing with planning matters is measured. I consider Councillor Tebbutt's breaches of the Code incompatible with good administration. The purpose of the Protocol is to ensure Members comply with appropriate standards of conduct and uphold good decision making processes. Councillor Tebbutt did not meet those standards, and the decision making process was flawed. This amounted to maladministration. I have identified ex-Councillor Alby Tebbutt because I am concerned about his flagrant disregard for appropriate standards of conduct.

50. There is some disagreement between the Labour and Conservative Members about what happened. It is not possible for me to make any findings about this, but that does not alter the conclusion that Councillor Tebbutt acted improperly and should not have chaired the meeting.

51. Mrs Walnut complains that she has suffered injustice as a result of the building opposite her house. It is very difficult to judge the extent of any injustice. If Councillor Tebbutt had stood down, it is possible that permission would have been granted anyway, that the car repairs business would still be there, or that some other development might have been built. I cannot say what the outcome might have been or whether the impact would have been any more or less than the building now facing Mrs Walnut's home. I do, however, consider that she has suffered some distress as a result of what has happened and has been put to some time and trouble in pursuing her complaint, and for this I consider the Council should pay compensation of £200.

52. The Council has in place its Protocol on Probity which, if followed, should avoid similar situations happening again. The Council provides guidance and training to Members dealing with planning applications but may need to remind them periodically of their responsibilities, to avoid another Member acting in the way Councillor Tebbutt did here.

**Tony Redmond  
Local Government Ombudsman  
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**29 June 2006**

## Appendix 1: The Standards Committee's Findings

Paragraph		Finding
2(a)i	It is advisable for Members not to become directly involved in pre- or post-submission discussions with applicants or objectors	Councillor Tebbutt had visited Mr Trump and Mr Sparks and had other discussions with them
2(a)ii	Members serving on planning committees or who become involved in making planning decisions (where the Council deals with a planning application) must not in their official capacity, or in any other circumstances, use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage	His support for the application at the Committee meeting had enabled the owners and occupiers of the land to benefit. In the context of his efforts to secure approval, and in using his casting vote, this was improper
2(a)iii	Members should take account of opposing interests involved in planning decisions, but should not favour any person, company or group or locality, nor put themselves in a position where they appear to do so	By his various actions and comments before the Committee meeting, and at the meeting itself, he had conveyed an impression of overt support for the application
4(d)	A written note should be made of all potentially contentious meetings. At least one member of staff should attend such meetings and a follow-up letter should be written. A note should be made of similarly contentious telephone discussions	He had not made any notes of his meetings and discussions
5(c)	Lobbying can, if not properly handled, lead to the impartiality of a member of the planning committee being called into question	He had approached another Member in a way she perceived as seeking support for the application, contrary to the officer's recommendation, calling into question the Committee's impartiality
5(f)v	If a member decides that they must lobby for or against a proposal, or publicly expresses support of a particular outcome, they should attend the committee as an individual and not take part in the decision making process for any matter being considered at that meeting	He had used his casting vote in favour of an application for which he had previously expressed support by lobbying a Member



## **Appendix 2: Protocol on Probity in Planning Matters**

See following pages



**REPORT OF THE CHIEF EXECUTIVE**

**OVERVIEW AND SCRUTINY COMMITTEE RULES – EXCEPTION TO THE  
CALL-IN (REQUISITION) PROCEDURE – Elderly Care Homes  
Reprovisioning**

**SUMMARY**

Under paragraph 17d of these rules, the Leader will submit quarterly reports to Council on decisions taken by, among others, Cabinet in the circumstances set out in Rule 17 (exception to the call-in(requisition) procedure) in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken. This report deals with the only such decision 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 public shall state whether in the opinion of the 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 the 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 each 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 In respect of this exception to the call-in procedure, the Cabinet revisited the decision on Elderly Care Homes Re-provisioning taken on 20 July 2005. It was imperative that the Cabinet decision was not subject to the call in process which, if pursued, would delay the decision-making process and seriously prejudice the Council and public interests.

### **3 The decision to treat as urgent**

3.1 Cabinet has reached a number of decisions in principle on the future of residential and day care services in Havering but had invited the Social Care & Health Overview & Scrutiny Committee to comment upon those proposals before implementing them.

3.2 At its meeting on 20 July 2005, Cabinet decided to confirm the decisions set out below, as reached in principle at the meeting on 8 June, and that accordingly the various steps necessary to implement those decisions be put in hand forthwith:

1. To confirm that Option G as set out in the report is the Council's preferred option for the provision of residential and day care services in Havering;
2. That:
  - a. Hampden Lodge and Marks Lodge be closed as and when all residents have transferred from those homes to alternative suitable provision;
  - b. that all staffing issues be resolved in accordance with the Council's existing policies; and
  - c. that the surplus sites be sold when vacant;
3. That a tendering process commence to implement the chosen option and that approval of the pre-tender report be delegated to the Cabinet Members for Adult Services and for Resources;
4. That officers develop an in-house comparator of costs for the chosen option to serve as a benchmark against which tenders arising from the implementation of the option can be evaluated to ensure Best Value; and

5. To note the proposals in the Management of Change section of the report.

3.3 These decisions needed to be reconsidered and arrangements were made for Cabinet on 11 April 2006 to do so.

#### **4 Why the decision was treated as a matter of urgency**

4.1 The Assistant Chief Executive, Legal and Democratic Services certified that she was satisfied that the matter should be treated as urgent for the following reason –

- “The Council are involved in a Judicial Review application before the High Court on 8<sup>th</sup> May 2006 and have received expert advice from Counsel that Cabinet need to reconsider the decision they made in this respect on 20<sup>th</sup> July 2005.”
- “Counsel considers it essential that Cabinet must revisit the decision before the Hearing date. As further evidence needs to be submitted on this shortly, it is imperative that the Cabinet decision is not subject to the requisition procedure which, if pursued, would delay the decision-making process.”

4.2 The Executive Director, Finance and Planning, certified that she had been consulted and was similarly satisfied.

4.3 The Chairman of the Adult Services and Health Overview & Scrutiny Committee, Councillor Yve Cornell accepted that the decision needed to be taken as a matter of urgency and certified that agreement, in accordance with paragraph 17.

4.4 Once action under Rule 17 was completed, Cabinet proceeded to the next stage, i.e. taking the decision, and this action was taken.

#### **5 Financial Implications and risks:**

There are none directly associated with this report to Council.

#### **6 Legal Implications and risks:**

There are none directly associated with this report to Council.

#### **7 Human Resources Implications and risks:**

There are none directly associated with this report to Council.

**8 Equalities and Social Inclusion Implications:**

There are none directly associated with this report to Council.

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Manager  
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**STEPHEN EVANS**  
**Chief Executive**

**Background Papers List**

Decision Under Rule 17 of the Overview and Scrutiny Rules: Elderly Care  
Homes Reprovisioning, signed by Councillor Yve Cornell – 22 March 2006



COUNCIL

19 JULY 2006

13

**REPORT OF CABINET  
21 June 2006**

**BEST VALUE PERFORMANCE PLAN 2006**

Cabinet was reminded that the Local Government Act 1999 required all best value authorities to prepare an annual Performance Plan as a key element of delivering best value. It should include details of the previous year's outturn and targets for both the current year and the subsequent two years.

Havering's approach to Best Value is supported by its corporate business planning process, which links the Corporate Plan, the Medium Term Financial Strategy, and the Performance Plan, to ensure all staff are working to improve the quality of life of Havering's residents.

At its meeting on 21 June, Cabinet was invited to agree the Best Value Performance Plan for submission to, and approval by, the Council. Further to the Cabinet Report, the Performance Team invited the Chairmen and Vice-chairmen of the Overview and Scrutiny Committees to a series of briefing sessions on 6 July where the Performance Plan was discussed.

Because the basket of indicators against which we report changes year on year, it is difficult to demonstrate trends. In 2004/05, the last year for which national data are available, 56 indicators out of the 100 that were comparable with other authorities were in the top two quartiles. An early estimate of this year's (2005/06) performance suggests that 36% of this year's outturns continue to show significant improvement on the 2004/05 position.

A basket of these indicators has been selected by the Audit Commission for inclusion within the Comprehensive Performance Assessment, although the final methodology is not yet available.

**A copy of the full schedule of Performance Indicators and outcomes was circulated to all Members with the papers for the Cabinet meeting on 21 June. In addition, each Member has been sent a copy of the Performance Plan published on 30 June, and it has not therefore been reproduced with this report. Members are asked to bring to this meeting the Cabinet Report and the 30 June Performance Plan for ease of reference.**

Cabinet agreed:

**Council, 19 July 2006**

1. To note the (unaudited) outturns being reported to the Audit Commission for both the statutory Best Value Performance Indicators (BVPIs) and a selection of the locally collected performance indicators (LPIs);
2. To endorse the improvements in performance targets being set by services for 2006/07 and the subsequent two years;
3. To recognise that some of these outturns may be subject to change before final publication of the Performance Plan on 30 June 2006.

**Recommendation**

**That Council endorses the Plan as finally published on 30 June**



**COUNCIL**  
**19 JULY 2006**

**14**

**QUESTIONS**

**1 RECYCLING OF CLOTHES**

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

By Councillor Gillian Ford

Can you tell us if the recent trial of collecting clothes at the doorstep will be continued?

**2 GREEN WASTE**

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

By Councillor Andrew Mann

How many residents have signed up to the Green Waste Collection Scheme, are the numbers above the estimates and when do you anticipate the scheme being rolled out to the remaining wards?

**3 SCHOOL CHECKS**

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

By Councillor Gillian Ford

What procedures are in place to ensure that every member of school staff have been identity, qualification and Criminal Records Bureau checked and that robust systems of record keeping are in place within all our schools?



**Council Meeting, 8 February 2006 – Questions**

**4 PREVENTATIVE TECHNOLOGY GRANT**

**To the Cabinet Member for Resources**  
**(Councillor Roger Ramsey)**

By Councillor Ray Morgon

How will the council be using the Preventative Technology Grant of £131K in 2006 / 2007 and £218k in the 2007 / 2008?

**5 COUNCIL TAX PAYMENT DATE**

**To the Cabinet Member for Resources**  
**(Councillor Roger Ramsey)**

By Councillor Clarence Barrett

Since introducing the option of an additional instalment date of the 15th of the month for Council Tax payment (for direct debit payments only), how many customers have now moved payment from the 1st of the month to the 15th of the month?

**6 LONDON YOUTH GAMES**

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

By Cllr Linda Van de Hende

Whilst congratulating the young children of the Borough on winning the youth games yet again, is the cabinet member not embarrassed at the level of financial support Havering gives its youngsters, compared to most of the other London Boroughs?



# **COUNCIL**

**19 July 2006**

## **SUPPLEMENTARY AGENDA**

The attached report is submitted with the agreement of the Mayor as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972

**10 REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT,  
FINDING MALADMINISTRATION BY THE COUNCIL**

Appendix 2 of the Local Ombudsman's Report was inadvertently omitted from the published papers but is now attached.

**11 CAPITAL PROGRAMME REVISION**

The Chief Executive's report is attached.

**Council Meeting, 26 July 2006**



## COUNCIL

19 JULY 2006

# 11

**This report is submitted with the agreement of the Mayor as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972**

### **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: CAPITAL PROGRAMME REVISION**

#### **1. SUMMARY**

- 1.1 This report seeks Council's approval to revisions to the Capital Programme to incorporate a programme of works on the Council's leisure facilities.

#### **2. RECOMMENDATIONS**

- 2.1 That Council approves the revision to the Capital Programme detailed in the appendix to incorporate the programme of works on the Council's leisure facilities to enable these works to proceed as part of the externalisation and award of contract for leisure management.

#### **3. BACKGROUND**

- 3.1 The Council has undertaken an externalisation process for the management of the Council's three sports/leisure centres, namely Central Park Leisure Centre, Hornchurch Sportcentre and Chafford Sports Complex.
- 3.2 At its 14 December 2005 meeting, Cabinet received a report on the outcome of the evaluation of the initial tenders and subsequent Best and Final Offers (BaFO's) submitted relative to the management of the Council's three sports/leisure centres. Cabinet agreed:-

- to award Preferred Bidder status to SLM relative to the management of its three sports/leisure centres; namely Central Park Leisure Centre, Hornchurch Sportcentre and Chafford Sports Complex;
- to authorise the Head of Cultural & Leisure Services, in consultation with the Group Director, Finance & Commercial and the Assistant Chief Executive, Legal & Democratic Services to negotiate with SLM in respect of the completion of the contract documentation and finalisation of cost to the Council;
- to authorise the Cabinet Members for Resources and Culture & ICT to agree the final award of contract, subject to the approval of the Group Director Finance & Commercial on the financial aspects of the contract and the Assistant Chief Executive Legal & Democratic Services on the negotiated terms of the contract documents;
- to authorise the Cabinet Members for Resources and Culture & ICT to take any other necessary decisions in relation to the contract.

3.3 It is proposed to award the contract to SLM through delegated approval by the Lead Members for Culture and Resources. The authority being sought in this report will only be implemented if and when the contract is completed.

3.4 The tender submitted by SLM includes a programme of capital improvements. Undertaking these works is essential for two reasons:

- Firstly, to enable the contractor to considerably improve the facilities and increase the income generation capabilities of the three sites, and
- Secondly, to ensure that the facilities are then able to be maintained at a higher standard at an acceptable cost level.

3.5 As part of the negotiations over this programme of works, officers' views was that it was economically advantageous for the costs of these works to be funded by the Council, rather than through contract payments to SLM. This is because the financing costs are considerably less expensive if the Council utilises its prudential borrowing powers. However, to enable these works to proceed, approval is required from Council to incorporate the leisure programme within the overall capital programme.

3.6 The works proposed are the result of site condition surveys and extensive discussions between SLM and officers. Although they are best estimates of the value of the works at they time they are currently proposed to be undertaken, the contract is being written to ensure that agreement is reached on any changes to the programme between both parties.

3.7 The current capital programme was approved as part of the budget setting at Council on 1 March 2006. The proposed leisure programme will, if approved by Council, form part of the expanded programme. This programme is monitored by

officers and is reported on a monthly basis to Project Board. Reports also appear within individual Head of Service packs.

- 3.8 A summary of the proposed programme for leisure facilities is set out in Appendix A.
- 3.9 In addition to the capital programme which will be funded by the Council, the contractor will also undertake a programme of works over the duration of the contract; this will include investment in facilities where the contractor has plans to improve the centres and generate additional income, and the replacement of equipment. These costs will also be funded as part of the overall contract cost.

#### **4. FINANCIAL IMPLICATIONS AND RISKS**

- 4.1 The proposed programme of works within the three leisure sites totals £3.187m over the 10 year life of the contract. This as stated above is the result of detailed site surveys and represents the agreed position between officers and representatives from the preferred bidder for the leisure contract. The actual works undertaken may vary from this proposed programme, but any changes require the agreement of both parties.
- 4.2 The cost of the works will be funded through prudential borrowing and repaid over a period of 25 years. The estimated cost over the period covered by the contract is £1.399m, with an approximate annual cost of around £140k. The actual figure varies with the value of work in each specific year and as repayments of the borrowing are made, for example the average cost over the last 4 years of the contract is around £180k. The financing costs are being met from within the overall cost to the Council of the contract.

#### **5. LEGAL IMPLICATIONS AND RISKS**

- 5.1 There are no particular legal implications to this proposal to revise the Council's capital programme to include additional works.

#### **6. HUMAN RESOURCE IMPLICATIONS AND RISKS**

- 6.1 There are none arising directly from this report.

## **7. ENVIRONMENTAL & EQUALITIES IMPLICATIONS AND RISKS**

7.1 There are no identified implications or risks for the environment or equalities.

**Staff Contact:** Mike Stringer, Head of Financial Services  
01708 432101

**STEPHEN EVANS  
CHIEF EXECUTIVE**

### **Background Papers**

There are no background papers

**APPENDIX A CAPITAL INVESTMENT FUNDED BY THE COUNCIL**

**TOTAL CAPITAL SUMMARY £000**

	Year										
	1	2	3	4	5	6	7	8	9	10	Total
External	116	103	17	23	7	7	-	-	-	395	668
Doors	28	71	28	15	-	-	14	11	-	16	183
Wall, Ceiling & Floor Finishes	43	57	-	15	29	-	35	21	-	7	207
Fixtures and Fittings	17	156	113	14	33	-	32	-	-	-	365
Mechanical Installations	14	28	6	5	51	209	93	129	19	-	554
Electrical Installations	-	-	-	95	-	116	17	22	-	-	250
Redevelopment of Fitness Centre	659	-	-	-	-	222	-	-	-	-	881
Redevelopment of creche and Osteopath facility	70	-	-	-	-	-	-	-	-	-	70
Disability Discrimination Act Works	9	-	-	-	-	-	-	-	-	-	9
<b>Total</b>	<b>956</b>	<b>415</b>	<b>164</b>	<b>167</b>	<b>120</b>	<b>554</b>	<b>191</b>	<b>183</b>	<b>19</b>	<b>418</b>	<b>3,187</b>



**APPENDIX A CONTINUED CAPITAL INVESTMENT FUNDED BY THE COUNCIL BY SPORTS CENTRE**

**HORNCHURCH CAPITAL SUMMARY £000**

Location	Year										Total
	1	2	3	4	5	6	7	8	9	10	
External	103	38	14	16	7	-	-	-	-	395	573
Doors	28	63	20	15	-	-	14	11	-	10	161
Wall, Ceiling & Floor Finishes	38	23	-	-	-	-	-	-	-	-	61
Fixtures and Fittings	17	156	101	14	33	-	-	-	-	-	321
Mechanical Installations	14	16	-	-	45	34	62	84	-	-	255
Electrical Installations	-	-	-	-	-	-	-	-	-	-	-
Redevelopment of Fitness Centre	659	-	-	-	-	222	-	-	-	-	881
Redevelopment of creche and Osteopath facility	70	-	-	-	-	-	-	-	-	-	70
Disability Discrimination Act Works	9	-	-	-	-	-	-	-	-	-	9
<b>Total</b>	<b>938</b>	<b>296</b>	<b>135</b>	<b>45</b>	<b>85</b>	<b>256</b>	<b>76</b>	<b>95</b>	<b>-</b>	<b>405</b>	<b>2,331</b>

**Council, 19 July 2006**

**CHAFFORD CAPITAL SUMMARY £000**

Location	Year										Total
	1	2	3	4	5	6	7	8	9	10	
External	13	65	3	7	-	-	-	-	-	-	88
Doors	-	8	8	-	-	-	-	-	-	-	16
Wall, Ceiling & Floor Finishes	5	34	-	7	-	-	16	7	-	7	76
Fixtures and Fittings	-	-	12	-	-	-	-	-	-	-	12
Mechanical Installations	-	12	6	5	6	175	31	45	-	-	280
Electrical Installations	-	-	-	95	-	105	17	9	-	-	226
<b>Total</b>	<b>18</b>	<b>119</b>	<b>29</b>	<b>114</b>	<b>6</b>	<b>280</b>	<b>64</b>	<b>61</b>	<b>-</b>	<b>7</b>	<b>698</b>

**CENTRAL PARK CAPITAL SUMMARY £000**

Location	Year										Total
	1	2	3	4	5	6	7	8	9	10	
External	-	-	-	-	-	7	-	-	-	-	7
Doors	-	-	-	-	-	-	-	-	-	6	6
Wall, Ceiling & Floor Finishes	-	-	-	8	29	-	19	14	-	-	70
Fixtures and Fittings	-	-	-	-	-	-	32	-	-	-	32
Mechanical Installations	-	-	-	-	-	-	-	-	19	-	19
Electrical Installations	-	-	-	-	-	11	-	13	-	-	24
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8</b>	<b>29</b>	<b>18</b>	<b>51</b>	<b>27</b>	<b>19</b>	<b>6</b>	<b>158</b>

**Council, 19 July 2006**



# **COUNCIL**

**19 July 2006**

<p><b>SECOND SUPPLEMENTARY AGENDA</b></p>
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**5 AWARDS FOR EMINENT SERVICE TO THE BOROUGH OR TO THE COUNCIL**

**NOTES:**

- 1** The nominations shown in (a) (Honorary Freedom of borough) and (b) (Honorary Aldermen) must be supported by not fewer than two thirds of the Members present and voting.
- 2** Brief citations are set out below.

**CITATIONS FOR THE CONFERMENT OF THE HONORARY FREEDOM OF THE BOROUGH**

**Ian Yeoman**

See attached appendix

**Council Meeting, 19 July 2006****CITATIONS FOR APPOINTMENT AS HONORARY ALDERMAN**

Each of the following former Members served until May 2006.

	<b>Year first elected (or terms, if more than one)</b>	<b>Past holder of Civic or key Council offices including:</b>
<b>Ivor Cameron</b>	1990	Mayor, 1996/97 Chairman, Environment OSC, 2000-02 and 2004-06
<b>Wilf Mills</b>	1962-65 (Romford Borough Council) 1964-68 1971	Leader of the Council, 1997-98 Deputy Leader of the Council, 1998- 2002 Chairman: Corporate OSC, 2004-06 Corporate Services, 1993-96 Development & Transportation, 1990- 93
<b>Denis O'Flynn</b>	1971	Mayor, 1991-92 and 2001-02 Chairman, Harold Hill and Harold Wood Area Committee, 2000-02
<b>Louise Sinclair</b>	1968	Mayor, 1988-89 and 2004-05 Leader of the Administration, 1996-97 Leader of the Opposition, 1997-2000 Chairman: Deputy Leader of the Council, 1987-88 Culture & Regeneration OSC, 2005-06 Environment & General Services, 1986- 88 Community & Recreation, 1975-78 Housing, 1974-75
<b>Owen Ware</b>	1990	Chairman: Education/Children's Services OSC, 2004-05 Upminster, Cranham & Emerson Park Area Committee, 2000-04
<b>Reg Whitney</b>	1986	Member, Regulatory Services Committee (or its predecessor committees), 1986-2006

**Council Meeting, 19 July 2006**

**Council Meeting, 19 July 2006****APPENDIX****Ian A Yeoman****Band Director, The Royal British Legion  
Band & Corps of Drums, Romford**

Ian joined the band at the age of 9 in 1978. He was always interested in music and as a result of that went along to the Havering Tattoo held in Romford Market. There Ian witnessed bands that he never knew existed, coming from East London Ian had not seen anything like this before. In 1978 the Legion Band were probably the biggest youth band in size (as they are today) and caught his eye immediately. Without further delay Ian enquired about joining. A week later Ian was in training, and has enjoyed it ever since.

In 1981 along with receiving his first stripe Ian was awarded "bandsman of the year", an award that was never presented to another member until Mr Peter Richardson BEM passed away 1992. In 1983 Ian was promoted to sergeant, being the youngest person in the history of the band to achieve this high rank and as such went on to become not only a colour sergeant but also Mr Richardson's right hand man culminating in the position of RSM a rank that was introduced to the band especially for Ian which would allow other members of the band to progress through the ranks.

At the age of 15 Ian organized a door to door recruitment campaign which saw 20 new members enter the band and from that day onwards Ian has continued to enlist young members from the London Borough of Havering into the band. These days this is done not by door to door, but by Ian taking days off from work to give presentations at local schools in the area. For the past 20 years Ian has been training these young people along with a team of helpers to become disciplined members of the band, to have respect for themselves and others and generally become decent members of society which will put them in good stead for their future.

It is Ian's genuine belief that any child regardless of their behaviour and background can achieve the qualities and principles that are required of them in order to enjoy being an active and successful member within the band, some members have gone on to serve in military marching bands within Her Majesty's armed forces.

For the past 28 years Ian has dedicated his life to the members of the band by training the band members four nights a week plus weekends whilst pursuing a career in the financial industry in the city of London. But Ian isn't just an instructor

**Council Meeting, 19 July 2006**

or band director he's also a trusted and respected friend to all the members and their parents, most nights Ian is not only running the band but he's also being Solomon to any members grappling with any problems in their lives, even helping members with issues at home.

Thanks to Ian's leadership coupled with the band's desire to work hard the band has gone from strength to strength over the last decade and this is due to the dedication and pride put in by all members of the organisation the band being the only traditional youth marching band in the country to compete and win nine world titles.





# COUNCIL

19 July 2006

## THIRD SUPPLEMENTARY AGENDA

### 10 REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT, FINDING MALADMINISTRATION BY THE COUNCIL

#### 10A Amendment by the Residents' Group

**Amend** recommendation 2 to read:

"Agrees to pay "Mrs Walnut" the sum of £2500"

**Add a new recommendation:**

- 4 Asks the monitoring officer to amend the Constitution to make it mandatory for all members who are on the Regulatory Services Committee to partake in training on Planning Protocol, in particular around Probity.

**Note:** the recommendation would then read:

That the Council informs the Local Government Ombudsman that it:

- 1 Accepts the report and the criticism implicit in it;
- 2 Agrees to pay "Mrs Walnut" the sum of £2,500;
- 3 Agrees that the Democratic Services Manager shall publish in Calendar Brief at not less than quarterly intervals an appropriate reminder to Members of their obligations under the Protocol on Probity in Planning; and
- 4 Asks the monitoring officer to amend the Constitution to

**Council Meeting, 19 July 2006**

make it mandatory for all members who are on the Regulatory Services Committee to partake in training on Planning Protocol, in particular around Probity.