

ANNUAL MEETING OF THE COUNCIL

**7.30pm WEDNESDAY, 20 MAY 2009
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

Members of the Council of the London Borough of Havering are hereby summoned to attend the Annual Meeting of the Council at the time and place indicated for the transaction of the following business, including the consideration of the conferment on certain individuals of the office of Honorary Freeman



Chief Executive

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

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

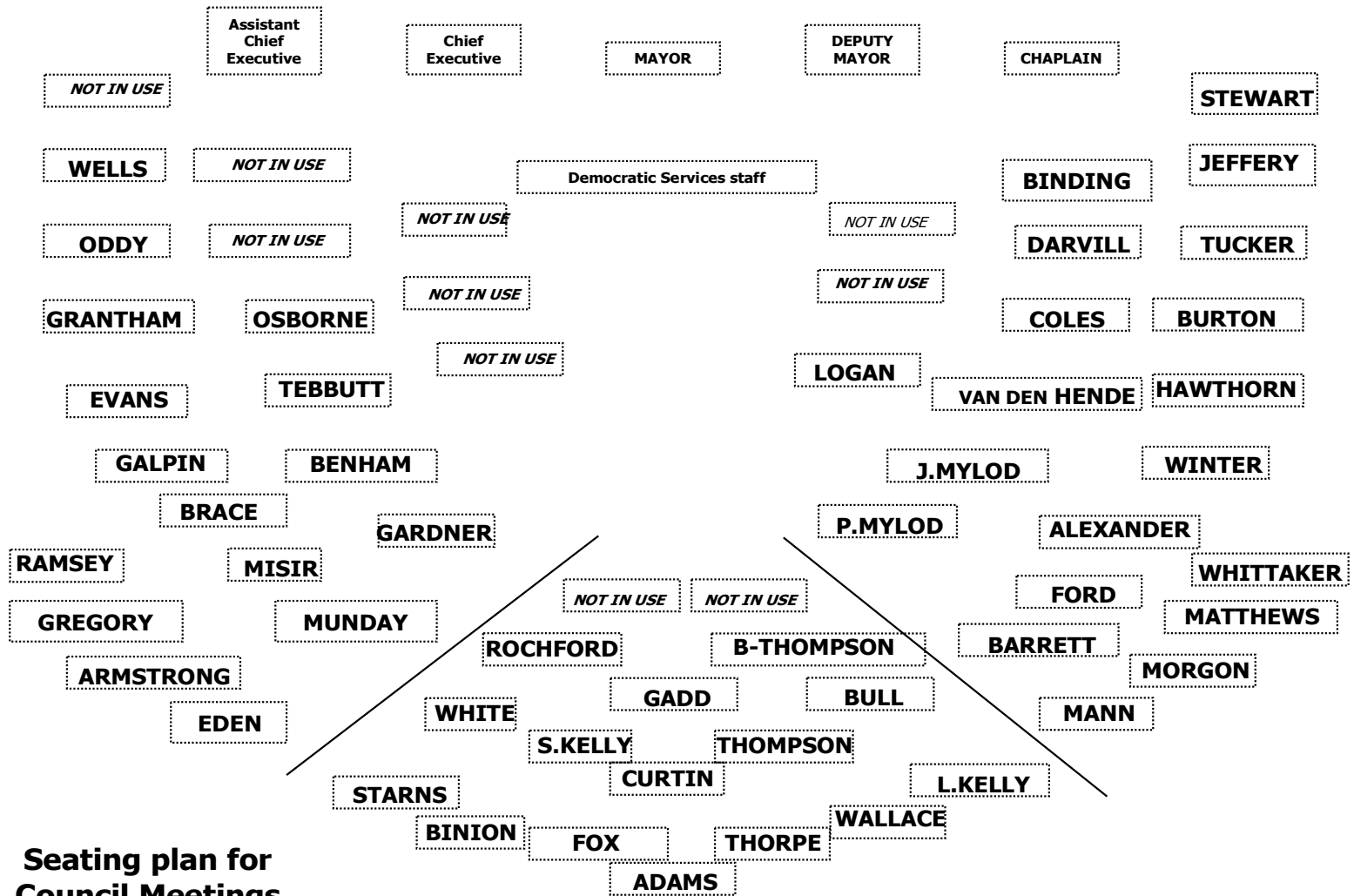
Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting of the Council can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

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

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

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



Seating plan for Council Meetings

Note: this seating plan reflects seat allocations prior to the election of the Mayor

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 in the following instances:

- 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

- 2 To receive apologies for absence (if any)

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| MAYORALTY |
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Separate guidance on the Ceremonial Procedure for the Election of the Mayor will be issued to Members before the meeting

3 ELECTION OF MAYOR

- (1) To elect the Mayor of the Borough for the Municipal Year 2009/10.
- (2) To receive notice of the appointment of the Deputy Mayor of the Borough for the Municipal Year 2009/10.

3A Motion on behalf of the Administration

That Councillor Roger Ramsey be elected Mayor for the Municipal Year 2009/10

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| INITIAL BUSINESS |
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4 MINUTES

To approve as a true record the minutes of the meeting of the Council held on 25 March 2009 (to follow), and to authorise the Mayor to sign them.

5 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.

6 ANNOUNCEMENTS BY THE MAYOR OR BY THE CHIEF EXECUTIVE

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| ELECTIONS TO OFFICE |
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7 TO ELECT THE LEADER OF THE COUNCIL**7A Motion on behalf of the Administration**

That Councillor Michael White be elected to the office of Leader of the Council for the Municipal Year 2009/10.

8 TO ELECT THE DEPUTY LEADER OF THE COUNCIL**8A Motion on behalf of the Administration**

That Councillor Steven Kelly be elected Deputy Leader of the Council for the Municipal Year 2009/10.

9 TO ELECT THE MEMBERS OF THE CABINET

The Cabinet may consist of up to nine members (together with the Leader of the Council, *ex officio*)

[Note: the Deputy Leader of the Council is not automatically a Member of the Cabinet and must therefore be specifically elected to it if that is Members' intention]

9A Motion on behalf of the Administration

That Councillors:

Steven Kelly

Eric Munday

Andrew Curtin

Geoffrey Starns

Barry Tebbutt

Paul Rochford

Michael Armstrong

Peter Gardner

be elected to the Cabinet for the Municipal Year 2009/10.

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| CONFERMENT OF AWARDS |
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10 AWARDS FOR EMINENT SERVICE TO THE BOROUGH

To consider whether to confer the Honorary Freedom of the Borough on any persons who have rendered eminent service to the borough.

The following nominations have been received:

10A On behalf of the Administration:

Dr Eva Lohse

Brian Batt

10B On behalf of the Residents' Group:

Lloyd Scott

Note: the Local Government Act 1972 requires that, in order for the honour to be conferred, the nominations must be supported by not fewer than two thirds of the members present and voting.

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| APPOINTMENT OF COMMITTEES ETC |
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11 TO APPOINT COMMITTEES, CHAIRMEN AND VICE-CHAIRMEN, AND TO CONSIDER ASSOCIATED ISSUES

To consider the Chief Executive's report (item 11-1) about the functional responsibilities provided for the Committees within the Council's Constitution and the political balance requirements and the Monitoring Officer's report (item 11-2) about Independent Members of the Standards Committee (both attached), and then to appoint:

- A The following Committees:
- (i) the Overview & Scrutiny Committees
 - (ii) the Area Committees
 - (iii) a Standards Committee
 - (iv) a Licensing Committee and
 - (v) other Committees to deal with matters which are neither reserved to the Council nor are executive functions
- as set out within the Council's Constitution
- B The Chairmen and Vice Chairmen of the above Committees (other than for the Area Committees, which make their own appointments)
- C The statutory Lead Member for Children's Services (who should be a Member of the Cabinet)
- D The Member Champions for the following roles:
- (i) The 14-19 Diploma Scheme
 - (ii) Diversity
 - (iii) The Historic Environment
 - (iv) The Over Fifties
 - (v) Standards
 - (vi) The Voluntary Sector Compact and
 - (vi) Younger Persons

Annual Council, 20 May 2009**11A Motion by the Administration**

That the following Chairmen and Vice-Chairmen be appointed:

| Committee | Chairman Councillor | Vice-Chairman Councillor |
|---|----------------------------------|---|
| Adjudication & Review (2 Vice-Chairmen) | Kevin Gregory | 1 Lynden Thorpe, 2 Mark Gadd |
| Appointments | Dennis Bull | Eric Munday |
| Audit | David Grantham | Frederick Thompson |
| Governance | Frederick Thompson | Gary Adams |
| Pensions | Robby Misir | Melvin Wallace |
| Licensing (3 Vice-Chairmen) | Georgina Galpin | 1 Lynden Thorpe 2 Peter Gardner 3 Melvin Wallace |
| Regulatory Services | Barry Oddy | Barry Tebbutt |
| Adult Services Overview and Scrutiny | Jeff Brace | |
| Corporate Overview and Scrutiny | Pam Light | |
| Children's Overview and Scrutiny | Wendy Brice- Thompson | |
| Culture and Regeneration Overview and Scrutiny | Robert Benham | |
| Environment Overview and Scrutiny | Sandra Binion | Kevin Gregory |
| Housing Overview and Scrutiny | Lesley Kelly | |
| Crime and Disorder | John Clark | |
| Health Overview and Scrutiny | Ted Eden | |

11B Amendment by the Residents' Group

That the following Vice-Chairmen be appointed:

| Committee | Vice-Chairman Councillor |
|---|---|
| Adjudication & Review (2 Vice-Chairmen) | June Alexander (as one of two: in place of Councillor Mark Gadd) |
| Licensing (3 Vice-Chairmen) | Linda Van Den Hende (as one of three: in place of Councillor Melvin Wallace) |
| Adult Services Overview and Scrutiny | Pat Mylod |
| Corporate Overview and Scrutiny | Ray Morgon |
| Children's Overview and Scrutiny | Gillian Ford |
| Crime and Disorder | Linda Van Den Hende |
| Culture and Regeneration Overview and Scrutiny | Linda Hawthorn |
| Environment Overview and Scrutiny | Andy Mann |
| Housing Overview and Scrutiny | Barbara Matthews |
| Health Overview and Scrutiny | June Alexander |

Note: the effect of the motion and the amendment is that:

1 The following appointments are uncontested:

| Committee | Chairman Councillor | Vice-Chairman Councillor |
|--|--------------------------------|-------------------------------------|
| Adjudication & Review (2 Vice-Chairmen) | Kevin Gregory | Lynden Thorpe |
| Appointments | Dennis Bull | Eric Munday |
| Audit | David Grantham | Frederick Thompson |
| Governance | Frederick Thompson | Gary Adams |
| Pensions | Robby Misir | Melvin Wallace |

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| Committee | Chairman Councillor | Vice-Chairman Councillor |
|---|--------------------------------|--|
| Licensing (3 Vice-Chairmen) | Georgina Galpin | 1 Lynden Thorpe 2 Peter Gardner |
| Regulatory Services | Barry Oddy | Barry Tebbutt |
| Adult Services Overview and Scrutiny | Jeff Brace | Pat Mylod |
| Corporate Overview and Scrutiny | Pam Light | Ray Morgon |
| Children's Overview and Scrutiny | Wendy Brice-Thompson | Gillian Ford |
| Culture and Regeneration Overview and Scrutiny | Robert Benham | Linda Hawthorn |
| Environment Overview and Scrutiny | Sandra Binion | |
| Housing Overview and Scrutiny | Lesley Kelly | Barbara Matthews |
| Crime and Disorder | John Clark | Linda Van Den Hende |
| Health Overview and Scrutiny | Ted Eden | June Alexander |

2 The following appointments are contested:

| Committee | Vice-Chairman | |
|---|----------------------------------|---------------------------------|
| | Administration nominee(s) | Residents' Group nominee |
| | Councillor | Councillor |
| Adjudication & Review (1 of 2 Vice-Chairmen) | Mark Gadd | June Alexander |
| Licensing (1 of 3 Vice-Chairmen) | Melvin Wallace | Linda Van Den Hende |
| Environment Overview and Scrutiny | Kevin Gregory | Andy Mann |

11C Motion by the Administration

- 1 That the Cabinet Member for Children's Services be appointed Statutory Lead Member for Children's Services
- 2 That the following be appointed Champions as indicated:

| Champion for: | Councillor |
|-------------------------------------|----------------------|
| the 14-19 Diploma Scheme | Paul Rochford |
| Diversity | Robby Misir |

Annual Council, 20 May 2009

| Champion for: | Councillor |
|-------------------------------------|-----------------------------|
| Over Fifties | Pam Light |
| the Historic Environment | Andrew Curtin |
| Standards | Wendy Brice-Thompson |
| the Voluntary Sector Compact | Andrew Curtin |
| Younger Persons | Robert Benham |

11D Amendment by the Residents' Group

That the following be appointed Champions as indicated:

| Champion for: | Councillor |
|-------------------------------------|----------------------------|
| the 14-19 Diploma Scheme | Barbara Matthews |
| Diversity | Linda Van Den Hende |
| Over Fifties | Pat Mylod |
| the Historic Environment | Linda Hawthorn |
| Standards | John Mylod |
| the Voluntary Sector Compact | Gillian Ford |
| Younger Persons | Andy Mann |

Note: the effect of the motion and the amendment is that the nominations for appointment as Champions are:

| Champion for: | Administration nominee(s) | Residents' Group nominee |
|---------------------------------|----------------------------------|---------------------------------|
| | Councillor | Councillor |
| the 14-19 Diploma Scheme | Paul Rochford | Barbara Matthews |
| Diversity | Robby Misir | Linda Van Den Hende |
| Over Fifties | Pam Light | Pat Mylod |

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| Champion for: | Administration nominee(s) | Residents' Group nominee |
|------------------------------|---------------------------|--------------------------|
| | Councillor | Councillor |
| the Historic Environment | Andrew Curtin | Linda Hawthorn |
| Standards | Wendy Brice-Thompson | John Mylod |
| the Voluntary Sector Compact | Andrew Curtin | Gillian Ford |
| Younger Persons | Robert Benham | Andy Mann |

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| OTHER MATTERS |
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NOTE: The deadline for amendments is midnight, Monday 18 May 2009

12 COUNCIL PROCEDURE RULES: MEMBERS' QUESTIONS AT COUNCIL

To consider a report of the Governance Committee relating to Council Procedure Rules (attached).

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| STATEMENT BY LEADER OF THE COUNCIL |
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13 TO RECEIVE A STATEMENT BY THE LEADER OF THE COUNCIL



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
25 March 2009 (7.30pm – 10:40pm)**

Present: The Mayor (Councillor John Clark) in the Chair

Councillors Gary Adams, June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Dennis Bull, Michael Deon Burton, David Charles, Jonathan Coles, Andrew Curtin, Keith Darvill, Ted Eden, Roger Evans, Gillian Ford, Chris Fox, Mark Gadd, Georgina Galpin, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Steven Kelly, Pam Light, Mark Logan, Andrew Mann*, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Fred Osborne, Roger Ramsey, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Lynden Thorpe, Jeffrey Tucker, Linda Van den Hende, Melvin Wallace, Keith Wells, Michael White, Steve Whittaker and Mike Winter

* For part of the meeting

16 Members' guests and members of the public, and two representatives of the press, also attended.

Apologies were received for the absence of Councillors Wendy Brice-Thompson, Peter Gardner, Lesley Kelly and Frederick Thompson

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

Major Richard Borritt of the Salvation Army opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

84 MINUTES (Agenda Item 3)

It was **RESOLVED:**

That the minutes of the Meeting of the Council held on 25 February 2009 be signed as a true record.

85 **DECLARATIONS OF INTEREST (Agenda Item 4)**

All Members present declared a personal interest in the matters referred to in minute 91 following (agenda item 9: Chief Executive's report on Members' Allowances Scheme, 2009/10) as recipients of Allowances.

There were no other declarations of interest.

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

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

87 **PROCEDURAL MOTION: ORDER OF QUESTIONS (Supplementary Agenda Item 5A)**

A procedural motion was proposed and seconded, and it was agreed without division:

That, in order to give every Group and those members not attached to a Group the opportunity to ask questions within the time allowed, the order of business at this meeting be varied so that questions at agenda item 12 are taken in rounds, with each Group and unattached member being allowed to ask in the first round the first question listed for that Group or Member starting with the Residents' Group, followed by a second and subsequent rounds using the same principle.

[Note: in consequence, the questions referred to in minute 95 (Agenda item 12) were taken in the following sequence, until the time allowed for questions was exhausted: Q11, Q1, Q12, Q2, Q13, Q3, Q14, Q4, Q15, Q5, Q16, Q6, Q17, Q7, Q18, Q8, Q19, Q9, Q20, Q10, Q21]

88 **PETITIONS (Agenda Item 6)**

Under paragraph 24 of the Council Procedure Rules, a petition was presented to the Mayor by Councillor John Mylod, concerning parking in Station Lane, Hornchurch.

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

89 AMENDMENTS TO THE CONSTITUTION (Agenda Item 7)

Council had before it a report of the Governance Committee concerning suggested amendments to the Constitution relating to the entering into of Planning Performance Agreements and to reports to Council and Cabinet by Overview & Scrutiny Committees in consequence of recent legislative changes.

The report was considered without debate or division and it was –

RESOLVED:

- 1 That the Head of Development and Building Control be authorised to negotiate, complete and sign Planning Performance Agreements and that the Assistant Chief Executive Legal & Democratic Services be authorised to make all necessary consequential amendments to the Constitution.**
- 2 That the Assistant Chief Executive Legal & Democratic Services be authorised to make any necessary consequential adjustments to the Overview & Scrutiny Procedure Rules in the Constitution on an interim basis, pending wider review of those Rules, in order to implement the recent legislative changes in relation to reports to the Council and Cabinet by Overview & Scrutiny Committees.**

90 DATES OF COUNCIL MEETINGS, 2009/10 (Agenda Item 8)

Council had before it a report of the Chief Executive concerning the dates of Council meetings during the municipal year 2009/10 and beyond.

The report was considered without debate or division and it was –

RESOLVED:

That the Council fix the dates of its meetings for the Municipal Year 2009/10 and, on a provisional basis, the balance of 2010, as follows:

2009

- 22 July
- 21 October
- 9 December

2010

- 3 February
- 24 February (Council tax Setting)
- 24 March
- 26 May (Annual Meeting)

2010 continued

- 28 July (provisional)
- 20 October (provisional)
- 8 December (provisional)

91 **MEMBERS' ALLOWANCES SCHEME, 2009/10 (Agenda Item 9)**

Council had before it a report of the Chief Executive concerning the Members' Allowances Scheme for the municipal year 2009/10 and beyond. The Scheme is set out in **Appendix 2 to these minutes**.

Amendment by the Residents' Group

That the Special Responsibility Allowance for Overview & Scrutiny Chairmen be £10,000 (from the proposed £14,418).

Following debate, the amendment by the Residents' Group was **LOST** by 34 votes to 13 (see voting division 1). The recommendations in the report were then **AGREED** by 31 votes to 14 (see voting division 2) and it was -

RESOLVED:

- 1 That the Members' Allowances scheme become effective from 1 April 2009, and the existing scheme be revoked with effect from the same date.
- 2 That the total number of SRAs may exceed the recommended 50% and, in the event of exceeding the 50% level, Council endorse the justification set out in the report.

92 **HAVERING LOCAL DEVELOPMENT FRAMEWORK: PROPOSED SUBMISSION JOINT WASTE PLAN DPD (Agenda Item 10)**

The Mayor had accepted the report on to the agenda as an urgent item pursuant to section 100B(4) of the Local Government Act 1972 as it arose from a decision that required Council approval, taken by Cabinet at a meeting after the agenda for the meeting had been published.

Council had before it a report of the Cabinet concerning the Joint Waste Plan, a key part of the Havering Local Development Framework, being prepared jointly by the four East London Waste Authority member councils of Havering, Redbridge, Barking & Dagenham and Newham .

The report was considered without debate or division and it was –

RESOLVED that:

The Proposed Submission Joint Waste Plan Development Plan Document and the Consultation Statement be approved for public consultation.

93 HAVERING SUSTAINABLE COMMUNITY STRATEGY (Agenda Item 11)

The Mayor had accepted the report on to the agenda as an urgent item pursuant to section 100B(4) of the Local Government Act 1972 as it arose from a decision that required Council approval, taken by Cabinet at a meeting after the agenda for the meeting had been published.

Council had before it a report of the Cabinet concerning the Havering Sustainable Community Strategy (a copy of which had been circulated separately to all Members) that had been prepared in accordance with Section 4 of the Local Government Act 2000, which requires every local authority to prepare a Sustainable Community Strategy for promoting or improving the economic, social, environmental well being of their area and contributing to the achievement of sustainable development in the UK.

The report was considered without debate or division and it was –

RESOLVED that:

The Havering Sustainable Community Strategy be adopted.

94 REPORT OF LOCAL GOVERNMENT OMBUDSMAN ON A COMPLAINT, FINDING MALADMINISTRATION BY THE COUNCIL (Agenda Item 11A)

The Mayor had accepted the report on to the agenda as an urgent item pursuant to section 100B(4) of the Local Government Act 1972 as it arose from a report published by the Ombudsmen after the agenda for the meeting had been published. The Ombudsmen's report required action that only the Council could approve.

Council had before it a report of the Monitoring Officer concerning the findings of a joint investigation by the Parliamentary & Health Service Ombudsman and the Local Government Ombudsman arising from a complaint by the parents of the late Mark Cannon, who had suffered an injury while receiving respite care arranged by the Council, as a result of which, following inadequate medical treatment, he had died. The Ombudsmen had found that avoidable maladministration by the Council had contributed to Mr Cannon's death, and recommended that the Council apologise to his parents, pay them compensation and review the

procedures for supervising care and dealing with complaints in order to ensure that such circumstances were not repeated in future.

During the course of debate, the Leader of the Council accepted the Ombudsmen's findings and recommendations (see **Appendix 3 to these minutes**); and Councillors Clarence Barrett (Leader of the Opposition), Keith Darvill (Leader of the Labour Group) and Jeffrey Tucker (Leader of the Independent Local Residents' Group) associated themselves and their respective Groups with the Leader of the Council's comments.

The recommendations of the Monitoring Officer (that the findings and recommendations of the Ombudsmen be accepted and implemented) were **AGREED** by 50 votes to 0 (see voting division 3) and it was -

RESOLVED:

- 1 That the Council receives the Ombudsman's report into the complaint about the care of Mr Cannon.**
- 2 That a formal apology be given to the parents of Mr Cannon and that an ex-gratia payment of £10,000 be made to each parent.**
- 3 That the Council refer to Cabinet consideration of a report into the actions taken or to be taken to improve the provision of provider care plans and risk assessment for all persons coming into respite care commissioned by the Council.**

95 MEMBERS' QUESTIONS (Agenda Item 12)

21 questions were listed to be asked under the Council Procedure Rules. The questions and answers, together with a summary of the supplementary answers given to those answered orally, are set out in **Appendix 3 to these minutes**.

96 OVERVIEW & SCRUTINY COMMITTEES (Agenda item 13)

Motion on behalf of the Residents' Group

This Council recognises the importance of scrutiny committees in reviewing policies and actions of the Council. In order to fulfil the role effectively, it is crucial that scrutiny committees remain independent of the Executive of the Council. As such, this Council resolves that the scrutiny process should adopt the following measures:

- a) Chairmanship of the scrutiny committees should better reflect the composition of the whole Council and draw on the ability and experience of all members.
- b) Scrutiny members, who also come from the same party as the Executive, should be fully free to express opinion of policy and decisions without being subject to party whip.
- c) When and where appropriate, at the discretion of Chairmen and Vice-Chairmen, to create ad hoc specialist "select committees", drawing on the wide scope of skills and experience of all members, to deal with specific items.

Amendment by the Administration

This Council recognises the importance of scrutiny committees in reviewing policies and actions of the Council. In order to fulfil the role effectively, it is crucial that scrutiny committees remain independent of the Executive of the Council.

After debate, the amendment proposed by the Administration was **CARRIED** by 30 votes to 11 (see voting division 4); the substantive motion was then **CARRIED** by 36 votes to 5 (see voting division 5) and it was -

RESOLVED that:

This Council recognises the importance of scrutiny committees in reviewing policies and actions of the Council. In order to fulfil the role effectively, it is crucial that scrutiny committees remain independent of the Executive of the Council.

97 **USE OF PROCEDURAL MOTIONS (Agenda item 14)**

Motion on behalf of the Independent Local Residents' Group

This Council deprecates the use of procedural motions in ways that could be perceived as seeking to stifle legitimate debate

Amendment by the Administration

This Council recognises the need to refer appropriate motions to Overview & Scrutiny Committee for detailed examination by way of procedural motions and that this provides a wider and more informed debate.

After debate, the amendment proposed by the Administration was **CARRIED** by 33 votes to 4 (see voting division 6). The motion as amended was then **AGREED** without division and it was -

RESOLVED that:

This Council recognises the need to refer appropriate motions to Overview & Scrutiny Committee for detailed examination by way of procedural motions and that this provides a wider and more informed debate.

98 **MOTIONS WITHDRAWN**

With the consent of the Council, the following motions were withdrawn:

AIR TRANSPORT - FLIGHT INCREASES AT LONDON CITY AIRPORT (Agenda item 15)

SURVEY OF COUNCIL TENANTS AND LEASEHOLDERS (Agenda item 16)

Mayor
20 May 2009

Note: the record of voting divisions is attached as **Appendix 5 to these minutes.**

MAYOR'S ANNOUNCEMENTS

I am pleased to announce our good work is being recognised nationally with Havering being awarded the prestigious Beacon award for the excellent management of Romford's night time economy. The Council's Community Safety team received the award in the After Dark category. My congratulations go to everyone involved in this well deserved success.

The Council has also retained its three stars grading and was judged to be 'improving well' in the latest Comprehensive Performance Assessment, which means we are moving in the right direction.

I recently had the great pleasure of meeting the newly elected members of the Youth Parliament, Gemma Bailey, Kiu Sim, Tony Bowerman and Rebecca Purdy. And I shook the hands of Havering's Young Citizen's of the Year at the annual award evening. It was a privilege to take part in these events . The enthusiasm, dedication and unselfish actions of these young people are truly inspiring.

So you can imagine how heartening it was to learn that our young people are to benefit from a new state-of-the-art youth centre in Harold Hill, following the successful bid by the Council and youth partnerships for £4.7million funding.

Members' Allowances Scheme

Agreed at the meeting of the Council on 25 March 2009. The new Scheme is agreed with effect from 1 April 2009 and the revocation of the Members' Allowance Scheme (2008) is effective from 1 April 2009.

The Council of the London Borough of Havering in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 hereby makes the following scheme:

1 This scheme may be cited as the Havering London Borough Council Members' Allowance Scheme. The new scheme shall have effect from 1st April 2009.

2 In this scheme, "councillor" means a councillor of the London Borough of Havering and "year" means the period ending on 31st March 2010 and any period of 12 months ending on 31st March in any year after 2010.

3 **Basic allowance (Schedule 1)**

Subject to paragraphs 7 and 12, for each year a basic allowance of £10,208 shall be paid to each councillor.

4 **Special responsibility allowance (Schedule 1)**

(a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the Council that are specified in schedule 1 to this scheme.

(b) Subject to paragraph 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

(c) When a councillor would otherwise be entitled under the scheme to more than one special responsibility allowance, then the entitlement shall instead be only to one of them, being the one attracting the higher rate.

(d) Where a member is also a Member of another Authority, that Member may not receive allowances from more than one Authority in respect of the same duties.

5 **Child and dependent care allowance**

These expenses are expected to be met from the Basic Allowance.

6 **Renunciation**

A councillor may by notice in writing given to the Group Director Finance and Commerce elect to forego any part of his/her entitlement to an allowance under this scheme.

7 **Part-year entitlements**

(a) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (b) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

The entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (c) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her terms of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in paragraph 7(b), and the term of office of a councillor does not subsist throughout the period mentioned in paragraph 7(b)(i), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a councillor subsists bears to the number of days in that period.
- (e) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (f) Where this scheme is amended as mentioned in paragraph 7(b), and a councillor has during part, but does not have throughout the whole, of any period mentioned in paragraph 7(b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

8 Travelling and Subsistence (Schedule 2)

- (a) Members can claim travelling expenses for travelling outside of the Borough on official Council business as set out in Schedule 2.
- (b) Members can claim subsistence expenses on official Council business when outside of the Borough as set out in schedule 2.

9 Claims and payments

- (a) Payments shall be made in respect of basic and special responsibility allowances, subject to paragraph 8(b), in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.

- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled, then payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (c) Payments in respect of Travel and Subsistence shall be made to the Councillor on receipt of a claim form with supporting receipts/vouchers. Claims must be made within three months of the claim arising.

10 Pension Scheme

No Member in the scheme is entitled to apply for inclusion in the Pension Scheme.

11 Financial Limits

The Group Director Finance and Commerce will arrange for the budget for members Allowances to be monitored to ensure that budgetary issues are reported to Members.

12 Increases in Allowances

Basic Allowances as quoted will be updated for 2009/10 by the % increase as agreed under the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement under the local pay agreement. The amounts so calculated are to be rounded up to be divisible for payment purposes.

The amended basic allowance will be found on the Internet once any annual % uplift has been agreed.

The Travelling and Subsistence allowances will be increased in line with the increase in Officer rates.

13 Suspension of Basic and Special Responsibility Allowance

Where a Member is suspended or partially suspended from his responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000, or Regulations made under that part, the part of Basic and Special Responsibility allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the Authority if the Standards Committee so determines.

14 Mayor and Deputy

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

15 Co-Optees Allowances

The standard rate of allowance for statutory co-optees is £117 per meeting attended except for the Independent chair of the Standards Committee where the rate will be £240 per meeting.

Co-optees will be reimbursed for all travel costs in accordance with the above, whether the travel is within or outside the Borough, but co-optees should not be paid subsistence.

16 Note

- (a) The Council is required to keep a record of the payments made by it in accordance with this scheme.
- (b) The record is required to be available for inspection at all reasonable times free of charge by any local government elector for the borough who may make a copy of any part of it.
- (c) The Council is also required to arrange publication of the total sums paid in each year to each member in respect of basic and special responsibility allowances.
- (d) The Council is required to arrange publication of the Scheme when approved.

Schedule 1: Members' allowances

| Category of Allowance | Amount Per Member £ |
|--|------------------------|
| Basic Allowance | 10,208 |
| Special Responsibility Allowances: | |
| Leader of the Council | 51,191 |
| Deputy Leader of the Administration | 35,705 |
| Cabinet members | 32,705 |
| Leader of Principal Opposition | 18,000 |
| Leader of Principal Minority Opposition | 6,390 |
| Leader of Minority Opposition | 2,227 |
| Deputy Leader of Principal Opposition | 3,825 |
| Mayor | 14,418 |
| Deputy Mayor | 7,650 |
| Area Committees Chairmen | 4,260 |
| Overview and Scrutiny Committees Chairmen | 14,418 |
| Licensing and Regulatory Services Committee Chairmen | 20,430 |
| Audit, Pension, Governance, Appointments, Adjudication and Review Committee Chairmen | 7,650 |

NOTES: **The basic allowance will be uplifted each year in accordance with paragraph 12.**

Schedule 2: Travel and Subsistence

Travelling expenses can only be claimed for travel outside of the borough on official Council business. The rules and entitlements for reimbursement of travel outside the Borough are the same as those for Officers

Subsistence allowances are only payable for official Council business outside the Borough where the duties entail an overnight stay or working outside 'normal office hours'. Members will be reimbursed actual expenditure incurred up to the maximum of the rates set for Officers

Allowances are payable on the basis of expenditure incurred and receipts must be submitted to support claims for subsistence allowances and travel costs

Travel and subsistence arrangements for key events, e.g. Town Twinning will be set in line with the above. However, taking account of the practicalities of arrangements, these will be set out and documented by the Group Director Finance and Commerce, prior to each event and be agreed with the Cabinet for Finance and Commerce.

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

Comments of the Leader of the Council in the course of debate

In moving this report tonight, I would like first to apologise to Mr Cannon's family, both for the quality of care that Mr Cannon received at the Grange six years ago, when he broke his leg, and for the further distress caused to them while pursuing their complaints to the Council.

I would ask the Council tonight to accept the Ombudsman's report which finds maladministration against the Council in the way in which Mr. Cannon was cared for and which finds that the quality of care that Mr Cannon received at the Grange on the night was not of an acceptable standard.

It is a matter of extreme regret that complications during his treatment in hospital resulted in his untimely death. I fully understand the grief that his parents felt and still feel to this day. The Ombudsman has also concluded in his report that the way in which the Council handled the complaint by Mr. Cannon's family amounted to maladministration

Since the incident in 2003, the Council have made changes in respite care procedures for adults with learning disabilities. Everyone who is admitted has their needs reviewed each time they stay. This makes sure no assumptions are made about their requirements. We have also significantly improved the way we handle complaints to the Council.

Report 11A before you makes three recommendations. The third of these refers to a report to Cabinet on the actions which have or need to be taken to improve the provision of provider care plans and risk assessments for all persons coming into respite care. This part of the recommendations will therefore be considered in greater detail as part of that Cabinet report.

The other recommendations relate to the receipt of the Ombudsman's report, an apology to the parents of Mr. Cannon, and the payment of an ex gratia payment to each parent.

In moving this report, I am sure the Council would wish to associate itself with a sincere apology to Mr. Cannon's parents and on this basis I move the recommendations.

QUESTIONS AND ANSWERS

Note: questions answered orally are listed in the order dealt with – see minute 87 – with the remainder in the order listed in the agenda

11 Pay & Display machines in car parks**To the Cabinet Member for StreetCare & Customer Services
(Councillor Barry Tebbutt)**

By Councillor Ray Morgon

Since the introduction of the new parking strategy, and specifically in respect of pay and display machines in car parks, would the Cabinet Member confirm:

- a) the number of ticket machines installed in across the borough?
- b) the total costs of installing the machines?
- c) the total annual maintenance cost of the machines?
- d) the total revenue raised from the machines up to the end of February 2009?
- e) the total cost of additional parking restrictions as a result of the implementation of the new parking strategy?

| |
|---------------|
| Answer |
|---------------|

- a) There are 40 pay and display ticket machines installed across the borough in off street car parks.
- b) The capital expenditure of installing the machines was £159,049.20.
- c) The annual maintenance cost of these machines is unknown as the first year free maintenance period has only just expired and as yet we have had no maintenance issues with the machines.
- d) The revenue raised to the end of February 2009 was £310,651.20.
- e) No further costs were incurred for additional parking restrictions as a result of the implementation of the parking strategy.

1 Investment of Council Tax and other monies**To the Cabinet Member for Finance & Commerce
(Councillor Roger Ramsey)**

By Councillor Michael Deon Burton

According to the Mail on Sunday of 28 September 2008:

"Town Halls have emerged as surprise winners from the credit crunch, thanks to sky-high interest rates on the cash starved money markets".

The article goes on to suggest that Local Authorities are earning millions of pounds in extra interest by lending funds to banks and building societies.

Specifically has, and is, Havering Council engaged in such activity with council tax monies or any funds in their charge. Yes or no?

Answer

This question is almost identical to the one submitted by the questioner to the Council meeting last October. The same answer applies and I refer him to it.

Supplementary question and answer

The Cabinet Member reiterated that the Council's Treasury Management policies were not susceptible to a simple "yes" or "no" answer. Ample information was available to Members through existing reports such as those to the Council Tax setting meeting and by briefings to Group Leaders. The questioner was invited to refer to those documents.

12 **Pay & Display machines for on-street parking****To the Cabinet Member for StreetCare & Customer Services
(Councillor Barry Tebbutt)**

By Councillor Ray Morgon

Since the introduction of the new parking strategy, and specifically in respect of on-street pay & display machines, would the Cabinet Member confirm:

- a) **the number of ticket machines installed at locations across the borough?**
- b) the total costs of installing the machines?
- c) the total annual maintenance cost of the machines?
- d) the total revenue raised from the machines up to the end of February 2009?
- e) the total cost of additional parking restrictions as a result of the implementation of the new parking strategy?

Answer

- a) There are 19 on-street pay and display machines installed across the borough.
- b) The total capital expenditure for installing the machines was £75,548.37
- c) The annual maintenance cost of these machines is unknown as the first year free maintenance period has only just expired and as yet we have had no maintenance issues with the machines.
- d) The total revenue raised from the machines up to the end of February 2009 was £34,234.78
- e) No further costs were incurred for additional parking restrictions as a result of the implementation of the new parking strategy

2 **Electoral Services: Delivery of letters****To the Cabinet Member for Community Safety, Standards & Electoral Services
(Councillor Peter Gardner) (answer given by Councillor Michael White, Leader of the
Council in the absence of Councillor Gardner)**

By Councillor Michael Deon Burton

With reference to the register of electors/confirmation of names letters which were hand delivered by Council staff to residents' homes to save postage

- 1 what grades of staff were used specifically
- 2 their modes of transport
- 3 how many letters were involved

- 4 please provide a rationale supporting the conclusion that this reduces cost

Answer

1. 68 casual staff were employed from the pool of people who also deliver polling cards and canvass forms. They were paid 11p for the delivery of each letter. Around 10 of them were council staff working in this casual capacity and they undertook the work in their own time
2. The transport used was very much up to the casual worker. Some living near to their route would have walked, others may have used some other mode of transport: overall this is not something which Electoral Services staff need to make any inquiry as there is no payment for transport
3. Letters were sent to each of the 98,500 residential properties in the Borough.
4. The hand delivery of the letters costs less than half of the cost of delivery by Royal Mail. Additionally, because known people from the casual pool were used, the letters did not have to be enveloped which itself saved cost and waste.

Supplementary question and answer

Assurance was given that the Council always sought to achieve value for money from such activities.

13 **Insurance claims for vehicle damage resulting from carriageway defects**

To the Cabinet Member for Finance & Commerce
(Councillor Roger Ramsey)

By Councillor Clarence Barrett

Would the Cabinet Member provide information on insurance claims for vehicle damage as a result of potholes and other carriageway defects in the following format for each of the last three years (ie 2006/07, 2007/08 and 2008/09 to date):

- a) Number of claims per year
- b) Number of claims refused per year
- c) Number of claims agreed per year
- d) Value of claims per year

Answer

The number and value of successful claims is very low due to the Council's robust system of safety inspections: -

| | 2006/007 | 2007/08 | 2008/09 |
|--------------------------|-----------------|----------------|----------------|
| Number of claims* | 66 | 36 | 27 |
| Number of claims refused | 53 | 31 | 23 |
| Number of claims agreed | 13 | 5 | 4 |
| Value of claims | £3,949 | £7,962 | £7,298 |

*to date

The value of claims shown represents amounts paid and estimates of claims still to be settled. If further outstanding claims are successfully defended the final value will be less.

3 Tenants' Mobile CCTV Charge

**To the Cabinet Member for Housing, Public Protection & Regeneration
(Councillor Michael Armstrong)**

By Councillor Jeffrey Tucker

How much is raised by the tenants mobile CCT charge and how much (and%) is needed to administer the scheme?

Answer

I refer the questioner to earlier answers regarding the amounts raised from the CCTV charges.

So far as 'administration' of the service is concerned, I am not clear precisely what the questioner is after: There are administrative staff associated with the service and if the costs of this is what is wanted I will arrange for that to be provided

14 Payment of local businesses' invoices

**To the Cabinet Member for Finance & Commerce
(Councillor Roger Ramsey)**

By Councillor Clarence Barrett

Would the Cabinet Member confirm the average turnaround period for payment of invoices to small and medium local businesses for each of the last six months (ie September 2008 to February 2009) compared with the same period in 2007/08?

Answer

The average turnaround period for payments is not calculated specifically for SME's. This has never been required and the additional administration needed would obviously have an associated cost.

The average payment time for all suppliers however, is very good and improving:

Year 08/09 (Sept-Feb) = 12.82 days

Year 07/08 (Sept-Feb) = 15.76 days

In addition, the overall figure for payments made in time (within 30 days of invoice) is over 97% of all payments made. The above figures relate to all payments to all suppliers and therefore include SME's.

Invoices identified as being from SME suppliers are paid in the next available pay run after they are received in the Creditors section.

Supplementary question and answer

The Cabinet Member gave assurance that the Council aimed to comply with the Government target of ten days' turn around for SME accounts for payment.

4 **Members expressing views on planning applications**

**To the Chairman of the Regulatory Services Committee
(Councillor Roger Evans)**

By Councillor Jeffrey Tucker:

At the 4 February Council meeting, Councillor Evans criticized me for giving evidence to a public inquiry against a Regulatory Services Committee decision.

Would he have criticized me if I had given evidence against the Essex Road flats planning decision?

Answer

The facility exists for councillors to comment on planning applications either in writing to planning officers or in person at the regulatory services committee. If this opportunity is used wisely members of the council will be able to avoid taking part in the appeals or public enquiry process. It is always preferable for members to contribute evidence during the council's decision making process and I urge all councillors, regardless of party, to raise planning issues through the council's own channels in the first instance.

15 **Vacancies for permanent qualified social worker posts**

**To the Cabinet Member for Social Care & Learning
(Councillor Steven Kelly)**

By Councillor Pat Mylod

Would the Cabinet Member confirm the current number of vacancies for qualified social workers and how many are covered by temp/agency staff?

Answer

In Adult Services there are 18 social worker posts (FTE) vacant and a further 15 posts (FTE) by agency social workers. Active steps are being taken to recruit to many of these posts, for example, interviews were held for posts in the mental health service last week. The service has embarked on a strategy to achieve all posts being filled by permanent staff across the service.

In Children's Services there are 11 FTE social work post vacancies, and a further 9 posts FTE covered by agency social workers. The vacancies in Children's Services are primarily within teams that are not involved in child protection work. We protect the staffing levels in these important front line teams to enable them to effectively safeguard and achieve 100% allocation of child protection cases to qualified social workers.

5 **Housing Revenue Account restrictions**

**To the Cabinet Member for Finance & Commerce
(Councillor Roger Ramsey)**

By Councillor Jeffrey Tucker

I know that previous Conservative Governments have put restrictions on Council access to money in the Housing Revenue Account.

But, at the 4 February Council meeting, Councillor Ramsey said that, 'only Labour Governments have actually taken money from the Housing Revenue Account!'

Is this true?

Answer

The question contains a quotation in terms which I do not recall using. Despite this I will try to give an answer to the issue which the questioner appears to be referring.

For the purpose of dealing with this issue, it has not been feasible or proportionate to have carried out a review of the treatment of this Council's Housing Revenue Account by successive governments over the last 40 years. I can say, however, that the current housing subsidy system emanates from the 1989 Local Government and Housing Act which "ring fenced" landlord local authority housing. This was designed to aid transparency and to prevent tenants paying for other services.

Havering's Housing Revenue Account did not have negative subsidy until 2004/2005 when the rent rebate system was changed. What has happened since then is that nationally local authority HRA's tenants have been paying more into national pot and in 2007/2008 Housing Revenue Accounts switched from being a net recipient of funds to a net payer to the tune around £300M. This process was exacerbated by rent restructuring otherwise known as convergence. This involved a deliberate policy to increase Council rents to bring them more in line with other rents (registered social landlords/housing associations). In other words, on a national basis HRA Housing no longer receives a subsidy but it is in fact taxed. This tax has been projected to grow from year to year.

The problem for Havering became particularly severe in 2008/2009 when an extra £3.7M was taken from our rents by the Government. This caused severe difficulty with our Housing Revenue Account. This was the thrust of my argument at the Council meeting referred to. I referred also to the way in which this government policy was leading to a 6.7% increase in rent. As a result of comments of the type which I made at the Council meeting, the Government has now indicated that it will leave us with sufficient money for the purpose of achieving a rent increase of nearer 3.4%. I consider this is still too high and the Government should still reconsider its policy of taking such large sums of money away from Housing Revenue Accounts.

16 References to Members in Council newspapers**To the Cabinet Member for Legal & Democratic Services
(Councillor Eric Munday)**

By Councillor Ray Morgon

Does the Cabinet Member agree with Conservative Councillor Terry Justice (LBB&D, Chadwell Heath, Conservative) who earlier this month appeared on Time FM saying that a council newspaper that only ever included councillors from the administration was wrong, undemocratic and detrimental to the local media?

Answer

No, I do not agree with Terry Justice's alleged comments on Time F.M. as reported by yourself. Living showcases, among other things, the initiatives and achievements of the Council in a non-party political way. There is no political slant whatsoever. I know that members of the opposition want to be featured in Living, but to what effect? Cabinet members are quoted in respect of articles relating to their portfolios, but these quotations are never politically slanted and neither are the remaining contents of the articles.

The government's Code of Practice on Local Authority Publicity prohibits the politicisation of a council's corporate communications and the publication of Living complies scrupulously with that Code. The fact that a council newspaper restricts its copy to cabinet members is not wrong, but is in conformity with the code of practice.

It is likewise not undemocratic and neither is it detrimental to the local media as one can read weekly in the Recorder in which comments about Living fill numerous column inches, which might otherwise be unfilled.

17 **Misuse of “blue badge” parking concessions**

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

By Councillor Andy Mann

Would the Cabinet Member set out the current policy and practice in respect ‘blue badge’ misuse and how many enforcement actions have been undertaken in each of the last three years?

Answer

Should a Civil Enforcement Officer observe a parking contravention being committed by a Blue Badge holder, a Penalty Charge Notice will be issued. These statistics are held within the database which holds all blue badge parking infringements and it is not possible to separate the information at present.

Where clear abuse of the Blue Badge is observed by a Civil Enforcement Officer or reported to the Council, this information is passed to the Police for them to act as it is not a function which our Civil Enforcement Officers have the power to deal with.

The figures for enforcement action by the Police are not available.

Supplementary question and answer

The Cabinet Member agreed to provide supplementary figures to the questioner.

18 **Removal of plastic bags and litter snagged in trees**

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

By Councillor Linda Hawthorn

Would the Cabinet Member confirm what policies and practices are in place to remove plastic bags and other items of litter that become snagged up in highway trees?

Answer

There is no written policy for the removal of snagged litter in trees.

The current practice is to remove the snagged litter either using our tree maintenance contractor or our own highway tree officer, in response to service requests or through observations by staff.

19 **Freedom of Information requests**

To the Cabinet Member for Finance & Commerce
(Councillor Roger Ramsey)

By Councillor Clarence Barrett

In respect of Freedom of Information requests would the Cabinet Member advise for each of the last three years (including 2008/09 to date) :

- a) number of FOI requests made?
- b) number of FOI requests declined?
- c) cost of dealing with FOI requests?

| |
|---------------|
| Answer |
|---------------|

- a) Number of FOI requests received

| | No of Requests |
|--------------------|-----------------------|
| 2006 | 341 |
| 2007 | 419 |
| 2008 | 564 |
| 2009 as at 16/3/09 | 149 |

- b) No FOI requests are declined, though a request can be refused if the information is exempt, will take over 18 hours to collate, or has previously been supplied to the requester and there is no substantial change to the information. The following requests have fallen into these categories

| | Info subject to exemption (in part or in full) | Over 18 Hours | Repeated Request |
|--------------------|---|----------------------|-------------------------|
| 2006 | 66 | 3 | 0 |
| 2007 | 77 | 3 | 5 |
| 2008 | 101 | 11 | 4 |
| 2009 as at 16/3/09 | 11 | 1 | 1 |

Requests can be refused where they are considered vexatious, however Havering has never refused a request on these grounds.

- c) The actual cost of dealing with requests is not held. The Information Governance Team do, however, log the time they spend on each request and for each of the four years, the time spent is as follows:

| | Total In Hours |
|--------------------|--------------------------|
| 2006 | No info held – see below |
| 2007 | 674 (July 2007 onwards) |
| 2008 | 1,456 |
| 2009 as at 16/3/09 | 410 |

Figures have only been kept since July 2007 for ALL requests processed by the team. These also include requests under the Environmental Information Regulations 2004, the Data Protection Act 1998 and the Re-Use of Public Sector Information Regulations 2005 - separate figures for FOI are not held. The totals listed is the time spent by the team (two Scale 5 Information Governance Assistants) in processing requests.

These figures are approximate and do not include the time spent on additional advice and assistance given to officers or requesters by the Team. They do not include the costs of training provided by the Team, or the cost of handling appeals and complaints. The figures are purely the administration of a request from receipt through to closure.

Supplementary question and answer

The Cabinet Member agreed to advise the questioner whether Members and others could have access to response given to FOI requests.

20 **Environmental protection****To the Cabinet Member for StreetCare & Customer Services****(Councillor Barry Tebbutt)**

By Councillor Andy Mann

For each of the following years; 2006/07, 2007/08 and 2008/09 (to date), would the Cabinet Member advise how many Section 34 (Environmental Protection Act) notices have been issued and how many Fixed Penalty Notices have been issued for failure to supply duty of care documents?

Answer

The StreetCare Enforcement team has in:

| | 2006/07 | 2007/08 | 2008/09 |
|--|---------|---------|---------|
| Issued demands for Waste Transfer Notes(WTNs): | 0 | 161 | 242 |
| Issued Fixed Penalty Notices for failure to supply WTNs: | 0 | 7 | 8 |
| Prosecuted for failure to supply WTNs: | 0 | 0 | 2 |
| Prosecuted for Breach of Duty of Care: | 0 | 1 | 3 |

As a result of the expiration of the time allowed for Questions, the remaining Question was dealt with by written answer.

21 **Issue of Fixed Penalty Notices by CCTV enforcement vehicles****To the Cabinet Member for StreetCare & Customer Services****(Councillor Barry Tebbutt)**

By Councillor Andy Mann

In respect of the CCTV enforcement vehicles, how many Fixed Penalty Notices have been issued in 2008/09 to date?

Answer

The number of Penalty Charge Notices issued from 1 April 2008 to 15 March 2009 is 22,134.

The following Questions were dealt with by written answer at the request of the Member asking them.

6 **Clockhouse School – proposed rebuilding: publication of proposal**

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

By Councillor Jeffrey Tucker

Friday 13 June 2008 – Romford Recorder published an article stating Clockhouse Primary is to be rebuilt at a cost in the region of £10 million and that the money would come from a total of £65 million investment from the DCSF

Can the Councillor explain why the decision to rebuild this school was publicised prior to full Cabinet approval, which was on 18 June 2008?

Answer

The Cabinet report recommending approval of the Strategy for Change required by the DCSF was published at 5pm on Tues 10 June 2008. This gave the Recorder the opportunity to publish the article on Clockhouse on Fri 13 June.

The Strategy outlined the processes and principles Havering would adopt to invest Primary Capital Programme (PCP) funding and not a list of projects, Cabinet did not decide to rebuild Clockhouse at its meeting on 18 June.

7 **Clockhouse School – proposed rebuilding: consultation arrangements**

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

By Councillor Jeffrey Tucker

Can the Councillor explain how Clockhouse School was identified for re-building when it had never been included within the Modernisation of Havering Primary Schools' Consultation Document, issued to stakeholders on 30 May 2007 and reported to Cabinet on 14 November 2007 & 16 April 2008?

Answer

The Modernisation of Havering Primary Schools' consultation document was focused on Primary school places rather than capital priorities and didn't indicate under the Collier Row locality section that Clockhouse needed to be rebuilt. The document included known examples of schools in need of major investment, eg. Rainham Village Primary, rather than a comprehensive list.

The imperative of achieving transformation and our analysis of AMP data for Clockhouse persuaded us it was more appropriate to rebuild the school to achieve the required transformation and also address the condition, suitability and accessibility problems has identified.

The prioritisation criteria used to develop the first round of projects that made Clockhouse a high priority (80 points out of 100) fully met with the DCSF's guidance:

Premises: (60% weighting) based on Asset Management Plan (AMP) data on the condition of buildings, undersized spaces and the proportion of temporary buildings for each school.

Deprivation: (20%) schools with highest numbers of pupils residing in the most deprived areas as ranked by Index of Multiple Deprivation scored highest.

Standards: (15%) schools were assessed according to their average SATs results for 2005/07 for key stages 1 and 2. Schools with lower results scored higher under PCP criteria.

Surplus Places (5%) schools with 0-9% surplus scored highest; 10-24% next highest and those above scored 0.

8 Schools rebuilding programme – criteria for inclusion of particular schools

To the Cabinet Member for Education & Children’s Services
(Councillor Geoffrey Starns)

By Councillor Jeffrey Tucker

Can the Councillor explain why schools (Hilldene, Pyrgo Priory, St Patricks and St Edwards) that have a lower matrix score than Parsonage Farm Primary School, have been included within the Primary Capital Programme for 2009/2014?

Was Cabinet Authority given to change the agreed criteria methodology?

Answer

Hilldene, Pyrgo and Mead were scored lower but the timing of investment in Mead hasn’t been specified.

Hilldene and Pyrgo have been prioritised above other schools because of their location within Harold Hill Ambitions area and in the case of Pyrgo within the Learning Village. Pyrgo’s works have to be scheduled to fit in with planned programmes to build an Academy.

Voluntary aided schools such as St Patrick and St Edwards are subject to a different funding regime which includes LCVAP funding as well as their 10% contribution and in practice they are prioritised as a separate group of schools.

So far as the methodology is concerned, on 18 June Cabinet gave approval to the Strategy presented and for it to be submitted to the DCSF. PCP investment was always intended to support and enhance wider local authority strategies for regeneration:

“(The Strategy) should show how investment will support local priorities as set out in the Children’s Plan and other strategic plans.” (DCSF PCP guidance 2007).

9 Investment in Parsonage Farm School

To the Cabinet Member for Education & Children’s Services
(Councillor Geoffrey Starns)

By Councillor Jeffrey Tucker

Can the Councillor please indicate what “substantial investment” has been allocated to Parsonage Farm from the Local Authority that has made a “substantial difference to the running of the school” (as stated in Councillor Starns’ letter dated 11 March 2009) following the amalgamation of the Infant and Junior Schools in 2003?

Answer

In the past 10 years over £1.1m has been Investment in Parsonage Farm Infant and Junior schools for a range of condition and replacement projects including the replacement of the demountables (£251,500).

In the two years since the new Primary school was opened over £513,000 capital has been spent on works to support the amalgamation of the schools.

Recent expenditure on schools in Rainham includes:

| | | | |
|-----------------|--|-------|-------|
| 2005-2008 | | | |
| Brady | Heating Replacement | £232k | |
| Parsonage Farm | Amalgamation Works (incl. School contribution) | | £600k |
| Rainham Village | Replace Asbestos Roof | £ 60k | |
| Chafford | Heating Replacement | £400k | |
| Chafford | Access (contribution) | £ 15k | |
| Rainham Village | Kitchen Ventilation | | £ 22k |
| 2008/09 | | | |
| Parsonage Farm | Works to Water System | £100k | |
| 2009/10 | | | |
| Parsonage Farm | Heating Replacement | £240k | |

Planned capital expenditure in Rainham over the next two years includes

- £9m for rebuilding Rainham Village Primary
- £1.5m for refurbishing and remodelling La Salette Primary.

10 **Correspondence between School Governing Body and Cabinet Member**

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

By Councillor Jeffrey Tucker

Can the Cabinet Member explain why the Chair of Governors of Parsonage Farm School did not receive a full response to correspondence sent to him on October 20 until March 2009?

Answer

I was not aware of any October letter, although it may have become inadvertently mislaid, but as soon as the letter was brought to my attention I responded.

VOTING RECORD

| <i>DIVISION NUMBER:</i> | 1 | 2 | 3 |
|--|----|----|----|
| The Mayor [Cllr. John Clark] | x | ✓ | ✓ |
| The Deputy Mayor [Cllr. Pam Light] | x | ✓ | ✓ |
| <u>CONSERVATIVE GROUP</u> | | | |
| Cllr. Michael White | x | ✓ | ✓ |
| Cllr. Gary Adams | x | ✓ | ✓ |
| Cllr. Mike Armstrong | x | ✓ | ✓ |
| Cllr. Robert Benham | x | ✓ | ✓ |
| Cllr. Sandra Binion | x | ✓ | ✓ |
| Cllr. Jeff Brace | x | ✓ | ✓ |
| Cllr. Wendy Brice-Thompson | A | A | A |
| Cllr. Dennis Bull | x | ✓ | ✓ |
| Cllr. Andrew Curtin | x | ✓ | ✓ |
| Cllr. Ted Eden | x | ✓ | ✓ |
| Cllr. Roger Evans | x | ✓ | ✓ |
| Cllr. Christine Fox | x | ✓ | ✓ |
| Cllr. Mark Gadd | x | ✓ | ✓ |
| Cllr. Georgina Galpin | x | ✓ | ✓ |
| Cllr. Peter Gardner | A | A | A |
| Cllr. David Grantham | x | ✓ | ✓ |
| Cllr. Kevin Gregory | x | ✓ | ✓ |
| Cllr. Lesley Kelly | A | A | A |
| Cllr. Steven Kelly | x | ✓ | ✓ |
| Cllr. Robby Misir | x | ✓ | ✓ |
| Cllr. Eric Munday | x | ✓ | ✓ |
| Cllr. Barry Oddy | x | ✓ | ✓ |
| Cllr. Frederick Osborne | x | ✓ | ✓ |
| Cllr. Roger Ramsey | x | ✓ | ✓ |
| Cllr. Paul Rochford | x | ✓ | ✓ |
| Cllr. Geoffrey Starns | x | ✓ | ✓ |
| Cllr. Barry Tebbutt | x | ✓ | ✓ |
| Cllr. Frederick Thompson | A | A | A |
| Cllr. Lynden Thorpe | x | ✓ | ✓ |
| Cllr. Melvin Wallace | x | ✓ | ✓ |
| Cllr. Keith Wells | x | ✓ | ✓ |
| <u>RESIDENTS' GROUP</u> | | | |
| Cllr. Clarence Barrett | ✓ | x | ✓ |
| Cllr. June Alexander | ✓ | x | ✓ |
| Cllr. Gillian Ford | ✓ | O | ✓ |
| Cllr. Linda Hawthorn | ✓ | x | ✓ |
| Cllr. Andrew Mann | ✓ | x | ✓ |
| Cllr. Barbara Matthews | ✓ | x | ✓ |
| Cllr. Raymond Morgon | ✓ | x | ✓ |
| Cllr. John Mylod | ✓ | x | ✓ |
| Cllr. Patricia Mylod | ✓ | x | ✓ |
| Cllr. Linda van den Hende | ✓ | O | ✓ |
| Cllr. Steve Whittaker | ✓ | x | ✓ |
| Cllr. Mike Winter | ✓ | x | ✓ |
| <u>INDEPENDENT LOCAL RESIDENTS' GROUP</u> | | | |
| Cllr. Jeffery Tucker | O | O | ✓ |
| Cllr. Michael Deon Burton | O | O | ✓ |
| <u>LABOUR GROUP</u> | | | |
| Cllr. Keith Darvill | x | x | ✓ |
| Cllr. Tom Binding | x | x | ✓ |
| <u>RAINHAM RESIDENTS' GROUP</u> | | | |
| Cllr. Mark Stewart | O | O | ✓ |
| Cllr. Coral Jeffrey | ✓ | x | ✓ |
| <u>Liberal Democrat Member</u> | | | |
| Cllr. Jonathan Coles | x | x | ✓ |
| <u>British National Party Member</u> | | | |
| Cllr. Mark Logan | x | ✓ | ✓ |
| <u>Independent Member</u> | | | |
| Cllr. David Charles | x | ✓ | ✓ |
| TOTALS | | | |
| YES | 13 | 31 | 50 |
| NO | 34 | 14 | 0 |
| ABSTAIN/NO VOTE | 3 | 5 | 0 |
| DECLARATION OF INTEREST/NO VOTE | 0 | 0 | 0 |
| ABSENT FROM MEETING | 4 | 4 | 4 |

IN FAVOUR ✓ AGAINST X
NOT VOTING O ABSENT A
INTEREST DECLARED ID



ANNUAL COUNCIL, 20 MAY 2009

11-1

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: TO APPOINT THE COMMITTEES OF THE COUNCIL, ETC

- 1 In accordance with the Constitution, the Council appoints its Committees at the Annual Meeting.
- 2 This report deals with the appointment and sizes of Committees, the co-opted members and observers etc and recommends such appointments consistent with previous decisions of the Council.
- 3 **At the time of preparing this report, there is a vacancy in the Council's membership that will not be filled until a by-election is held after the Annual Meeting. For the purposes of this report, no account has been taken of that vacancy. A further report will be submitted to the next meeting of the Council dealing with the adjustments needed in consequence of the result of that election.**
- 4 There are no additional financial implications or risks arising from this report. Any allowances payable to Members resulting from the proposed appointments will be in accordance with the current, approved Members' Allowances scheme and will be contained within the relevant budgetary provision.
- 5 There are no legal, human resources or equalities and social inclusion implications or risks attached to this report.

RECOMMENDATIONS

That:

- (1) The Committees listed in Appendix 1 be appointed for the 2009/10 Municipal Year.
- (2) Those Committees be appointed with:
 - (a) the membership sizes and
 - (b) the political balance

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indicated in Appendix 2 and its annexes (including the note to the table in annex B).

- (3) The voting co-optees, the two representing Church of England and Roman Catholic interests and the three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Children's Services Overview and Scrutiny Committee.
- (4) The other non-elected member "appointments" and invitations to attend shown in Appendix 1 be confirmed.
- (5) The new, statutory ability of the Crime & Disorder Committee to co-opt certain individuals from time to time, as detailed in Annex 5 to Appendix 1, be noted.
- (6) It be noted that a further report will be submitted to the next meeting, to deal with the adjustments needed consequent upon the imminent by-election.

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**Cheryl Coppel
Chief Executive**

Background Papers List

None

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

| | |
|--|---------------------|
| Adjudication and Review Committee | <i>See annex 1</i> |
| Appointments Committee | |
| Audit Committee | |
| Governance Committee | |
| Licensing Committee | <i>See annex 2</i> |
| Pensions Committee | <i>See annex 3</i> |
| Regulatory Services Committee | |
| Standards Committee | <i>See annex 4</i> |
| Adult Services Health Overview and Scrutiny Committee | |
| Children's Services Overview and Scrutiny Committee | <i>See annex 5</i> |
| Corporate Overview and Scrutiny Committee | |
| Crime & Disorder Committee | <i>See annex 6</i> |
| Culture and Regeneration Overview & Scrutiny Committee | |
| Environment Overview and Scrutiny Committee | |
| Health 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) |
| South Hornchurch and Rainham Area Committee | (Ward members only) |
| Upminster Area Committee | (Ward members only) |

Annex 1

Adjudication and Review Committee

1.1 The major part of the work of this Committee is carried out through Hearings Panels. The composition of Hearings Panels varies according to the nature of the issue adjudicated – as indicated in the following table:

| Type of hearing | Membership of Panel |
|--|--|
| Corporate complaints procedure (including housing tenants' complaints) | Three Members and a non-voting independent person |
| Children Act complaints | Three independent persons (one as chairman) with voting rights (<i>to accord with legal requirements, elected Members may no longer serve on this type of Panel</i>) |
| Adult Care complaints | Two independent persons (one as chairman) with voting rights and one Member (<i>but the Committee may be revising this in due course</i>) |
| Housing tenancy appeals | Three Members |

1.2 The independent persons used for such hearings are taken from a pool of such people appointed on behalf the Adjudication & Review Committee, managed by Democratic Services, who have received training appropriate to that role.

1.3 The substitute rule does not apply to Hearings Panels.

Licensing Committee

- 2.1 Most of the work of this Committee is carried out through Licensing Sub-Committees comprising a Chairman and two other Members, all drawn from the main Committee. In general, Sub-Committees will be chaired either by the Chairman of the main Committee, or one of the three Vice-Chairmen.
- 2.2 The substitute rule does not apply to Licensing Sub-Committees.

Pensions Committee

- 3.1 The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.
- 3.2 The Admitted and Scheduled Bodies who are members of the pension fund jointly appoint a representative as a non-voting, co-opted Member of the Committee.
- 3.3 Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during the discussion of any exempt business.

Standards Committee

- 4.1 There are three Independent Members on this Committee, one of whom is Chairman and another Vice-Chairman, as required by law.
- 4.2 In accordance with revised legal provisions for the work of Standards Committees, the Committee has established three Sub-Committees that consider individual complaints:
 - The Assessment Sub-Committee: to carry out an initial assessment of a complaint and to determine the response to it;
 - The Review Sub-Committee: to review decisions of the Assessment Sub-Committee if so requested by a complainant
 - The Hearings Sub-Committee: to consider the outcome of investigations into complaints
- 4.3 The substitute rule does not apply to these Sub-Committees.

Children's Services Overview & Scrutiny Committee

- 5.1 The law requires that the Council co-opt to this Overview & Scrutiny Committee one representative of each of the Anglican and Roman Catholic Churches, **with voting rights**, to attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. In practice, they are also able to contribute to other discussions.
- 5.2 In addition, there are three **voting** co-opted members representing governors of schools in the three sectors of education, primary, secondary and special. Again, they may attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. They are also able to contribute to other discussions.
- 5.3 Finally, there are three **non-voting** representatives of local teacher unions and professional associations, nominated by those organisations.
- 5.4 In accordance with a decision of the Governance Committee of July 2008, the Councillor Members of the Committee are also automatically Members of the Council's Corporate Parenting Panel.

Crime & Disorder Committee

- 6.1 The Committee was placed on a statutory footing on 30 April 2009, when the Crime and Disorder (Overview and Scrutiny) Regulations 2009 came into force (previously, the Council had operated the Committee on a non-statutory basis with the co-operation, willingly given, of crime and disorder partner bodies).
- 6.2 The Regulations confer on the Committee an ability to co-opt certain members or employees of crime and disorder partner bodies. It is for the Committee to determine whether such co-optees are to have voting rights and the issues in respect of which they may attend meetings as co-optees.
- 6.3 There are no present proposals for the Committee to exercise its rights to co-opt but that will be reviewed from time-to-time and co-options made as need arises.

POLITICAL BALANCE

- 1.1 **The Local Government (Committees and Political Groups) Regulations 1990** require that, so far as practicable, the membership of Committees – both overall, and of individual bodies – must reflect the division of the overall membership of the Council into the various Groups. The Regulations set out the parameters within which such balance is to be achieved.
- 1.2 The proposed allocation of seats in **Annex A** has been prepared accordingly and *is considered to represent the default position*.
- 2.1 **Annex B** sets out in detail the principles of political balance that the law requires the Council to conform to, and discusses the application of those rules to the current political make-up of the Council.
- 2.2 In broad terms, each Group of members is entitled to take seats on Committees in proportion to the total number of Members that belong to it. There is discretion as to the size of Committees and thus the total number of places available for allocation, although for reasons of practicality – not least ensuring that sufficient Members are available from each Group to cover its meeting obligations – the total number of seats (assuming that the number of Committees does not change) within the current structure of Committees is always likely to be in the range 108-120 with individual Committee sizes varying from 6 to a maximum of 15.
- 2.3 Within the overall number of seats available, some adjustment is needed to ensure, so far as practicable, that each Group has its due share of seats and that the allocation of seats between the Groups on each Committee reflects their respective proportions of the Council's membership.
- 2.4 ***There is no perfect answer.***
- 3.1 The first step is to agree the sizes of the individual Committees; the allocation of seats to each Group then follows the formula referred to in Annex B; then finally, adjustments are required to the outcome to ensure that, overall, each Group receives its appropriate share of the total number of seats to be allocated.
- 3.2 The Council is free to agree different arrangements from those prescribed by law, so long as no Member votes against them. Should any such “different arrangements” be voted against, however, then the “default” position would need to be applied.

Making the necessary adjustments

- 4.1 In determining where adjustments should be made to achieve the overall balance, it is necessary to consider whether there are any particular Committees on which it is more important for all Groups to be represented than others. Although highly desirable, it is clearly impossible for each Group to be represented on all Committees (all else aside, meeting commitments for individual Members would then be difficult, if not impossible, to fulfil). Compromise is therefore essential.
- 4.2 Under current arrangements, the Independent Local Residents', Labour and Rainham Residents' Groups have their greatest entitlement to seats on the Adjudication & Review, Governance, Licensing, Regulatory Services and Standards Committees, which are the Committees regulating the Council's business or dealing most with the community and which tend to have larger memberships than other Committees.

Area Committees

- 5.1 The Area Committees are not politically balanced because they are constituted under the special rules for Area Committees, with membership confined to Members in each particular Area.

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the default position.

| | | CONSERVATIVE | RESIDENTS | IND LOCAL RESIDENTS | RAINHAM RESIDENTS | LABOUR |
|------------------------------|------------|---------------------|------------------|--------------------------------|------------------------------|---------------|
| Governance | 10 | 6 | 2 | 1 | 0 | 1 |
| Licensing | 10 | 6 | 2 | 0 | 1 | 1 |
| Regulatory Services | 10 | 6 | 2 | 0 | 1 | 1 |
| Adjudication & Review | 9 | 6 | 2 | 1 | 0 | 0 |
| Standards | 9 | 5 | 1 | 1 | 1 | 1 |
| Audit | 8 | 5 | 2 | 0 | 1 | 0 |
| Pensions | 7 | 4 | 2 | 1 | 0 | 0 |
| Appointments | 6 | 4 | 2 | 0 | 0 | 0 |
| Adult Services OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Children's OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Corporate OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Culture & Regeneration OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Environment OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Health OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Housing OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Crime & Disorder OSC | 6 | 4 | 2 | 0 | 0 | 0 |
| Total seats allocated | 117 | 74 | 31 | 4 | 4 | 4 |

- All Groups are represented on the Standards Committee, which because of its special nature, with representation of all Groups highly desirable, is not politically balanced
- Four Groups are represented on each of the Governance, Licensing and Regulatory Services Committees
- Three Groups are represented on the Audit, Adjudication & Review and Pensions Committees
- Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

POLITICAL BALANCE PRINCIPLES

- 1.1 In allocating seats on Committees to the Groups, the Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. As the current situation at Havering is that one Group (the Conservative Group) has an overall majority but there are several Groups and two Members who are not in any Group (and disregarding for now the vacant seat), the relevant principles are, in order of priority:
1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
 2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
 3. The total share of all the seats available for all of the Council main Committees allocated to each political Group must be proportionate to that Group's share of the total Council membership.
 4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group must be proportionate to that Group's share of total Council membership.
- 1.2 Moreover, in determining entitlements to seats, members who are not in a Group are disregarded, as they are not entitled to a seat on any Committee; but the proportions on which entitlements are calculated must relate to the total number of Councillors.
- 1.3 **In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own.** With the distribution of seats on the Council that results from the election, it is inevitable (a) that the smaller Groups will not be able to be represented on every Committee, (b) that one Group's representation on some Committees will be at the expense of another's and (c) that, with calculations made as accurately as possible, one or more Groups may have actual seat numbers that differ from their entitlements.
- 2.1 The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.
- 2.2 To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Annual Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

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- 4.1 Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to each Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.
- 4.2 The “wishes of the Group” may be communicated to the Chief Executive (or the Democratic Services Manager [DSM] on her behalf) by notice in writing by the Group Leader (or on his/her behalf by a recognised deputy) and will be implemented forthwith. Changes may be effected at any time by notice to the Chief Executive (or DSM) and will be notified to all Members in the next available edition of the weekly Calendar Brief.
- 4.3 It should be noted that the Chairmen and Vice-Chairmen of Committees (other than the Area Committees, which make their own appointments) are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council, and be dealt with by formal motion.

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

- 4.1 The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

- 5.1 The Regulations specify that the minimum size of a Group is two Members. As seats are allocated on the basis of Groups, Members who do not belong to a Group do not have a right to be allocated any Committee seat.
- 5.2 Of the 54 current Members of the Council, **33** (61.11% of the total) are Members of the Conservative Group, **12** (22.22%) of the Residents' Group, **2** (3.70%) of the Rainham Residents' Group, **2** (3.70%) of the Independent Local Residents' Group and **2** (3.70%) of the Labour Group. There are two Members not in a Group (3.70% of the total) and once vacancy.
- 5.3 The seat entitlements of the Groups are determined by a formula using the above percentages, operating through a sequence of stages as follows:
 - **First**, the percentage of each Group's membership of the Council is calculated.
 - **Next**, that percentage is then applied to the number of seats available on each Committee to determine each Group's potential entitlement to seats on that Committee (rounded to the nearest whole number following the mathematical convention that numbers below 0.5 are rounded down, and those 0.5 or more are rounded up).

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil (i.e. less than 0.5), as there is a specific number of seats available on each Committee and no Group may have more seats on any Committee than its entitlement.

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Those figures are then applied to the total number of seats available on each Committee, the seats being allocated in order, highest entitlement first, until all seats have been allocated.

- **Finally**, fine adjustment is required to ensure that, so far as reasonably practicable, the total of seats allocated reflects the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process. This can result in a group being allocated more seats than appears to be its strict entitlement: this is the inevitable result of tensions within the political balance rules, which require different balancing arrangements as between the overall number of seats available, and the number of seats on each Committee.

Specific allocations

- 6.1 For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.
- 6.2 Once the number of seats available on each Committee has been determined, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.



ANNUAL COUNCIL, 20 MAY 2009

11-2

REPORT OF THE MONITORING OFFICER

SUBJECT: INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

- 1 The Local Government Act 2000 requires the Council to appoint the Standards Committee, 25% of the membership of which must be Independent Members. Such Independent Members must be appointed following public advertisement, formal application and interview. There are three Independent Members.
- 2 The terms of office of two of the current Independent Members, Jack Knowles (Chairman) and Tracey Moran (Vice-Chairman) are due to expire at the Annual Meeting. It was, however, always envisaged that they would be re-appointed for a second term unless there was good reason not to do so; no such reason has arisen.
- 3 Accordingly, the Council is now invited to re-appoint those concerned. The current term of office of each of the Independent Members is three years and, thus, if re-appointed, the two will continue to serve until May 2012.

RECOMMENDATION

That Jack Knowles and Tracey Moran be re-appointed as Independent Members of the Standards Committee for a period of three years ending at the Annual Meeting of the Council in May 2012.

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Christine Dooley
Monitoring Officer

Background Papers List

None



ANNUAL COUNCIL, 20 MAY 2009

12

REPORT OF GOVERNANCE COMMITTEE, 6 MAY 2009

SUBJECT: COUNCIL PROCEDURE RULES – Members' Questions at Council

In the past, there was a convention that Members wishing to ask more than one Question at Council could not expect the opportunity to ask a second Question until all other Members asking a Question or Questions had had their (first) Question answered.

In light of the submission of large numbers of Questions by certain Members at recent Council meetings, the Committee noted that a review of the Rule had been requested. **There no suggestion that the right of Members to ask as many Questions as they wished was affected: a redressing of the current balance was sought, however, so that every Member wishing to ask Questions could expect at least one Question to be asked and answered (subject to the 30 minute time limit).**

At recent Council meetings, a procedural motion had been used to give effect to such an arrangement but it was now suggested that the Council Procedure Rules be amended to provide for a specific procedure rather than, as in the past, relying on an unwritten convention that was open to possible confusion or upon procedural motions at each meeting.

The Committee accordingly **RECOMMEND** to the Council that the second part of Paragraph 10.11 of the Council Procedure Rules be amended to read:

10.11 Order of questions

- (i) Subject to the following provisions, questions shall be dealt with in order of receipt.
- (ii) Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, so that:
 - round one shall comprise the first of the questions asked by any of the Members of a Group or by an unattached Member;

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- round two shall comprise the second such question;
 - subsequent rounds shall comprise successive questions in such order; and
 - once every Group's Members or unattached Member have had to the opportunity to ask one question in the rounds, any questions remaining shall be dealt with in order of receipt
- (iii) For the purpose of determining the order in which the various Groups'/unattached Members' questions are dealt with, the first question of every such round shall be asked by a Member of the largest opposition Group with the Members of the minority opposition Groups and unattached Members asking their questions on a progressively rotating basis at successive meetings.