

GOVERNANCE COMMITTEE

AGENDA

7.30pm

Tuesday
20 September 2005

Havering Town Hall
Main Road, Romford

Members 9: Quorum 3

COUNCILLORS:

Conservative Group (4)

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

Residents' Group (3)

Ivor Cameron
Barbara Reith
Louise Sinclair

Labour Group (2)

Ray Harris
Wilf Mills

For information about the meeting please contact:
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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

The Chairman of the meeting has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

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

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

AGENDA ITEMS**1 CHAIRMAN'S ANNOUNCEMENTS**

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS
(if any) - receive.**3 MINUTES**

To approve as a correct record the minutes of the meetings of the Committee held on 6 July and 15 August 2005, and to authorise the Chairman to sign them.

4 POLLING DISTRICT REVIEW**5 APPOINTMENT OF MEMBERS TO HOUSING ALMO BOARD****6 APPOINTMENT OF MEMBER TO HAVERING TWINNING EDUCATIONAL ASSOCIATION****7 AMENDMENTS TO THE CONSTITUTION****8 URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Governance Committee, 20 September 2005

Stephen Evans
Chief Executive

Governance Committee, 20 September 2005

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
6 July 2005 (7.30pm – 8.50pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), +Georgina Galpin, Eric Munday and Roger Ramsey

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

Labour Group +Keith Darvill and Wilf Mills

+ Substitute Members: Councillors Keith Darvill (for Ray Harris), Georgina Galpin (for Michael White) and Owen Ware (for Barbara Reith)

Apologies were received for the absence of Councillors Ray Harris, Barbara Reith and Michael White

All decisions were taken with no vote against

Councillor Keith Darvill declared an interest, as indicated at minute 8 following.

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

4 MINUTES

The Minutes of the meeting of the Committee held on 2 June 2005 were approved as a correct record and signed by the Chairman.

5 AMENDMENTS TO CONSTITUTION – POWERS DELEGATED TO HEAD OF PLANNING

Following an inspection in September 2004, the Audit Commission had highlighted the Planning Service's then under achievement against 2003/04 Government targets for the determination of certain categories of planning application, which had adverse implications for the Council. An improvement strategy, co-ordinated to address the Audit Commission recommendations, had however been developed, as a result of which the Service met Government targets for determination of all categories of planning application in 2004/2005.

In order to sustain improved performance, however, a need had become apparent for amendment of the powers currently delegated to the Head of Planning. Greater use of delegated powers would improve the speed and efficiency of decision making, thereby positively affecting the Council's performance. The Committee was accordingly invited to consider a number of amendments to the delegated powers, to raise the threshold for the size of residential development which may be approved and to introduce an unrestricted level of refusal for any application type. In all cases the safeguard of a Member call in procedure would remain but be tightened in order to make it more effective. A range of other modifications was proposed, principally reflecting the evolving nature of Regulatory Services work.

The Regulatory Services Committee had been consulted about the proposed changes and had offered no comments upon them.

RESOLVED:

1. To **RECOMMEND** to Council that the delegated powers of the Head of Planning be amended as shown in Appendix 1 to these minutes.
2. That consideration of the proposal that the Head of Planning be authorised to approve applications for residential development including flat conversions where the resultant number of dwellings does not exceed nine or, for outline applications, the site area does not exceed 0.5 ha be deferred until the next meeting of the Committee.

6 AMENDMENTS TO THE CONSTITUTION - made by the Monitoring Officer

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted the amendments made by her and published in Notification 16 (as set out in Appendix 2 to these minutes).

7 CORPORATE GOVERNANCE ARRANGEMENTS IN Havering

The Code of Corporate Governance had been agreed in 2004. The plan for improvement had since been monitored by the Strategic Management Team on a regular basis and progress reported to this Committee on at least a six monthly basis. The second progress report was now submitted accordingly.

The Improvement Plan had been formulated on the basis of an assessment against a framework issued by CIPFA/SOLACE, and was now largely complete. The outstanding and ongoing actions would be monitored as part of the Statement of Internal Control. Publicity of the Code had been, and continued to take place, by publication of articles in Inside Havering and Living in Havering as well as by writing to all Stakeholders. The effectiveness of the arrangements would be

undertaken by various Questionnaires and the results used to update the existing Corporate Governance self assessment.

RESOLVED:

1. That the action so far taken be noted.
2. That the expectations as set out in the assessment be confirmed as being in place within Havering.
3. That the use of the information in this report to develop the 2004/05 Statement of Internal Control be noted.
4. That the proposed actions to seek views of all parties be agreed.
5. That the Council's commitment to promote good Corporate Governance be confirmed.
6. That the Code of Governance be reaffirmed.

8 APPOINTMENT OF DIRECTOR TO CENTRE FOR ENGINEERING AND MANUFACTURING EXCELLENCE (CEME)

The Chairman agreed pursuant to section 100B(4) of the Local Government Act 1972 that this report should be considered as a matter of urgency, to enable an appointment to be made.

The Committee noted that CEME was reconstituting its corporate governance structure and had invited the Council to appoint a director of a new company limited by guarantee that was being formed for the purpose. The report proposed that the director should be the holder of the post of Chief Executive.

Following discussion, it was agreed that the matter be deferred to the next meeting of the Committee, to enable further consideration to be given to the nature of the appointment.

9 APPOINTMENT OF SCHOOL GOVERNORS

The Chairman agreed pursuant to section 100B(4) of the Local Government Act 1972 that this report should be considered as a matter of urgency, to enable appointments to be made.

Councillor Keith Darvill declared a personal interest, as a member of the selection panel.

The Committee noted that the panel established to make recommendations as to

Governance Committee, 6 July 2005

the appointment of school governors by the Council as LEA had recently met. The names of further prospective governors identified by the panel were now submitted for approval.

RESOLVED:

That the persons listed in Appendix 3 to these minutes be appointed to the governing bodies of the schools indicated.

Amendments to the Constitution

3.10.3 Head of Planning

Development control

- 1 To act in relation to purchase notices and blight notices served on the Council under Part VI of the Town and Country Planning Act 1992.
- 2 To approve any application for development throughout the borough including the Green Belt in accordance with the current development plan and other material legislation and which proposes to:
 - (i) erect extensions, porches and material alterations to the external appearance of a dwelling house or other residential accommodation (including where the depth or height of the extension or porch exceeds the provisions of the development plan but, in the opinion of the Head of Planning, would not cause material harm)
 - (ii) construct garages and other outbuildings within the curtilage of a dwelling house or other residential accommodation
 - (iii) erect non residential development and erect extensions or ancillary buildings or materially alter the external appearance of an existing building within the curtilage of any non-residential premises etc., where the new floor space would not exceed 1000m²
 - (iv) display advertisements
 - (v) construct shop fronts
 - (vi) erect residential development where the number of dwellings does not exceed two
 - (vii) construct vehicular access to roads
 - (viii) erect fences, walls, gates, other means of enclosure, satellite receivers or floodlights and street furniture.
 - (ix) change use from one class to another involving a building of up to 1000m² floor space or sites of up to 1 hectare (2.4 acres)
 - (x) construct buildings to house secondary sub-stations of the type which would, if erected in the open, constitute permitted development

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- (xi) extend a time limit (for a period not exceeding 12 months at any one time) imposed upon a temporary consent, where the situation which was contemplated when the limitation was imposed has not materialised and is, in the opinion of the Head of Planning, unlikely to materialise in the next 12 months
- 3. To refuse any application for development throughout the borough, including the Green Belt, in which is not in accordance with the current development plan and any other material legislation.
- 4. If objections are received within 21 days of the date of deposit of the list of planning applications or the date of notification of a particular application (whichever is the later), members must be notified that objections have been received and given a deadline by which to request that the application be referred to the Regulatory Services Committee for determination. If no such request is received within seven days, the Head of Planning may approve the application.
- 5. Notification may be by a list of applications sent to each member who requests it; the deadline date shown on the list will not be less than seven days after the notification. A request from a member must be made in writing to either the Head of Planning or the Planning Control Manager personally. The reason for the call in shall be stated in writing.
- 6. Where a consent for full planning permission has previously been granted, to determine amending details where an amendment would require planning permission.
- 7. To determine detailed submissions reserved for subsequent approval when outline planning permission is granted. This function cannot be exercised where the Regulatory Services Committee, when granting outline planning permission, specifically reserve to themselves the right to approve details of the development concerned.
- 8. To determine variations of conditions, submissions required by a condition and development required to comply with a condition.
- 9. To determine applications for the renewal of any planning permission where there has been no material change in circumstances.
- 10. To determine any application for advertisement consent, demolition consent, conservation area consent, listed building consent or prior approval determinations.
- 11. To determine any applications for engineering and other operations which consist of groundworks and construction of paths, cycle tracks and roadways and crossovers.
- 12. To determine the making of tree preservation orders and applications for the topping, lopping and felling of trees where the trees are covered by a confirmed

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tree preservation order, to serve Tree Replacement Notices, to waive the requirement to replace trees where appropriate to determine applications under High Hedges legislation (Anti Social Behaviour Act 2003 [Part 8]) and undertake any related legal or direct action arising from such application, including issuing of Remedial Notices.

- 13 To issue directions and take any necessary action arising from those directions under Part X of the Criminal Justice and Public Order Act 1994, which relates to control of caravan sites.
- 14 In relation to the submission of a planning application, to determine whether an environmental assessment is required to be submitted with that application.
- 15 To issue planning contravention notices and breach of condition notices.
- 16 To issue enforcement notices, stop notices and listed building enforcement notices and to take any action necessary to achieve compliance with a notice, including commencing proceedings for injunctions and demolishing buildings in the following cases:
 - a) In cases of urgency.
 - b) Where planning permission for the unauthorised development has already been refused by the Council, or
 - c) Where the unauthorised development consists of:
 - o Deposit of waste materials
 - o Extraction of minerals
 - o Erection of fixed plant and machinery.
 - d) Any case involving a temporary stop notice.

This function must be exercised in consultation with the Assistant Chief Executive Legal & Democratic Services.

- 17 To object on environmental grounds to applications for including particular operating centres on goods vehicles operators' licences.
- 18 To issue notices in accordance with Section 215 of the Town and Country Planning Act 1990.
- 19 To exercise the Council's functions in relation to the issuing of screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 20 To authorise activities under the Regulation of Investigatory Powers Act 2000.

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- 21 To determine applications for hazardous substances consent, and related powers.
- 22 Where GPDO rights are removed by condition and erection of plant and machinery required for a temporary period in connection with permitted landfill land reclamation and mineral extraction.
- 23 To issue Certificates of Lawful Development.
- 24 In consultation with the Assistant Chief Executive, Legal and Democratic Services to modify as necessary the detailed wording or nature of planning conditions imposed by Regulatory Services Committee before decisions are issued.
25. To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1976 in respect of complaints regarding dangerous trees posing an imminent risk to persons or property or causing damage to property.

Notification No. 16

Date 22nd June 2005

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 15.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution:

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3, Section 3.6.2 paragraph 14	92	Move paragraph 14 under Civil registration: <u>'To exercise the Council's powers and duties under the Registration Service Act 1953 and any regulation made under it.'</u> To Section 3.9.2 as new paragraph 7	Reflect Organisational Change
Part 3, Section 3.7.2 paragraph 5	98	Move paragraph 5 to Section 3.7.3 as a new paragraph 9 To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.	Reflect Organisational Change
Part 3, Section 3.7.2	98	Add new paragraph 7 in Section 3.7.2 <u>To exercise all the powers delegated to the Strategic Property Manager so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible the Head of Service should give notice to the Strategic Property Manager that he or she intends to exercise a specified power that is delegated to the Strategic Property Manager</u>	Reflect Organisational Change
Part 3, Section 7 Appendix C	156	Add to table Criminal Justice Act 1988. The Act has the offence of selling a knife to an under 16 (s141)	Correct error/omission

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Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3, Section 7 Appendix C Appendix D	156 – 157 160	Add to table Clean Neighbourhoods & Environment Act 2005 (Parts 3, 5, 6 & 7) Gambling Act 2005 Housing Act 2004 Licensing Act 2003	New Legislation

Appointment of LEA Governors

Applications

Name	Proposed school
Mr J. McNicholas	Squirrels Heath Infant
Mr E. Hazelwood	James Oglethorpe Primary
Mrs E. Knightbridge	Dame Tipping Primary
Mr R. Thompson	St Ursula's RC Junior
Mrs Howes	Upminster Infant

Governance Committee, 6 July 2005

**MINUTES OF A SPECIAL MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
15 August 2005 (6.30pm – 6.55pm)**

Present:

COUNCILLORS:

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

Residents' Group Ivor Cameron, Louise Sinclair and +Gillian Ford

Labour Group +Jan Davis and Ray Harris

+ Substitute Members: Councillors Gillian Ford (for Louise Sinclair), Jan Davis (for Wilf Mills)

Apologies were received for the absence of Councillors Louise Sinclair and Wilf Mills

Councillor Ray Harris declared a personal interest in Item 10.

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

10 Appointment of Director to Centre for Engineering and Manufacturing Excellence (CEME)

The report advised that following the restructuring of CEME, an approach had been made to the Council requesting that the Council be a member of CEME Limited and that the Chief Executive be appointed to the CEME Limited board as a non-executive Director.

Members were informed that the CEME restructuring had taken place following a business plan which was approved at the end of 2004 by both the LDA and Ford for CEME which had two main objectives:

- i. Cash injection, to resolve the outstanding building issues, create a true centre of excellence and support the transitional phase for both the BIC and establishment of a training subsidiary under CEME
- ii. Restructure the CEME Board and operational organisation. The Board structure was to reduce the influence of individual stakeholders, have an Executive Chair, to change the mix of skills and expertise and to bring in business and Higher

Education representatives. The operating organisation had taken on the services of a professional building and facility management team. In summary, having built and launched the CEME Campus it was clear that there were issues with its ongoing viability in its current state. These issues were fully addressed by the approval and adoption of the new business plan.

The new Articles of Association were intended to operate from June 30, 2005. The restructuring, in so far as the changes to the membership and directors was concerned, began with the change of Articles of Association on June 30, 2005 and continued to the current date, with the appointment of directors to the newly identified Board roles.

Members were advised that the Company was limited by guarantee and did not have a share capital. The liability of the members was limited to £1.00. The Company would comprise representatives from Ford Motor Company, the Council, Havering College and Barking College. Havering and Barking Colleges had one vote between them and Ford and the Council one vote each. The colleges could vote independently of each other. The Articles allowed for new members to be accepted, however, they did not currently provide a mechanism to attribute voting rights to the new members, unless the rights were assigned by one of the existing members. This would need to be addressed in the future.

Clause 1.7 of the Articles provided for the member to be represented in general meetings of the Company. This representative was, from a practical point of view, likely to be the member's nominated non-executive Director, however, it need not be in every instance. The Articles of the Company provided that there should be no more than seven Directors of which a maximum of five would be non-executive Directors.

The report detailed that CEME had an underlease from the LDA (the main lease was between Ford and the LDA) for 125 years, to conduct its business in its current form. CEME owned the buildings, facilities and equipment within and had a responsibility to its main stakeholders in the event of ceasing business. However, it operated as a completely separate identity. Its main income was from space letting, supported by education, training and corporate events. Its main objectives were to serve the Thames Gateway and assist the regeneration agenda.

Members were advised that the appointment was urgent for CEME Limited as the restructuring had taken place and the Company were awaiting appointed Directors to enable them to move forward with their proposals.

The Chairman invited Members to comment on the report.

Some Members were concerned that the report proposed the appointment of an Officer to the role as opposed to a Councillor. A Member of the Committee commented that, in his view, the present structure of the CEME board necessitated an Officer appointment. Members were also advised that the Council appointee to the board would be ratified by the LDA.

A motion that Councillor Malvin Brown be appointed as a non-executive Director of CEME Limited was lost by 3 votes to 6 (the voting was - for: Councillors Ivor Cameron, Gillian Ford and Barbara Reith; against: Councillors Jan Davis, Ray Harris, Eric Munday, Roger Ramsey, Frederick Thompson and Michael White).

It was **RESOLVED** that

- 1) The Council be a member of the Centre for Engineering and Manufacturing Excellence Limited and the Chief Executive be the Council's representative;
- 2) the Chief Executive be appointed as a non-executive Director of CEME Limited;
- 3) the appointment be reviewed on a yearly basis.

Governance Committee, 15 August 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 th September 2005	4

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: POLLING DISTRICT REVIEW

SUMMARY

Attached to this report is Appendix 1 setting out the guidance from the Electoral Commission on the undertaking of a Polling District Review. Appendix 2 sets out the proposals and Appendix 3 the timetable for carrying out a Polling District Review for this Council.

RECOMMENDATIONS

1. To consider matters set out in Appendix 2 paragraph 4, and to decide on the basis of the review.
2. To consider and approve the consultees set out in paragraph 3 (ii) and (iii) of Appendix 2 and the role of Governance Committee in 3(vi)
3. To authorise the Electoral Services Manager to formulate proposals for consultation
4. To note the timetable for the implementation of the review set out in Appendix 3.

REPORT DETAIL

The last review of Polling Districts took place in 1993 and was implemented in 1994. There has not been a review since that time although the Electoral Commission advises that this should be undertaken on a regular basis and suggests at least every four years.

There are several wards within the Council which are divided into nine polling districts, it is suggested that a minimum should be four with a maximum of six. All wards need to be considered individually for division into polling districts and one of the most important criteria should be logistics and the distance to be travelled to a polling station by an elector. This needs to be balanced with the requirement that a polling station should be available for access to those with a disability both under the Representation of the People Act 1985 and the Disability Discrimination Act 1995. In practice the 1985 Act would be relied upon in respect of polling stations which are not Council owned buildings.

The review should therefore consider the number of electors within each polling district, travelling and the need to make as few changes as possible so as not to confuse the electorate.

There are several polling districts which utilise the same polling place and in that case it would make sense to amalgamate the polling districts.

There are three areas where the Parliamentary boundary is not coterminous and in these areas alterations are already agreed as part of the Statutory Order and will come into effect at the next Parliamentary election.

Consideration does need to be given to using double polling stations where possible for elections as these enable cover to be provided; questions to be answered and there to be training opportunities for new staff. It is becoming more and more difficult to recruit staff, particularly Presiding Officers for elections and being on a double station does offer a training opportunity and some security for persons who are new to the role.

This committee is requested to consider the approach to the proposals and the consultation proposed in the Appendices and to form a view.

Subject to any view this Committee may have, the Electoral Services Manager will formulate proposals with a view to the wider consultation set out in the timetable in Appendix 3.

Financial Implications and risk

A sum of £16,000 was approved by the Lead Member Resources from the contingency during 2004/05 however, this was not allocated due to the work not being commenced. The allocation will take place during 2005/06 should additional support be required to undertake this exercise. Currently it is anticipated that it may be able to be contained within existing staffing levels and budget.

Equalities implications and risks:

There are few complaints regarding polling stations although there are some stations which are not user friendly for people with disabilities. Ramps are provided by the Council where the gradient permits. Consideration needs to be given to using polling stations which provide such reasonable facilities for voting as are practicable within the legislation. Further detail appears in Appendix 2 and it should be noted that it is not always easy to find suitable locations. Staff have to work long hours in a polling station and it is important that it is also suitable for their use.

Questionnaires are completed by Presiding Officers on the facilities available in a polling station; problems experienced by themselves and electors and an assessment of the suitability of the premises as a polling station. These will be used to inform the review.

It should also be noted that some school head teachers are increasingly experiencing difficulties with closing all or part of the school particularly secondary schools and especially when an election falls within an examination period. Often head teachers endeavour to have an election day as a staff training day where this is possible. Many schools are utilised as polling stations but it is suggested that where there is another suitable building available in the location that this review considers that as a possible polling station rather than school premises, although if this proves impracticable then school premises will need to continue to be utilised.

Legal Implications and risk

In order that the Local Government Elections 2006 can proceed on the basis of the current polling districts it is suggested that this review takes place now but with an implementation date of 1st December 2006 which will have the added benefit of not requiring an electoral register to be republished.

Human Resource Implications and risk

The selection of staff for polling duties should be in accordance with Council policy.

STEPHEN EVANS
Chief Executive

Contact: Christine Dooley
Telephone: 01708 432484

Background Papers

None

APPENDIX 1

The Electoral Commission has issued the following guidance Polling districts, polling places and polling stations

Statutory references

Representation of the People Act 1983, Section 18 – as amended by the Political Parties, Elections and Referendums Act 2000, and Part I, Local Elections (Principal Areas) Rules 1986; Local Elections (Communities and Parishes) Rules 1986; Representation of the People Act 1985, Sections 11, Schedule 4, Part I (paragraph 4); Representation of the People Regulations 1986, Part III; Disability Discrimination Act 1995; Representation of the People Act 2000, Section 12 and Schedule 4.

Definitions

There is some confusion over the meaning of the terms ‘polling districts’, ‘polling places’ and ‘polling stations’ and it is therefore worth clarifying the definitions.

Polling district

A polling district is a geographical area and it is the building block on which parliamentary constituencies are based. It is the duty of the district council or London borough council or council of the unitary authority to divide every parliamentary constituency, or part of a parliamentary constituency within its area into polling districts. The electoral administrator should note that although they are likely to have a significant input into the designation of polling districts, it is for the council to make the decision. The area or the number of electors contained within a polling district is not important. The rules to be followed in designating polling districts are:

- Every part of a parliamentary constituency must be within a polling district.
- All electors must be given ‘such reasonable facilities’ for voting as are practicable.

Although it is recommended that the proper procedures are adopted in designating polling districts, an election cannot be questioned because of any non-compliance or informality with regard to the designation of polling districts or polling places.

The county council, district council, London borough or unitary authority may designate different polling districts for the election of its councillors.

Any polling district designated for a local electoral area must be wholly within the electoral area for which it is designated.

For most practical purposes the same polling districts will be designated for both parliamentary and local government elections and the same polling districts will be used for European parliamentary elections.

Polling places

A polling place is also a geographical area and is also designated by the appropriate council. The definition of the precise geographical area to be designated as a polling place might be defined as a particular building, a street or even the whole polling district. If no polling place is designated, then the polling district is the polling place.

In designating polling places the council must have regard to the convenience of the electors in voting and in particular, to ensure that the polling place is accessible for disabled voters. It is perhaps a measure of the confusion about the terminology that the statutory draftsmen have chosen the polling place to be accessible for disabled voters rather than the polling station. Section 18(2)(a) of the Representation of the People Act 1983 should be construed as a reference to polling stations rather than polling places.

There is no need to designate a polling place as a building and in certain circumstances, this may be a hindrance if, for any reason the particular building is not always available for use as a polling station at a particular election in which case the council would have to re-designate a different polling place.

The polling place should in normal circumstances be situated within the polling district for which it is designated, but in some circumstances, for example where no suitable polling station can be found, then the polling place may be designated outside the polling district. The electoral administrator should ensure that polling places are designated in these circumstances, since the default polling place is the polling district.

Polling stations

A polling station is the physical location at which polling takes place. More than one polling station may be allotted to a polling place. The polling station should be within the polling place for the electoral area. In exceptional cases the polling station for a local electoral area may be outside the parliamentary polling place.

It is for the Returning Officer to decide on polling stations within the designated polling place.

The suitability of a polling station depends to a large extent on the number of electors allotted to it. Where a large number of electors are allotted to a particular location there may be two or more polling stations in the same room. The total number of electors may be divided into more manageable numbers.

Previous Home Office guidance has suggested that at parliamentary elections about 700 electors may be allotted for one presiding officer and one poll clerk. For local government elections the number of electors allotted to a polling station may be increased to a figure of up to 1,500. Although this is the conventional approach electoral administrators may find that the appointment of one senior presiding officer and several poll clerks may be more appropriate in dealing with large numbers of electors at a single polling place.

The legislation does not provide a definition of the area of a polling station. A narrow view may be taken that it is the room in which voting actually takes place. There are occasions when it is taken as being the whole building, and in the case of a school as encompassing the whole site including the playground. This can depend on its location and particular circumstances.

This is relevant in relation to the display of political material. There is a commonly held belief that political advertising should not be allowed within a certain distance of the polling station. There is, however, no substance in that belief. Certainly no political party advertising material should be displayed at the polling station and as a precaution any provider of accommodation should agree not to permit any such advertising on other parts of the building being used for polling.

Review of polling districts and polling places

In England and Wales the council is required to keep the polling districts and places under review in order to give electors the best facilities that are practicable in the circumstances. The Representation of the People Act 1985 also requires that, as far as is reasonable and practicable, only polling places which are accessible to electors with disabilities should be designated.

If any interested authority or not less than thirty electors in a constituency make a representation to The Electoral Commission that the reasonable requirements of the electors, or any body of those electors in the constituency, have not been met. The Electoral Commission must consider the representations and may, if it thinks fit, direct the council to make any alterations which it thinks are necessary in the circumstances. If the council fails to make those alterations within a month after the direction is given, The Electoral Commission may make the alterations.

Where the council or The Electoral Commission has carried out a review of the polling districts and polling places a notice is to be published in the constituency giving details of the polling districts and polling places.

Need for review

The need for a review of polling districts, polling places and polling stations can be brought about by a number of factors that include:

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- Changes to constituency, electoral division and ward boundaries following recommendations by The Boundary Committee of The Electoral Commission (or the Parliamentary Commission until their functions are transferred to The Electoral Commission);
- Changes in local requirements following major housing development;
- Road construction;
- Representations by local pressure groups and political parties;
- Availability of suitable buildings for use as polling stations and provision of community centres.

Electoral administrator – role

It is inevitable that the electoral administrator will become a focal point in any exercise relating to a review of polling arrangements and they should endeavour to show strict political neutrality throughout the exercise.

It will sometimes be left to the administrator to draw up proposals for consideration by the council, or the proposals might be drawn up by an interested organisation or political party.

Review of polling arrangements

Consultation

It is essential that all interested persons, especially those who will ultimately be affected by any changes in polling arrangements, are made aware of any proposals. It is good practice to circulate details of the proposals to all known political parties, relevant councillors, parish councils, and any other interested organisations in the area concerned. Details of proposals could also be submitted to local newspapers. Details should, wherever possible, include good illustrative maps together with textual descriptions of the proposed new boundaries. A detailed description of the proposed polling place or places should also be included.

Comments on the proposals should be invited within a reasonable period of time. This period of time should exclude main holiday periods.

Comments

If the comments received are varied, it is advisable to identify any parts of the proposals that appear to be commonly accepted and then attempt to obtain agreement between the key interested parties on any differences of opinion. This could be achieved either by telephone or by convening an informal meeting.

A report giving full details of the proposals and the results of the consultations should then be prepared for consideration and final decision by the local authority.

Notice of decision

It is essential that any decisions made with regard to changes in polling arrangements are given wide publicity especially among those proposing the changes, those invited to comment on them and those whom they ultimately affect. The form of the publicity can be the same as that giving notice of the original proposals (Representation of the People Act 1983, Section 18(8).)

Adapting the register of electors

The ERO is required to make such adaptations of their register of parliamentary electors as are necessary to take account of the alterations. These shall take place and become effective on the date that the ERO publishes the notice stating that the adaptations have been made.

It is desirable that arrangements be put in place for this notice to be published on the same date as a revised version of the register is to be published, namely by 1 December in any year. However, in circumstances where such notice cannot wait until the following 1 December, it will then be necessary for the ERO to publish a revised version of the register making such changes to the electoral numbers of electors to comply with the new polling district arrangements. Great care over the timing of this needs to be taken to ensure that the revised version of the register is published prior to the commencement of any election to be held on the new polling district boundaries, ensuring that any official poll cards are issued, and nominations received, on the revised polling districts and electoral numbers.

The changes required to give effect to revising the registers has been simplified by use of computer technology.

Whenever a revised version of the register is produced, copies and data format of the revised register must be published and issued in accordance with Regulations 43–7 of the Representation of the People Regulations 2001.

Maps

Any local authority base maps on which polling district boundaries are illustrated must be updated to accord with any changes, as must any documentation containing textual descriptions.

Polling stations

It is the duty of the Returning Officer to provide a sufficient number of polling stations within each designated polling place and to allot the electors to the polling stations in such manner as they think fit. It is essential that they are kept informed of any potential changes in polling district and/or polling places.

Provision of polling stations

As mentioned above, it is the duty of the Returning Officer to provide sufficient numbers of polling stations as they consider necessary for the conduct of the poll and to allocate electors to those polling stations as is most convenient. The number of polling stations should, initially, be based on the numbers of electors likely to attend for a parliamentary election, but it may be possible to reduce the number of polling stations for local elections because of the lower number of electors who actually go to vote at these elections.

Village halls, church halls, community centres, libraries, sports clubs and scout and guide headquarters, empty shops, garages and a range of other locations (even private residences) can be considered for use as polling stations. There are no specific statutory prohibitions on using any location for this purpose. The Returning Officer may use rooms in schools, and other public buildings, free of charge for polling station purposes. They should be aware of the security implications if the school remains open. However, colleges are no longer funded by local education authorities, and, where they are used for this purpose, payment will have to be made for their use in the same way as for the village and church halls etc.

The Returning Officer must defray any expenses incurred by the school by way of their use of the rooms (i.e. heating, lighting and cleaning). Normally, these expenses can be negotiated and agreed with the education department of the local authority before the election.

Where no permanent buildings are available, mobile offices and caravans may be used to provide a suitable site with the necessary facilities within the polling district.

In all cases, all reasonable steps must be taken to ensure that the polling station is accessible for disabled voters; this will become even more important with the full implementation of the Disability Discrimination Act 1995 on 1 October 2004.

APPENDIX 2

The Proposed Polling District Review for London Borough of Havering

1. Summary

This will include both a review of polling districts and polling places and polling stations i.e. boundaries of polling districts may alter together with the location of polling stations. It is recommended that a decision needs to be made in March 2006 with an implementation date of 1st December 2006 for two reasons:

- (i) the review will not then affect the districts for the 2006 local government elections
- (ii) the register can be published with the new polling districts on the register publication date of 1st December 2006, otherwise following a review the register will have to be republished. (This accords with the paragraph on Adapting the register of electors in Appendix 1).

As the Council designates the polling place the opportunity should be taken to be as specific as local circumstances require, including where appropriate designating part of the building. Where no polling place is designated the polling district becomes the polling place.

A polling place is to be designated for each polling district into which every parliamentary constituency is divided.

There must be reasonable facilities for electors to vote.

An election cannot be questioned by reason of any non-compliance with the above provisions or any informality relative to polling places

2. Powers:

The provision of polling stations is the duty of the Returning Officer for local elections and the Acting Returning Officer for Parliamentary and European Elections. The Council as such is not directly responsible.

However, that statement needs to be qualified in several respects. The Returning Officer's discretion is limited by the designated polling districts/polling places (explained in Appendix 1 and below)). The discretion is also limited in practice by the power to use, as of right, certain public premises free of charge for polling station purposes e.g. schools, thus making it exceptional to seek to use by voluntary agreement (and for a fee) premises for which there is not use as of right.

It is a Council's function to divide their area into polling districts and then to designate the polling places for those polling districts, the polling place being an area small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station. e.g. one could designate the Town Hall but not the Town Centre.

The polling place should be in the polling district except when special circumstances make it desirable to go outside.

In exercising their function the Council are required to act so as to give all electors in their area such reasonable facilities for voting as are practicable in the circumstances and in particular, they must, comply with the Disability Discrimination Act in so far as this is reasonably possible.

The effect of that requirement is that a Council should not designate as a polling place a building, if the only means of access to any polling station situated in it would be by means of steps, when another more suitable building is available in that polling district. This is a problem which is unlikely to go away for the foreseeable future since premises which are both suitable for use as polling stations and capable of easy access are in some areas difficult to find or simply non-existent.

It should be borne in mind that polling stations have to be staffed by the same two or three people required to be on duty for 15 hours at a General Election, 13 hours at a local election: there are therefore certain basic requirements for heating, toilet facilities and so on.

Insofar as by far the majority of polling stations are Council buildings serving the public in one form or another, the problem of access for the limited occasions when the premises are in use as a polling station is part of a much wider problem, namely that those buildings ought to be capable of easy access whatever the public purpose to which they are being put at any given time.

There are 119 polling districts; around 137 polling stations utilising 99 polling places.

3. Approach to a Review

- (i) Maps are available
- (ii) Area Committees should be utilised for consultative purposes
- (iii) Who should the Council contact:
 - o Local Councillors informally first;
 - o The public (advertisement)
 - o Political parties/MPs;
 - o GLA members/MEPs etc;
 - o Disabled Groups;

Governance Committee, 20 September 2005

- Access officers;
 - School Heads;
 - Polling Station owners
- (iv) Timetable – See Appendix 3
- (v) Advertise in accordance with requirements
- (vi) In 1993 a review was carried out via an Electoral Arrangements sub-committee. Is a sub-committee of Governance, necessary or given the timetable are members content for reports to be to full Governance Committee?

4. Considerations and Proposals for Consultation

- (i) Do we move away from schools if possible? Secondary or all schools? This can only be on the basis that other suitable premises are available since the Returning Officer has the right to utilise school premises under the legislation.
- (ii) Premises should be ceased to be used which are unsuitable i.e. disabled access, parking
- (iii) What justifiable complaints have been received?
- (iv) Rationale for distribution of electors to a polling station
- (v) Proximity of a polling station to electors
- (vi) Automatic alteration when Parliamentary and ward boundaries become coterminous
- (vii) Access questionnaires completed in May 2005 to be used to inform decision making on suitability of premises.

APPENDIX 3

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

Governance Committee, 20 September 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 SEPTEMBER 2005	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF MEMBERS TO HOUSING ALMO BOARD

SUMMARY

At its meeting in July, the Cabinet approved arrangements for the establishment of an “Arms Length Management Organisation (ALMO)” to assume responsibility for the day to day management of the Council’s housing stock. The ALMO is to be a corporate body in its own right, with a management board of 12 members, four of whom are to be appointed by the Council.

This report invites the Committee to appoint those four members.

RECOMMENDATION

That the Committee appoint four Members to serve as members of the board of the Havering Housing ALMO, during both its shadow existence and once it comes fully into operation.

REPORT DETAIL

Introduction

- 1.1 The ALMO is to be a “not for profit organisation” and will be a company limited by guarantee, which means it is governed by a management board or committee and trades for a specific purpose. It will be registered as a company but will have no shareholders. Its primary objective will be to ensure all the tenanted homes it manages on behalf of the Council meet the Decent Homes Standard by 2010.

The ALMO will need to provide a high quality housing service for the Council's tenants and leaseholders.

- 1.2 Although the ALMO must demonstrably be separate from the Council, it will be wholly-owned by the Council and its vision and objectives will need to be defined in its Memorandum and Articles of Association and agreed with the Council. Delivery proposals and targets will be set jointly by the Council and the ALMO on an annual basis.

Governance and Shadow Board Arrangements

- 2.1 The ALMO Board will consist of Council nominees, tenants and independent members. No one group is allowed to have a majority interest on the Board. Most ALMO Boards have been established on the basis of each group of Board members having an equal share, a third each, of places on the Board. Traditionally, Boards have consisted of fifteen members but latest guidance and advice has suggested that this should be reduced to twelve to improve manageability.
- 2.2 The Cabinet has agreed that the Havering ALMO should have twelve Board places with one-third representation from each constituent group.
- 2.3 Although the Council has freedom of choice over its four nominees (most typically these would be elected members, but there is no reason why non-Members could not be nominated), there are constraints on who may be appointed. Conflicts of interest may arise between a Member's role as such and his/her role on the ALMO board: thus, for example, it would not be appropriate to appoint to the ALMO any Cabinet Member whose portfolio included housing management issues. Other Members who have a particular interest in housing may also find that conflicts of interest could arise and may need to choose their role **in relation to housing**: either as an ALMO member or as a Council Member, but not both.
- 2.4 The Cabinet endorsed the proposition that there should be one nominee from each of the political groups, the fourth nominee being a Cabinet Member (but bearing in mind that the Cabinet Member for Housing is not an appropriate nominee).
- 2.5 Once arrangements are in place, appointments will be made in the usual way by this Committee at the first meeting following Annual Council in any year when appointments are required to be made to the ALMO Board.
- 2.6 **Elected members who are selected to join the ALMO Board will need to acknowledge that their role on the ALMO Board is very different to their responsibilities as a local member and that, when on ALMO business, their first duty is to the ALMO and not the Council. It is possible that they will need to devote considerable time to ALMO matters, especially during the period when it is becoming established. They will need to hold ALMO management and staff to account and will have the same duties and liabilities directors of commercial companies.**

Governance Committee, 20 September 2005

- 2.7 A copy of the “information pack” for prospective members of the ALMO board is attached for Members’ information.
- 2.8 The board will exist in a “shadow” format initially, taking control fully when the ALMO arrangements come into effect.

Financial, Legal, Human Resource, Equalities and Social Inclusion Implications and Risks:

There are none arising directly.

Detailed implications and risks arising from the ALMO approach were discussed in the report to Cabinet in July. The nomination of members to serve on the ALMO board does not appear to carry any specific risk. The appointments will need to be made in accordance with all relevant Council procedures and in conformity with the requirements of the Companies Acts as regards the appointment of directors of companies limited by guarantee.

There is a risk to the Council’s reputation should the ALMO fail to deliver.

Staff Contact: Ian Buckmaster
Title: Manager of Committee and Overview & Scrutiny Support
Telephone: 01708 432431

STEPHEN EVANS
Chief Executive

Background Papers

There are no background papers

The Havering ALMO

Information Pack- ALMO Shadow Board Members



The Havering ALMO

Your chance to make a difference

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Introduction

This information pack is for tenants and leaseholders who are interested in applying to become a member of the Shadow Board for the Havering Arm's Length Management Organisation (ALMO).

This pack provides the relevant information about what an ALMO is, the job description of a Shadow Board member including the responsibilities and expectations of potential candidates.

There will be twelve ALMO Board members consisting of :

- four Havering Borough residents - three Council tenants and one Council leaseholder
- four Council representatives
- four independent people

Initially we are setting up a Shadow Board, which will operate until the time the ALMO starts operating in April 2006. Thereafter the Shadow Board will become the Management Board.

One of the tasks of the Shadow Board will be to determine how new Board members are selected in the future. This will include deciding in consultation with tenant and resident groups, how tenant and leaseholder Board members are elected by tenants and leaseholders.

The Havering ALMO

Earlier this year, the Stock Options Appraisal Executive Group – made up of Neighbourhood Housing Co-ordinators and councillors – asked the borough-wide Independent Tenants Advisor to ask every tenant and leaseholder in the borough whether they would prefer us to set up an Arm's Length Management Organisation, ALMO, to manage and improve the flats and houses on behalf of the Council, or transfer the properties to a housing association.

Tenants and leaseholders were sent questionnaires, reminders and even had interviewers knocking on their doors! So perhaps it's no surprise that so many gave us their views – over a third of households across the borough.

We received the views of 4,267 tenants and leaseholders across the borough. Of those giving us their preference, the vast majority, 81%, said they would like the Council to set up an ALMO.

A recap on the ALMO and what it will be responsible for

While the ALMO will be run totally separately from the Council, the organisation is still owned by the Council and those receiving services from the ALMO will still be Council tenants or leaseholders.

The Council will still own the homes and have responsibility for making key decisions, like setting the rent.

Tenants continue to have a secure tenancy with the Council and there are no changes for leaseholders.

What will the ALMO do?

It is proposed that the Havering ALMO will be responsible for the following services:

- repairs reporting and inspecting
- improvements to properties
- arrears advice and recovery
- getting Council homes ready for letting
- leasehold management
- right-to-buy administration
- management and enforcement of tenancies
- estate management including caretaking and concierge services
- tenant participation.

Council housing staff that currently spend most of their time doing these things will transfer to the ALMO.

Will the ALMO get the extra money straight away to improve the properties?

Unlike the Council, the ALMO can receive extra money from the government. However, it won't get the money straight away because it will need to be inspected by the Audit Commission and awarded a two or three star rating for the quality of its services. The earliest the Audit Commission could visit is six months after the ALMO begins working in April 2006. So the inspection would be towards the end of 2006 at the earliest.

The Council has recently had an inspection of its housing landlord services and has been rated at one star with promising prospects for improvement. This means that the ALMO will need to make a considerable improvement in order to be able to achieve the two star rating.

Who will run the ALMO?

The ALMO will have an independent management board who will be responsible for the day to day management of the ALMO. The Board will have twelve directors – three places for Council tenants and one place for a Council leaseholder, four will be people put forward by Havering Council, most probably local councillors, and four will be independent members.

The plan is for the ALMO to start managing the Council's housing in Havering from April 2006.

Before that, we need to set up a 'Shadow' Board, so that things are in place when the ALMO starts managing the service next April.

Why set up an ALMO Shadow Board?

- To develop and establish the new ALMO for the London Borough of Havering.
- To agree the policies and procedures by which the new organisation will operate.
- To agree and implement an improvement plan so that the ALMO will achieve a minimum of a two-star rating late 2006.
- To secure an additional £80 million estimated funding from the Government to enable the ALMO to meet the Decent Homes Standard (DHS) by 2010.

What will Board members do?

The role of a Board member is to help the Havering ALMO to work as effectively as possible. You will be expected to help by sharing your experience, skills and understanding so that the ALMO is best serving the interests of all tenants and leaseholders, other service users and the wider community.

All Board members share responsibility for the Board of Management's decisions. Each Board member should act only in the interests of the Havering ALMO and not on behalf of any one area or the borough or group of tenants, leaseholders or others. Board members will need to put the interests of the organisation before their own interests. This is not always easy, but will help to make sure the ALMO is working for everyone's benefit.

Here is a list of the things Board members are likely to have to do. We know that not everyone has skills and experience in all these areas – that's why there will be twelve Board members in total, to make sure all the areas will be covered.

Read through this list and think whether you would like to do the following:

1. think about complex issues, question underlying assumptions, and think creatively about how to improve things
2. share your ideas constructively and clearly
3. listen well and check your understanding by asking relevant questions
4. keep the big picture in mind and provide leadership on what the ALMO should be doing based on weighing up all the evidence
5. understand the diverse needs, preferences and experiences of current and future tenants and leaseholders
6. interpret and challenge financial information about Havering ALMO's business to make sure resources are being used wisely
7. scrutinise and provide feedback on performance
8. be an ambassador for the ALMO when dealing with service users, partners and other stakeholders
9. evaluate risks and make sure that Havering's ALMO has measures in place to manage risks in the most cost-effective way
10. work as part of a team at all times.

It should also be noted that some Board members may be required to take on a chairing role.

Person Specification – the experience and skills needed to be a Board member

We know that all tenants and leaseholders have lots of experience and skills they can share with others. We have listed below the things that Board members really must have and those qualities which would be desirable. This list is based on what has worked well in the other fifty plus ALMOs that are already up and running.

	Things you really must have	Things it would be good for you to have or will develop
Knowledge	<ul style="list-style-type: none"> • Willingness to develop knowledge of housing issues 	<ul style="list-style-type: none"> • Knowledge of housing issues • Knowledge of the Borough of Havering
Personal Qualities	<ul style="list-style-type: none"> • Commitment and dedication • Ability to make decisions • Trustworthy • Respect for other peoples view's and opinions • Willingness to express yours and other peoples views in a positive way 	<ul style="list-style-type: none"> • Ability to prioritise issues • Ability to see the bigger picture
Skills	<ul style="list-style-type: none"> • Good listener • Good communicator • Good with people 	<ul style="list-style-type: none"> • Ability to use I.T • Ability to negotiate • Able to understand complex information • Ability to speed read
Experience of	<ul style="list-style-type: none"> • Maintaining confidentiality when necessary 	<ul style="list-style-type: none"> • Working in a team • Residents association or local/voluntary groups • Networking • Supporting group decisions
Commitment to	<ul style="list-style-type: none"> • The Havering ALMO • Attending meetings • Reading documents • Attending training sessions • Upholding the ALMO's equal opportunities and diversity policy 	

What would my responsibilities be as an Independent Board member?

The people we are looking for will:

- Be willing and able to spend their time and effort ensuring that the Havering ALMO is managed efficiently and effectively.
- Care about providing an excellent housing service and getting the best possible value for money.
- Be a team player and have the experience and confidence to participate fully in meetings
- Have a strong connection and commitment to the borough of Havering in terms of residency or employment (paid or unpaid)

You will need:

- A track record of achievement in a relevant area of work (paid or unpaid)
- A track record of working successfully as part of a group, team or committee
- An ability to respect the views of others
- Commitment and enthusiasm
- Commitment to improving tenant involvement
- Commitment to providing an excellent service for tenants
- Good communication skills
- Commitment to equality of opportunity
- Expertise in one or more of the following areas:
 - Strategic decision making
 - Business Planning
 - Regeneration
 - Finance
 - Human Resources

As a board member you will be expected to:

How will the Shadow Board operate?

Each Shadow Board member will be given a copy of the Code of Conduct and a formal letter laying out Shadow Board members' obligations. You would need to sign a copy to indicate acceptance.

The Shadow Board receives advice from Council officers and external consultants. The Shadow Board will work closely with staff and their trade unions in order to manage change effectively. All Board members will be offered support and training from the Independent Tenant Advisor, Council officers and consultants as required.

How many meetings would I attend?

As a member of the Shadow Board, you will be expected to attend regular Board meetings and possibly some sub-committee meetings. You will also be expected to attend training sessions and occasional one-off meetings. We think this will mean putting in around seven hours a week on average.

Will I be paid?

No – it is not planned to pay Shadow Board members. However, expenses incurred whilst undertaking your duties as a Shadow Board member will be reimbursed. So, for example, the cost of transport to and from meetings, childminding and other care costs will be paid.

The ALMO Board may decide at a later date to consider other payments for Board members.

Will I make a difference?

Yes, definitely! The Shadow Board members have a crucial role in setting the direction of the Havering ALMO, and tenants and leaseholders are an important part of the new governance structure.

How long will I serve on the Shadow Board ?

Shadow Board members will remain on the Board until the re-selection process which will take place annually. This will therefore take place in April 2007. Shadow Board members can, however, resign at anytime by informing the chair of the ALMO Shadow Board.

Can Shadow Board members be disqualified ?

Yes, Shadow Board members can be disqualified if they:

- become bankrupt or fail to make any arrangement or composition with their creditors
- become prohibited by law from being a director of the company

- are convicted of any criminal act or omission unless the shadow board determines otherwise
- are the subject of a custodial sentence imposed by a court in the United Kingdom in respect of any criminal act or omission unless the Shadow Board determines otherwise
- become incapable by reason of mental disorder, illness or injury of managing and administering their property and affairs
- resign from the office by giving written notice to the chair of the Shadow Board
- are removed by a resolution of the members
- enter into any activity or conduct which might bring the Shadow Board into disrepute
- become subject to:
 - a) an order for possession (whether or not suspended); or
 - b) an order for forfeiture of a lease; or
 - c) judgement for non-payment of service charges.

The interview and nomination Process

Shortlisting Criteria

To be shortlisted for a place on the Shadow Board, you must:

- show you support the Havering ALMO and its aims of giving everyone better housing services and a decent home by 2010
- not have an Anti-Social Behaviour Order, ASBO, be under investigation for an ASBO or be subject to any measures resulting from an ASBO
- not have any order possession
- not prevented by law from being a trustee or director, for example due to un-discharged bankruptcy
- not have been convicted in the last 5 years of an offence resulting in a sentence of imprisonment (whether or not suspended) for less than 3 months without the option of a fine

Please note that all applicants will be asked to make a declaration about any past criminal convictions for fraud, theft, damage or offence against /person/s and/or property.

All Board members need to demonstrate commitment to:

- the principles and practice of collective board responsibility and decision making
- tenants, leaseholders and other service users, and
- the wider community in which the Havering ALMO operates.

In particular, Board members should be prepared to take part in training and development within the Board, and be at ease with an organisational style of continuous learning. They also need to be comfortable within a pressurised and highly regulated environment. Individuals must maintain high standards of conduct at all times.

All Board members will be asked to sign a declaration that they will abide by a Code of Conduct, which sets out standards of behaviour.

How do I find out more ?

You can talk to the:

- Independent Resident Advisors, PPCR for help and advice on **0800 317 066**
- the London Borough of Havering ALMO Project Officers on 01708 434074; or



Please tick the relevant box(s) for the language and the format that you require:

پسے ضروری زبان اڈارمیٹ کے مستحق براہ مہربانی باکس (باکسز) میں ٹیک کا نشان لگائیں:

Ju lutemi vendosni shenjë në boksën e përshtatshëm për gjuhën, formën e cila ju nevojitet:

Fadlan sax sanduuqa ku khuseeya sida luqada ama habka aad daabacada ku rabtid:

बुरादु लैनीची सफात/डॉकमेंट लदी ब्रुपा बरवे संघेपित फाणे (फातिसफ) 'च दिव एा ठिसात लुदि:

अपनी अवसयक भाषा/फारमेट के लिये कृपया सम्बन्धित बॉक्स/बॉक्सोंस में टिक का चिन्ह लगाएँ:

Lütfen istediğiniz dili/formati gösteren kutuyu veya kutuları işaretleyin:

Urdu

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standarde

Somali

Dabacaad caadi ah

Punjabi

ਸਾਧਾਰਣ ਫ਼ਾਰਮਾਟੀ ਈ ਸਾਈਜ

Hindi

साधारण गुटण का साईज

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कृपया इस फर्मी को इस पते पर वापस भेजें:

Lütfen bu formu şu adrese iade edin:

Customer Liaison Services,
London Borough of Havering
46 High St, Romford RM1 1HR



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 SEPTEMBER 2005	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF MEMBER TO HAVERING TWINNING EDUCATIONAL ASSOCIATION

The Havering Twinning Educational Association has invited the Council to nominate a Member to serve on its Committee. The intention is that the Member appointed would then act as a link between the Council and the Association.

The Association is a registered Charity, and has been active in promoting the Borough's links with its twin towns, especially Ludwigshafen, for many years. It assists young people to visit the twin towns for educational purposes.

The twinning links with Ludwigshafen celebrate their 35th Anniversary in 2006.

Financial, Legal, Human Resource, Equalities and Social Inclusion Implications and Risks:

There are none arising directly.

RECOMMENDATION

That the Committee appoint a Member to serve on the Committee of the Havering Twinning Educational Association.

Note: It is understood that the Administration will nominate Councillor Andrew Curtin for this appointment.

Governance Committee, 20 September 2005

Staff Contact: Ian Buckmaster

Title: Manager of Committee and Overview & Scrutiny Support

Telephone: 01708 432431

**STEPHEN EVANS
Chief Executive**

Background Papers

Letter from Havering Twinning Educational Association



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 September 2005	7

REPORT OF THE MONITORING OFFICER

SUBJECT: AMENDMENTS TO THE CONSTITUTION

SUMMARY

Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

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

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

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

Governance Committee, 20 September 2005

Amendments to the Constitution were made by the Monitoring Officer since 1st May 2002 and this latest amendment is Amendment No. 17 dated 15th August 2005.

In addition to the Constitutional requirements the Monitoring Officer has determined that she will notify Group Leaders as soon as any Monitoring Officer amendments are made to the Constitution. The notification will then appear in Calendar Brief so that all members are aware of the amendments. The notification of the amendments will be numbered so there is no confusion.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

Financial Implications None

Equalities Implications None

Environmental Implications None

CHRISTINE DOOLEY
Monitoring Officer

Staff Contact: Christine Dooley
Telephone: 01708 432484

Background Papers
Email correspondence

Notification No. 17

Date 15th August 2005

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 15.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution:

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

GOVERNANCE COMMITTEE

SUPPLEMENTARY AGENDA

20 September 2005

Additional reports

These reports are submitted with the agreement of the Chairman as urgent matters, pursuant to Section 100B(4) of the Local Government Act 1972

7A ARRANGEMENTS FOR THE APPOINTMENT OF SCHOOL GOVERNORS

7B FURTHER ADJUSTMENTS TO MANAGEMENT LINES – APPEALS

To follow when available

Stephen Evans
Chief Executive

Governance Committee, 20 September 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 SEPTEMBER 2005	7A

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

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: ARRANGEMENTS FOR THE APPOINTMENT OF SCHOOL GOVERNORS

SUMMARY

At its meeting in April 2003, the Committee approved procedures for the appointment of LEA-nominated school governors, through a Governor Appointment Panel reporting to this Committee.

This report reviews the arrangements made and invites approval of some suggested changes.

RECOMMENDATIONS

- 1 That the Committee **RECOMMENDS** to the Council that the functions delegated to the Executive Director, Education (Group Director, Children's Services) include:
 - 3.8.1 To appoint on behalf of the Council LEA-nominated school governors (except where the nominee is a Member or employee of the Council).
- 2 That (subject to the acceptance by Council of recommendation 1 above):

Governance Committee, 20 September 2005

- (a) This Committee continues to appoint LEA-nominated school governors who are Members or employees of the Council;
 - (b) The terms of reference of the Governor Appointment Panel be adjusted as provided for in the Appendix to this report.
- 3 That the Monitoring Officer be authorised to make all consequential amendments to the Constitution.

REPORT DETAIL

The current arrangements for the appointment of LEA-nominated school governors were agreed in April 2003.

A Panel – comprising three Councillors (currently Councillors Keith Darvill, Gillian Ford and Geoff Starns), three Headteachers (Sue Garner (Ingrebourne Primary), Cheryl Hassell (Chafford) and Geoff Wroe (Dycorts)) nominated by the Headteacher groups, and three governors (Sandra Wood (Clockhouse Infants), Sue Barnes (Sanders Draper) and John Parker (Corbets Tey)) who are Link governor volunteers – meets regularly to consider applications from individuals for appointment as school governors.

Appointing governors

The nominations agreed by this Panel are then presented to this Committee and duly appointed. The Committee has never rejected a nomination and, in effect, does no more than “rubber stamp” the nominations.

Members have, on several past occasions, questioned the worth of this approach.

Accordingly, the procedure has been reviewed.

There are two types of nominee – Members who wish to serve as Governors, complementary to their role as Members; and members of the public who wish to carry out a worthwhile voluntary public duty. Some non-Member applicants are employees of the Council. It should be noted that the law also provides for members of School governing bodies to be elected from among the school’s teaching staff and as parent –governors elected by the parents of children at the school; those categories of governor are outside the scope of these arrangements.

Governance Committee, 20 September 2005

For the majority of appointments, members of the public who are not Council employees, now that experience has been gained in the appointments process, it seems unnecessary for this Committee to be involved. Accordingly, it is recommended that the Executive Director, Education (or the Group Director, Children's Services when appointed) should make the appointment on behalf of this Committee.

For Members and those applicants who are employees, however, it is proposed that the appointment still be made by this Committee in order to provide a measure of openness and to ensure that there is no appearance of impropriety.

Governor Appointment Panel – terms of reference and quorum

The terms of reference for the Panel agreed in April 2003 provided that each Group Leader should appoint a Member to the Panel and that the quorum of the Panel should include at least two Members (and one representative each of the Headteacher and governor groups).

In practice, there have occasionally been difficulties when only one Member has been able to attend as the substitute Member rule does not apply to the Panel.

It is suggested that the best solution to this would be to reduce the quorum to one from each group. The majority of appointments are not contentious and, if the proposals set out above are agreed, Member and Council-employee governor nominations will continue to come to this Committee anyway.

Revised terms of reference, adjusted to reflect the proposals in this report, appended, which the Committee is invited to approve (subject to the Council's approval of the delegation to the Director of the appointment of certain governors).

Financial Implications	None
Equalities Implications	None
Environmental Implications	None

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

Telephone: 01708 432431

Governance Committee, 20 September 2005

**Stephen Evans
Chief Executive**

Background Papers: None

APPENDIX**Appointment of LEA Governors**
Appointment Panel**Terms of Reference**

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

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

The categories of membership are:

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

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

- **Representative Head Teachers**

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

- **Representative Governors**

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

Chair

The chair will be elected at each meeting.

Frequency of Meetings

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

Governance Committee, 20 September 2005

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

Governance Committee, 20 September 2005**Clerking**

A clerk will be provided by Governing Bodies Support Unit.

Minutes

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

Appointments and nominations

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

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

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

Governance Committee, 20 September 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	20 SEPTEMBER 2005	7B

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Further Adjustments to Management Lines – Appeals

SUMMARY

This report asks the Committee to establish an Appeals Panel to determine any appeals arising from the implementation of the Chief Executive's report on 'Further Adjustments to Management Lines'.

RECOMMENDATION

The Committee is asked to:

1. Establish an Appeals Panel and to determine its membership
2. Request the Appeals Panel to consider all appeals during a single sitting, where this is possible
3. Note the arrangements for providing HR, legal and pensions advice to the Appeals Panel

REPORT DETAIL

At its meeting on 18 July 2005, the Cabinet approved a report by the Chief Executive setting out changes to the Council's Strategic and Corporate Management Teams. The Cabinet authorised the Assistant Chief Executive (Human Resources), in consultation with the Leader of the Council, to determine the process of appointment most appropriate for the appointment of Group Directors and Heads of Service, consistent with the Constitution, the Council's HR policies and the need to proceed in a timely manner. The process to be adopted was subsequently endorsed by the Appointments Committee at its meeting on 3 August 2005.

Appeals

The process allows chief officers to exercise a right of appeal in two particular circumstances:

1. The selection of the chief officer for compulsory redundancy
2. The decision of the Pensions Panel not to exercise its discretion to award added years to an eligible chief officer's pension as a result of s/he being made redundant (irrespective of whether that redundancy was voluntary or compulsory).

The Committee should note that the granting of appeal rights in these circumstances is a statutory requirement and, in the case of the first right, is also incorporated into national conditions of service.

The Constitution provides for this Committee to establish a panel to hear a grievance submission made by "Havering Grade" staff and it is considered that both the above could fall within this definition and accordingly this Committee should be the determining body for such appeals.

The convention hitherto applied in determining Member-level appeals is for the determining Committee to establish an Appeals Panel comprising at least three Members. In establishing such a panel, the Committee must have due regard to political balance and it may not include Members who have had prior involvement in the process. In effect, this would exclude those Members who have sat on the Appointments Committee during August and September 2005.

The provisions about political balance will apply to this Appeals Panel. If the Panel is set up with a Membership of three, the only possible distribution is 1:1:1; a Panel of four would have a balanced membership of 2:1:1.

It is anticipated that some Chief Officers may exercise their right of appeal on either or both grounds. Accordingly, the Committee may wish to take the view that it would be a more effective use of Members' time to arrange to hear the appeals in the course of a single day, to be arranged during October.

The Powers of the Appeals Panel

The Appeals Panel's powers will differ depending upon the type of appeal that it is considering.

In upholding an appeal against compulsory redundancy, the Appeals Panel will need to direct that the notice of redundancy be withdrawn and the matter be referred back to the Appointments Committee for fresh determination.

In upholding an appeal against the decision of the Pensions Panel not to exercise its discretion to award added pension years, the Appeals Committee will need to determine the number of added years to be awarded.

The Provision of HR, Legal and Pensions Advice to the Appeals Panel

In view of the prior involvement of the Assistant Chief Executive (Human Resources) in this process, arrangements will be made for external HR advice to be provided to the Appeals Panel. The adviser will be drawn from the list of "Independent Persons" who advise SMT members when they consider appeals against compulsory redundancy lodged by other council employees.

Similarly, given that the Assistant Chief Executive (Legal & Democratic Services) is a member of the Pensions Panel, legal advice to the Appeals Panel will be provided by a Principal Solicitor.

The Head of Revenue and Benefits will also be in attendance where the grounds of appeal include an appeal against a decision of the Pensions Panel in order to provide advice in relation to the operation of the relevant Pensions Regulations and Council Policies, and will also provide the Appeals Committee with technical advice should it resolve to uphold an appeal and decide to exercise its discretion to award added pension years.

Financial Implications and Risks:

There are no direct financial implications arising from this report.

Legal Implications and Risks:

The Council must comply with all legal requirements and conditions of service currently in force when considering appeals against compulsory redundancy. Failure to so comply will pave the way for an Employment Tribunal complaint as well as significantly increase the risk that an Employment Tribunal will make an adverse finding against the Council, resulting in additional expenditure. The Council needs to ensure that its employment practice is not discriminatory such that it would lay the Council open to a discrimination claim with potentially unlimited costs.

Any Appeals Panel must comply with the requirements for political balance. A three-Member panel would be balanced at 1:1:1; a four Member panel would be 2:1:1.

Governance Committee, 20 September 2005**Human Resources Implications and Risks:**

These are contained within the body of this report.

Equalities and Social Inclusion implications:

The process adopted for selecting officers for redundancy must be applied in a consistent and non-discriminatory basis and must be free from any unlawful bias on the grounds of gender, race, disability or other material factor set out in the relevant employment and equalities legislation.

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STEPHEN EVANS
Chief Executive

Background Papers List

Report of the Chief Executive on Further Adjustments to Management Lines, Cabinet, 18 July 2005.