



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30pm	Wednesday 21 July 2010	Havering Town Hall Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

Conservative Group (7)	Residents' Group (2)	Labour Group (1)	Independent Residents' Group (1)
Michael White (C) Becky Bennett (VC) Robert Benham Osman Dervish Steven Kelly Roger Ramsey Eric Munday	Clarence Barrett Ray Morgon	Keith Darvill	Jeffrey Tucker

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

3 DECLARATION OF INTERESTS

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

4 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 9 June 2010, and to authorise the Chairman to sign them.

5 OVERVIEW & SCRUTINY

6 PETITIONS – further report – debates at Council and Overview & Scrutiny Committees

7 MONITORING OFFICER NO 01 AMENDMENTS TO THE CONSTITUTION (to follow)

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.

Philip Heady
Democratic Services Manager

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
9 June 2010 (7.30pm – 8.55pm)**

Present:

COUNCILLORS:

Conservative Group Michael White (in the Chair), Robert Benham, Becky Bennett, Osman Dervish, Steven Kelly, Eric Munday and Roger Ramsey

Residents' Group Clarence Barrett and Ray Morgon

Labour Group Keith Darvill

Independent Local Residents' Group -

An apology for absence was received from Councillor Jeffrey Tucker.

All decisions were taken unanimously with no votes against unless shown otherwise.

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

1 MINUTES

The Minutes of the meetings of the Committee held on 10 March and 7 April (Special) 2010 were agreed as a correct record, subject to the inclusion of an apology for absence from the March from Councillor Robert Benham. The minutes were then signed by the Chairman.

Members asked that the further report on ICT facilities referred to in the minutes of the April meeting be submitted at the next meeting.

2 CORPORATE GOVERNANCE UPDATE

The Committee was reminded of its responsibility to monitor Corporate Governance arrangements and now received the final version of the Annual Governance Statement for 2009/10.

There were no significant issues to report. Three of the five issues highlighted in the 2008/09 report had now been addressed, while the remaining two, Data Quality and Information Governance, were progressing but, given their wide-reaching implications, were making progress. One new issue relating to Disaster Recovery had been included for 2009/10.

Members sought clarity on the Council's obligations with regard to the Statement and it was agreed that a note on the issue would be circulated.

The 2009/10 Annual Governance Statement was approved.

3 **PETITIONS**

The Committee was advised that provisions of the Local Democracy, Economic Development and Construction Act 2009 relating to petitions would come into force on 15 June, requiring the Council to establish a Petitions Scheme.

It was noted that new duties relating to electronic petitions – e-petitions – were intended to become effective on 15 December.

This report sets out a proposed Petitions Scheme for adoption and dealt with various issues that arose. The Committee was invited to consider various points of detail and to make recommendations thereon to the Council when it considered adopting the Petitions Scheme. The Committee had before it a draft Petitions Scheme based on one prepared by Mr Peter Keith-Lucas of Messrs Bevan Britten, solicitors.

RESOLVED:

- 1 **That officers be authorised to implement the Petitions Scheme from 15 June, in advance of Council approval, in order to comply with the requirements of the Act from that date.**
- 2 **To RECOMMEND TO THE COUNCIL:**
 - (a) **that the numbers of petitioners that will be trigger levels be set as follows:**
For debate at Council meetings: 3,500 signatories
For the relevant officer to answer questions at an Overview & Scrutiny Committee meeting: 2,500 signatories
 - (b) **That petitioners be given opportunity to present their petitions prior to debate by the Council**
 - (c) **That Ward Councillors be notified of the receipt of petitions and the action to be taken to follow them up.**
 - (d) **That, with the provisions referred to in this minute and subject to the rules for debate (yet to be determined), the proposed Petition Scheme set out in Appendix 1 to these minutes, be adopted.**

(e) That the Democratic Services Manager be authorised to determine the validity of petitions under the Petitions Scheme and to manage generally the petitions procedures

(f) That the Assistant Chief Executive Legal & Democratic Services be empowered to adjust the Council's Constitution as necessary to ensure compliance with the statutory requirements.

3 That a further report be submitted to the next meeting on rules for debate of petitions.

4 To NOTE that the provisions relating to petitions will, unless revoked or amended, come into force on 15 December 2010, and AUTHORISED the officers to take no further action in that regard until the position became clearer.

4 APPOINTMENT OF LOCAL AUTHORITY GOVERNORS OF SCHOOLS

The Local Authority Governor Appointment Panel had put forward for consideration changes to the eligibility criteria for Local Authority-appointed governors on school governing bodies. The changes would specifically affect former members of staff and individuals with a close relationship (defined as mother, father, brother, sister, partner or child) to a member of staff at a particular school.

While acknowledging the concerns that had prompted the Panel to put forward its suggestion, Members were not persuaded that, given the current difficulties in attracting people to take up governorships, it was necessary to place restrictions of this nature on who might be considered for appointment.

Accordingly, it was **AGREED** that the proposal be not pursued.

5 APPOINTMENTS TO OTHER ORGANISATIONS, 2010/11

The Committee was reminded that the Council made appointments to a large number of other organisations, some statutory, others voluntary.

It was noted that, since the new executive governance arrangements had come into force, responsibility for making some appointments had passed from the Committee to the Leader of the Council but the Constitution provided that it was for the Committee to make recommendations to the Leader.

RESOLVED:

- 1 (a) That it be **RECOMMENDED TO THE LEADER OF THE COUNCIL** that the appointments listed in Appendix 2 to these minutes be made.
- (b) That the appointments listed in Appendix 3 be made for the period until the meeting that deals with appointments for the municipal year, 2011/12 (or such other period as may be relevant in any specific case).
- 2 That, where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 3 That the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Michael White (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either is unable to vote in person).
- 4 That the appointments to the Adoption Panel and Carers Panel, shown in the report, be confirmed, and that Councillor Wendy Brice-Thompson be appointed to the Carers Panel in succession to former Councillor Pat Mylod.

(Note: In the course of discussion of the various appointments, alternative nominations were put forward for certain appointments, and voted on, as follows:

Appointment	Nominee Councillor	Votes for
Carers Panel	Wendy Brice-Thompson (Cons)	7 (elected)
	Linda Van den Hende (Res)	3
Havering Admissions Forum	Sandra Binion (Cons)	7 (elected)
	Gillian Ford (Res)	3
Tenant Management Organisations (BETRA)	Dennis Bull (Cons)	7 (elected)
	Pat Murray (Lab)	3
Tenant Management Organisations (PETRA)	Gary Pain (Cons)	7 (elected)
	John Wood (Res)	3

In each case, those voting for the Conservative Group nominee were Councillors Rebecca Bennett, Robert Benham, Osman Dervish, Steven Kelly, Eric Munday, Roger Ramsey and Michael White; those voting for the Residents' Group or Labour Group nominees were Councillors Clarence Barrett, Keith Darvill and Ray Morgon)

6 EXCLUSION OF THE PUBLIC**RESOLVED:**

That the public be now excluded from the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during the following item there would be disclosure to them of exempt information within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972 which it is not in the public interest to publish.

7 APPOINTMENTS TO OTHER ORGANISATIONS, 2010/11 - Orchard Village Neighbourhood Management Board

The Committee was invited to consider the making of appointments to the Orchard Village Neighbourhood Management Board – formerly the Mardyke Neighbourhood Board and was reminded of matters arising, which had been discussed at its meeting in March 2010.

Following discussion, it was **RESOLVED:**

That the Cabinet Members for Community Engagement and for Housing, and Councillors Rebecca Bennett and Denis Breading be appointed to the Orchard Village Neighbourhood Management Board.

Chairman
13 July 2010

**APPENDIX 1
(Minute 3)****Petition Scheme**

The Council recognises that petitions enable people to voice their concerns.

What is a petition?

The Council treats as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, there must be at least 10 signatories or petitioners before we treat it as a petition.

What should a petition contain?

A petition should include –

- (a) A clear statement of the petitioners' concerns and what they want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another public or local authority, the petition organiser will be asked whether they would like the petition to be redirected to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, it will be returned to the petition organiser with an explanation for that decision
- (b) The name and contact details of the "petition-organiser" or someone to whom any correspondence about the petition should be sent. Contact details may be either a postal address or an email address;
- (c) The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. The addresses of petitioners are important to enable the Council, for example, to assess the degree of local support or opposition to a planning application, but this is not essential. For the petition to be debated at a meeting of the Council ("A Petition for Debate"), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report ("A Petition to hold an Officer to Account"), the petition will need to contain a higher number of signatories or petitioners (see below);
- (d) If the petition is being submitted in response to consultation on a specific matter, the matter which it relates should be identified, so as to ensure that it is considered along with original matter.

Who should you send a petition to?

Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

Otherwise, please address petitions to –

Democratic Services Manager
London Borough of Havering
Havering Town Hall
Main Road
Romford
RM1 3BD

Or to Petitions@Havering.gov.uk

Your petition will be acknowledged to the petition organiser and entered on the Council's petitions website (<http://Havering.petitions>). The website will be regularly up-dated with information on the progress of the petition.

Types of Petition

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition is submitted –

(a) Ordinary Petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Initial Assessment Sub-Committee, rather than considered under this Petitions Procedure. You may be asked to comply with the relevant procedure.

(b) Consultation Petitions

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

(c) Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where a petition is submitted under such a specific statute, it will be reported to the next available relevant meeting, in accordance with the statutory requirements.

(d) **Petitions for Debate**

If the petition is to be reported to and debated at a meeting of the Council, it must contain at least 3,500 signatories or petitioners.

(e) **Petitions to Hold an Officer to Account**

If the petition is to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, it should contain at least 2,500 signatories or petitioners. The Council has determined that such petitions must relate to the Chief Executive, a Group Director, the Assistant Chief Executive, an Assistant Director or a Head of Service. Please note that where the petition raises issues of competence or misconduct, the petition will be dealt with under the Council's Disciplinary Procedures, and not under this Petitions Procedure.

The Petitions Website

The Council maintains a petitions website at <http://Havering.petitions>.

When a petition is received, within 5 working days Democratic Services Manager will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Democratic Services Manager will notify receipt of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

When the petition is reported to the person or body within the Council who can take a decision on the matter to which it relates, the relevant Ward Councillors will be invited to attend and to address the decision-taker for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

What happens when a petition is received?

Whenever a petition is received –

- (a) Within 2 working days of receipt, Democratic Services' staff will acknowledge receipt to the petition organiser.
- (b) Wherever possible, Democratic Services' staff may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. Where this is done, Democratic Services' staff will ask the petition organiser whether s/he considers that the matter is resolved.
- (c) Unless the matter has been resolved to the satisfaction of the petition organiser, Democratic Services' staff will within 5 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 3 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.
- (d) Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for Democratic Services' staff to decide that the petition will be held over until the following meeting of the relevant body.
- (e) At the same time as responding to the petition organiser, Democratic Services' staff will notify Group Leaders and Ward Councillors of receipt of the petition.
- (f) Within 5 working days of receipt of a petition, Democratic Services' staff will open a new public file for the petition on the Council's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.
- (g) At each stage of the consideration of the petition, within 5 working days of any decision, Democratic Services' staff will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different

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types of decision.

Where the petition relates to a matter which is within the delegated power of an officer, s/he may decide not to exercise those delegated powers but to refer the matter to the relevant Cabinet Member for decision.

Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, it will be reported to the next available meeting of the Council in accordance with the statutory requirements.

What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council, at the meeting at which the Budget and Council Tax are set (unless the petition directly relates to the budget or Council Tax) or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.

The petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

What happens to a Petition to Hold an Officer to Account?

Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairman will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

What happens to an Ordinary Petition?

Democratic Services' staff will arrange for each Ordinary petition to be referred to the relevant Head of Service for attention, action and reply.

How will the Council debate a petition?

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Petitions will normally be debated after Members' Questions but before Members' motions are debated.

The Mayor will invite the petition organiser to address the meeting for up to 3 minutes, after which the matter will be open for debate among Members. At the end of the debate, the Council will either determine the matter, refer it for investigation and report back, or refer it to the Cabinet or a Cabinet Member.

Within 5 working days of a final decision being made on the matter, Democratic Services' staff will notify the petition organiser of the Cabinet Member's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

At each stage, Democratic Services' staff will enter the relevant information on the website at the same time as it is sent to the petition organiser.

Appeal to an Overview and Scrutiny Committee

If the petition organiser is not satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying Democratic Services' staff of his/her intention to appeal within 20 working days of being notified of the Council's decision on the petition.

Within 5 working days of receipt of intention to appeal, Democratic Services' staff will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 3 minutes on why he considers that the Council's decision on the petition is inadequate.

At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Cabinet Member's response was insufficient. The Overview and Scrutiny Committee may not over-ride the Cabinet Member, but the Cabinet Member must consider any recommendations made by the Overview and Scrutiny Committee.

The role of the Petition Organiser

The petition organiser will receive acknowledgement of receipt of the petition within 2 working days of its receipt by the Council.

Where the petition is not accepted for consideration, the petition organiser will be advised by Democratic Services' staff of the rejection and the grounds for such rejection.

Where the petition is accepted for consideration, the petition organiser will be advised by Democratic Services' staff within 5 working days of receipt by the Council as to who the petition will be considered by, and the date, time and place of any meeting at which it will be considered, which he/she will be invited to address for up to 3

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minutes. The petition organiser may be asked questions on the subject matter of the petition.

The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

The petition organiser will be regularly informed by Democratic Services' staff of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

The petition organiser may notify Democratic Services' staff of his/her intention to appeal to an Overview and Scrutiny Committee against the decision of the Council relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Committee for up to 3 minutes as to why he/she considers that the Council's decision on the petition was inadequate.

Petitions which will not be reported**(a) Duplicate Petitions**

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

(b) Repeat Petitions

Petitions will not normally be considered where they are received within 6 months of another petition being considered by the Council on the same matter.

(c) Rejected Petitions

Petitions will not be reported if in the opinion of Democratic Services' staff, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the Council, or over which the Council has some influence.

APPOINTMENTS RECOMMENDED TO THE LEADER OF THE COUNCIL TO OTHER ORGANISATIONS, 2010/11

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS
CEME (Centre for Engineering Manufacturing Excellence) - 1	& Group Director, Finance & Commerce
Connexions	Cabinet Member – Children & Learning (Manager of Youth Services – alternate director)
East London Waste Authority - 2	Deputy Leader of the Council and Cabinet Member – Environment
Greater London Enterprise Limited -1	Cabinet Member– Community Empowerment
IWMS Contract Liaison Committee - 1	Deputy Leader of the Council
London Councils (Leaders' Committee)	Representative (1): Leader of the Council
Transport & Environment Committee	Deputy: (1) Deputy Leader of the Council
Grants Committee	Representative (1): Cabinet Member - Environment
	Deputies (up to 4): Deputy Leader of the Council, Cabinet Member – Community Empowerment, Cabinet Member – Value
	Representative (1): Cabinet Member – Value
	Deputy (up to 4): Deputy Leader of the Council, Cabinet Member – Towns &

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	Communities & Cabinet Member-Transformation
Greater London Employment Forum	Representative: Cabinet Member – Value Deputy Representative: Deputy Leader of the Council
Crime and Public Protection Forum - 1	Cabinet Member – Community Safety
Children, Young People & Families Forum – 1	Cabinet Member – Children & Learning
Culture , Tourism & 2012 Panel - 1	Cabinet Member – Towns & Communities
Economic Development - 1	Cabinet Member-Transformation
Health and Adult Services Forum -1	Cabinet Member -Individuals
Housing Forum -1	Cabinet Member – Housing
Thames Gateway London Partnership	Leader of the Council

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2010/11

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Adoption Panel	Councillor Georgina Galpin, Andy Quinn, (Chairman), Leroy Harry, Dr Haq, Roy Gaskin, Tess Blight, Betty Haltham, Tony Ferguson, Jonathan Pearce and Beryl Thornton
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Cabinet Member – Individuals and Councillor June Alexander
Carers Panel	Alan Johnstone (Chairman), Carol Balfe, Marie Pudney, Wendy Johnson, Floyd Powell, Avril Howe, Councillor Wendy Brice-Thompson, Dr Saminathan, Trevor Sim and Joyce Adelakun
Coopers Company & Coborn Educational Foundation	Councillor Linda van den Hende
Adoption Panel – 1	Councillor Georgina Galpin
Draper's Academy	Councillor Steven Kelly
Essex Wildlife Trust (Bedfords Park Management Committee)	Councillor Billy Taylor
Groundwork Trust	Councillor Michael Armstrong

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Havering Admissions Forum - 2	Cabinet Member – Children & Learning and Councillor Sandra Binion.
Havering Arts Council - 5	Cabinet Member- Towns & Communities, Councillors Rebecca Bennett, Garry Pain, Linda Hawthorn and Barbara Matthews.
Havering Association for People with Disabilities - 2	Councillors Steven Kelly and Councillor Nic Dodin
Havering Bands and Majorettes Association - Executive Committee - 3	Councillors Andrew Curtin, Osman Dervish and Linda Hawthorn
Havering & Brentwood Bereavement Service - 1	Councillor Dennis Bull
Havering Chamber of Commerce and Industry	Leader of the Council
Havering Children’s Trust	Cabinet Member – Children & Learning
Havering College of Adult Education -5	Cabinet Member – Children & Learning, Councillors Sandra Binion, Lynden Thorpe, John Mylod and Gillian Ford.
Havering College of Further & Higher Education	Councillors Paul Rochford and Sandra Binion
Havering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Cabinet Member – Value, Cabinet Member- Transformation, Leader of the Opposition Group and Councillor Linda van den Hende
Havering Local Strategic Partnership - 3	Leader of the Council, Deputy Leader of the Council and Leader of the Opposition

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Havering Sports Council - 5	Cabinet Member – Towns & Communities , Cabinet Member – Community Empowerment, Councillors Osman Dervish, John Mylod and Denis Breading.
Havering Sixth Form College	Cabinet Member – Children & Learning Councillor Steven Kelly
Havering Theatre Trust - 3	Cabinet Member - Value, Cabinet Member – Transformation and Councillor Gillian Ford.
Havering Twinning Educational Association	Councillor Melvin Wallace
Havering Youth Inclusion & Support Panel	Councillor Wendy Brice-Thompson and Councillor Linda Trew (Deputy)
Homes in Havering (Housing ALMO Board)	Councillors Steven Kelly, Jeff Brace, Billy Taylor and June Alexander
Hornchurch Housing Trust (Nomination Trustees) - 6	Mr Ray Emmett and Mr David Williams (until 2/11) Mr Chris Oliver and Councillor Eric Munday (until 2/13) Mr Ivor Cameron and Mrs Peggy Munday (until 2/14)
Lee Valley Regional Park Authority (indirect appointment via nomination to London Councils)	Councillor Andrew Curtin (until June 2013)
London Councils, London Caribbean	Councillor Andrew Curtin
Local Government Association General Assembly – 4	Leader of the Council, Deputy Leader of the Council, Cabinet Member, Value and Leader of the Opposition
Local Government Association Tourism Forum – 1	Cabinet Member – Towns & Communities

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Local Government Association Urban Commission- 1	Cabinet Member – Community Empowerment
Local Government Information Unit- 1	Cabinet Member – Value
London Accident Prevention Council	Councillors Fred Osborne and John Mylod
London Home & Water Safety Council	Councillors Fred Osborne
London Youth Games-1	Cabinet Member – Towns & Communities
Lucas Children’s Play Charity Nominative Trustees – 2	Councillors Andrew Curtin and Councillor Linda Hawthorn (appointed till 2011)
Management Committee of the Tuition Service	Cabinet Member – Children & Learning
North East London NHS Foundation - 1	Cabinet Member – Individuals
Orchard Village Neighbourhood Management Board	Cabinet Member- Housing, Cabinet Member-Community Empowerment, Rebecca Bennett and Denis Breading
Partnerships in Parking - 1 Poyntz (a.ka. Richard Poyntry’s) and other charities	Cabinet Member – Environment Councillor June Alexander (until March 2012)
Relate North East	Councillors Keith Wells and Brian Eagling
Reserve Forces & Cadets Association	Councillor Ted Eden
Romford Town Centre Partnership	Leader of the Council, Cabinet Member – Community Empowerment (Deputy) and Chief Executive

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Romford Combined Charity <u>Nominative Trustees</u> - 2	Councillor Michael Armstrong and Councillor Andrew Curtin (until 3.11.10) Wilf Mills (until 3.11.12) Ms Christine Hunnable (until 25.10.11)
Second Chance Theatre for the People	Councillor Andrew Curtin
Standing Advisory Council for Religious Education (SACRE) - 5	Cabinet Member- Children & Learning, Councillors Wendy Brice-Thompson (observer), Damian White, Linda Trew, Gillian Ford and Paul McGeary
Tenant Management Organisations	BETRA (Gooshays) – Councillor Dennis Bull DELTA (Squirrels Heath) – Councillor Lynden Thorpe PETRA (St Andrews) – Councillor Garry Pain
Thames Chase Joint Committee	Councillors Robert Benham, Eric Munday and Ron Ower
Thames Regional Flood Defence Committee- 1	Cabinet Member – Environment
Upminster Windmill Preservation Trust	Councillor Linda Hawthorn
Veolia ES Cleanaway Havering Riverside Trust – 1	Cabinet Member – Transformation
Veolia ES Cleanaway - Maintenance Trust -	Cabinet Member – Transformation



**GOVERNANCE
COMMITTEE**

REPORT

21 July 2010

Subject Heading:

OVERVIEW & SCRUTINY

CMT Lead:

Christine Dooley
Assistant Chief Executive
01708 432442

Report Author and contact details:

Philip Heady
Democratic Services Officer and Statutory
Scrutiny Officer
Philip.HEADY@havering.gov.uk
01708 432433

Policy context:

Ian Buckmaster
Committee Administration Manager
ian.buckmaster@havering.gov.uk
01708 432431
Reviewing current Overview & Scrutiny
activity

Financial summary:

There are no direct resource implications

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

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

SUMMARY

This report is submitted in response to two requests by Members of the Committee – first to outline how the Statutory Scrutiny Officer proposes to fulfil his statutory duty “to promote Overview & Scrutiny”; and secondly, to enable the Committee to review how Overview & Scrutiny activities are currently undertaken by the Council.

RECOMMENDATIONS

- 1 That the Committee note the steps being taken by the Statutory Scrutiny Officer to comply with the duties conferred by the Local Democracy, Economic Development and Construction Act 2009, within the limited resources currently available for Overview & Scrutiny support.
- 2 For consideration as to any changes that might be desired in relation to the Council’s Overview & Scrutiny activities.

REPORT DETAIL

- 1 **Statutory Scrutiny Officer and staff supporting Overview & Scrutiny activities**
 - 1.1 The Local Democracy, Economic Development and Construction Act 2009 (“the Act”) Act required Local Authorities to appoint an officer to be “Statutory Scrutiny Officer” from 1 April 2010. On the recommendation of this Committee, the Council accordingly appointed Philip Heady, Democratic Services Manager to the role. Among the staff under the Democratic Services Manager are Committee Administration, which comprises a Manager, eight Committee Officers and four administrative support staff.
 - 1.2 Amongst other duties, the Committee Administration Manager (CAM) and the Committee Officers directly support all of the Council’s Overview & Scrutiny Committees (OSCs), not only servicing meetings but undertaken a wide range of research and other activities for them. The CAM is also Clerk to the North East London Health Joint Overview & Scrutiny Committee (JOSC), and one of the Principal Committee Officers administers the JOSC on behalf of Barking & Dagenham, Havering, Redbridge and Waltham Forest (the cost of doing which is recovered *pro rata* from the other Councils).

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- 1.3 The duties imposed by the Act reflect the existing duties of the Democratic Services Manager and Committee Administration staff, but add a requirement “to promote Overview & Scrutiny”. This is dealt with later in this report.
- 1.4 Resources for Overview & Scrutiny activity are limited and will remain so for the foreseeable future. At its Annual Meeting, the Council acknowledged that position by requesting OSCs to restrict their Topic Group activity to one at a time.

2 Promoting Overview & Scrutiny

2.1 The legislation requires the Scrutiny Officer to discharge the functions most of which were undertaken before the legislation was brought into effect. Set out below is a summary of the activities set out in the legislation together with a note of action taken and being, or to be, taken in response.

2.2 To promote the role of the authority’s Overview & Scrutiny committees (s2(a)):

- Publication of “How the Council Works” including reference to OSCs
- Advocate the strengths and virtues of Overview & Scrutiny among staff
- Regular items in Living in Havering (projected)
- Brief Overview & Scrutiny committees in public as to their roles and responsibilities

2.3 To provide support to the authority’s Overview & Scrutiny committees and the members of that committee or those committees (s2(b)):

- Service formal Local Government Act 1972 committees
- Service committees’ topic groups and draft initial reports
- Publication of briefing notes specifically for the Children & Learning co-optees
- Individual committee intranet pages established to hold key information, eg presentations (being prepared)
- Support to Chairmen in the compilation of their annual reports.
- Maintain and nurture expertise level of Support Staff

2.4 To provide support and guidance to (s3(c))–

(i) members of the authority:

- Arrange general and specific briefings and training opportunities
- Deliver training
- Publish “Overview & Scrutiny: How the Council’s Executive is called to account”
- Intranet page listing scrutiny-specific publications and follow up action (being prepared)
- Exception reports on Topic Group Work promoted

- Series of 'decision-making' charts developed and launched

(ii) members of the executive of the authority:

- Individual briefings to Cabinet Members on Overview and Scrutiny processes etc
- Maintenance of the "Continuous Improvement Model" seeking to match strategic decision making to OSC work programmes to promote collaborative working

(iii) officers of the authority, in relation to the functions of the authority's Overview & Scrutiny committees:

- Publish and maintain guidance on report writing generally and Overview & Scrutiny in particular
- Brief key individuals and teams and key external partners
- Support to and maintenance of the Head of Service Model
- Training programmes (eg through Learning Pool) (projected)

3 The future of Overview & Scrutiny

- 3.1 The Committee has recently completed a review of the Constitution, which included discussion of the roles of the OSCs. Appendix 1 attached contains extracts from the Constitution that outline the current scope of OSC activities.
- 3.2 Although it has become the general practice in Havering for OSCs to set up Topic Groups to examine specific issues, which then report back to the parent OSC, and whose reports, if endorsed by the OSC, then go to the Cabinet, that is not the only way in which Overview & Scrutiny can be undertaken nor is it necessarily the most appropriate approach in all cases. Members adopted the Topic Group approach generally because it enabled them to undertake focused investigations in a timely and economical manner but other approaches are equally valid and possible. Appendix 2 sets out the work programmes agreed to date by the various OSCs.
- 3.3 For example, as the Council moves increasingly to a business environment where joint working is undertaken with other local or public authorities, all OSCs will have an interest in looking at specific joint working activities – not just the Health, Crime & Disorder and the new Partnerships OSC – and possibly doing so in conjunction with the OSCs of other local authorities. There are some legal and practical issues about joint scrutiny but nothing that is not insuperable.
- 3.4 It is for the Committee to consider whether – within the parameters set by the Constitution's provisions in Appendix 1 – it wishes to suggest to the OSCs other ways of approaching their tasks.

IMPLICATIONS AND RISKS

Financial implications and risks:

No direct financial implications arise. Resources for Overview & Scrutiny work are limited. In addition to the Democratic Services Manager and the Committee Administration Manager, 6 staff in Committee Administration between them support the OSCs (among other duties). In addition, each OSC (other than Health) has a lead Head of Service assigned to it as its principal source of service professional advice. Other staff become involved in OSC activity as and when necessary, as part of their normal duties.

Any expansion of OSC activity might have financial consequences but that cannot presently be assessed. If any expansion were to be proposed, it would be subject to a specific report in which the financial implications and risks would be addressed.

Legal implications and risks:

The Local Government Act 2000 and subsequent amendments that have enhanced OSCs' powers confer considerable discretion on OSCs as to the conduct of their activities. This discretion cannot be curtailed by Council or by the Executive, though clearly the extent to which discretion is exercised depends in large measure on the availability of resources to support it.

Human Resources implications and risks:

There would appear to be no direct staffing implications at the present time, though this would need to be reviewed if increases were to be proposed in OSC activity.

Equalities implications and risks:

None are apparent.

BACKGROUND PAPERS

There are no background papers

EXTRACTS FROM THE CONSTITUTION

Part 2:

Article 6: Overview & Scrutiny

6.01 Areas of responsibility

The Council will appoint the Overview & Scrutiny committees to discharge the functions conferred by section 21 of the Local Government Act 2000 (or regulations made under section 32 of the Local Government Act 2000), the National Health Service Act 2006, the Police & Criminal Justice Act 2006 and the Local Government & Public Involvement in Health Act 2007.

6.02 Overview & Scrutiny activities

Section 21 of the Local Government Act 2000 sets out the powers and functions of the Overview & Scrutiny committees, which are dealt with more fully in Part 3, section 1.4.

Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.03 Proceedings of Overview & Scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution.

6.04 Joint scrutiny of health service

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

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

Part 3:

1.4 Functions delegated to Overview & Scrutiny committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Committees be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or
 - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;

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- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

All Overview & Scrutiny Committees have powers in relation to scrutiny of the Local Area Agreement and partner bodies' contributions to it under the Local Government & Public Involvement in Health Act 2007; the Health Overview & Scrutiny Committee has powers under the National Health Service Act 2006; and the Crime & Disorder Committee has powers under the Police & Criminal Justice Act 2006.

Overview and Scrutiny Committee	Area of responsibility
Children & Learning	<ul style="list-style-type: none"> • School improvement (BSF) • Pupil and Student Services (including the youth service) • Children's Social Care • Safeguarding Children • Adult education • 14-19 Diploma • Social inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Environment	<ul style="list-style-type: none"> • Environment • Transport • Environmental Strategy • Community safety • Streetcare • Parking • Social Inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Individuals	<ul style="list-style-type: none"> • Personalised services agenda • Adult Social Care • Diversity • Social Inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Partnerships	<ul style="list-style-type: none"> • Scrutiny of the LAA as a whole • Partnership with the ALMO • Strategy and commissioning • Local Development Framework and Strategic Transport • Local Strategic Partnership • 3rd Sector Compact • Partnerships with Business • Community Engagement • Cohesion • Local Development Framework • Transport for London • Social Inclusion • Councillor Call for Action
Towns & Communities	<ul style="list-style-type: none"> • Regulatory Services • Planning and Building Control • Town centre strategy • Licensing • Leisure, arts, culture • Housing Retained Services

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Overview and Scrutiny Committee	Area of responsibility
	<ul style="list-style-type: none"> • Community safety • Social and economic regeneration • Parks • Social inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Value	<ul style="list-style-type: none"> • Customer access • E-government and ICT • Finance (although each committee is responsible for budget processes that affect its area of oversight) • Human resources • Asset Management • Property resources • Facilities Management • Communications • Democratic Services • Social inclusion • Scrutiny of relevant aspects of the LAA • Councillor Call for Action
Health	<ul style="list-style-type: none"> • Scrutiny of NHS Bodies under the Council's Health Scrutiny function
Crime and Disorder	<ul style="list-style-type: none"> • Exercise of the functions conferred on the Committee by the Police & Justice Act

OVERVIEW & SCRUTINY COMMITTEE PROCEDURE RULES

2 General role of OSCs

Within their individual terms of reference, OSCs may:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions or those of a partner authority (as defined for the purposes of the Local Government and Public Involvement in Health Act 2007) where relevant to the terms of reference of that OSC
- (b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or area committee and/or to any partner authority in connection with the discharge of any functions

In doing so the OSCs may record the views of members on that committee who are not members of the largest political group on the Council
- (c) consider any matter affecting the area or its inhabitants
- (d) exercise the right to call-in for consideration, decisions made but not yet implemented by the Cabinet
- (e) from time to time review previous decisions of Cabinet or of the committee in relation to strategic policy issues as part of the Continuous Improvement process.
- (f) Consider matters referred to them by individual Members using the Councillor Call for Action process (see paragraph 9 following).

3 Specific functions of OSCs

(a) Policy development and review

OSCs may:

- (i) assist in the development of the budget and policy framework by in-depth analysis of policy issues
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options
- (iii) encourage and enhance community participation in the development of policy options
- (iv) inquire of:
 - members of the Cabinet, the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service (who may involve other staff as appropriate)
 - appropriate members and/or staff of partner authorities about their views on issues and proposals affecting the area
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

OSCs may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or council staff both in relation to individual decisions and over time. In reviewing decisions made by and the performance of council staff, it is expected that members will direct initial inquiries to the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and appropriate Heads of Service
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) inquire of members of the Cabinet and/or the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (iv) inquire of relevant partner authorities (as defined in the Local Government & Public Involvement in Health Act 2007) about their decisions and performance in relation to matters:
 - falling within the scope of the National Health Service Act 2006 and any re-enactment thereof
 - relating to the Local Area Agreement
- (v) make recommendations to the Cabinet, Council and/or partner authorities arising from the outcome of the scrutiny process

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(vi) review and scrutinise the performance of partner authorities and other public bodies in the area and invite reports from them by requesting them to address the OSC and local people about their activities and performance

(vii) question and gather evidence from any other person (with their consent)

(viii) Establish Topic Groups

The topic group must report back to the OSC which established it immediately after their first meeting with the group's suggested, detailed terms of reference for confirmation. The Committee is entitled to alter the terms of reference if it sees fit and to ask non-Members of the Committee to join the topic group. There is no requirement for topic groups to accord to the political balance rules or routinely be open to the public or non-Members of the topic group.

(ix) Establish Groups, to be known as "CCA Groups", in response to Councillor Calls for Action pursuant to the Local Government & Public Involvement in Health Act 2007

10 Policy review and development

(a) The role of the OSCs in relation to the development of the Council's budget and policy framework is set out in detail in the Policy Framework Procedure Rules set out in Part 4 of this constitution.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy framework or budget framework, OSCs may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(c) OSCs may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

Overview and Scrutiny Committee Work Programmes

Shown below are the work programmes for future meetings of the various overview and scrutiny committees during this municipal year.

Children's and Learning OSC

September	Admissions Review 14-19 Learning Pathways
November	School Performance School budgets – comparative analysis Safeguarding Review
March	Childcare sufficiency Self Assessment – adult learning
April	Narrowing the Gap

Unallocated at this stage: School Workforce Statistics
Children's Trust Annual Review
Children's Commissioned Services
Learning Village Topic Group – review after 1 year

Crime and Disorder Committee

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Presentation from Metropolitan Police	LFEPA	MPA	Annual Report
Report on SSCF	Police Volunteer Co-ordinator	Report on SSCF	CPS
Probation Service	YOT	Havering NHS or successor	
Licensing issues			

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Environment OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Streetcare Services Briefing Presentation	Update on Out of Hours Noise	Carbon Impact of Waste	Annual Report
Carbon Reduction Commitment Presentation	Foxes and Rats Update		
Performance Information	Performance Information	Performance Information	Performance Information

Health OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
BHRUT Presentation	NELFT Presentation	Queen's Hospital Update	Committee's Annual Report
Outer North East London Community Services Transfer	London Ambulance Service Presentation	Havering Polyclinics Update	Trust Quality Accounts
		Childhood Obesity	

Individuals OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Brokerage Service	Adults Safeguarding	National Autism Strategy	Committee's Annual Report
Annual Complaints Report	Social Inclusion – employment opportunities/ support	Supporting Carers	Social Work Task Force (Adults/ Childrens)
Promoting Independence – leisure, recreation and healthy living.	Diversity	Havering Circle	Section 75 Partnership Reviews – Learning Disabilities - Mental

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			Health
Dial-a-Ride Update	Re-ablement Review	Results of Audit of Skills and Competencies in Mental Health	
Budget Report			

Partnerships OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Presentation from Chief Executive, Homes in Havering			Committee's Annual Report
Report on how TfL interacts with Members			
Work of Havering Strategic Partnership			
Romford and Hornchurch Town Centre Partnerships			

Towns and Communities OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Overview of Regeneration/ Town Centre Strategy	Review of "Friends of groups" for Parks and Open Spaces	Review of Security in Parks	Annual Report
Empty Homes Issues	Disabled Facilities Grant	Heritage Buildings update	
Housing Strategy Review – CCIM	Impact of the Olympics	Housing Allocations/ Register/ Bidding Process	
Rainham Regeneration -CCIM			

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Value OSC

Meeting 1	Meeting 2	Meeting 3	Meeting 4
Performance information	Performance information	Performance information	Performance information
Report on cost and benefits from London Councils membership.	Progress report on implementation of previous topic group recommendations.		Committee's Annual Report
Update of expenditure on agency staff.			



GOVERNANCE COMMITTEE

REPORT

21 July 2010

Subject Heading:

**PETITIONS – further report – debates
at Council and Overview & Scrutiny
Committees**

CMT Lead:

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Policy context:

Response to new duties around
engagement with the public through
petitions.

Financial summary:

There are no direct or significant financial
implications

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

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

SUMMARY

This report follows the report at the Committee's last meeting on the new legal provisions relating to petitions. It invites the Committee to consider additions to the Council, Overview & Scrutiny and Committee Procedure Rules to govern how petitions will be debated at Council and Overview & Scrutiny Committee meetings.

RECOMMENDATIONS

That the Committee **RECOMMEND to the Council** that the proposed additions to the Council, Overview & Scrutiny and Committee Procedure Rules relating to the consideration of petitions as set out in the Appendix to this report, be approved.

REPORT DETAIL

- 1 At its last meeting, the Committee considered the Petitions Scheme that the Council is required to have by provisions of the Local Democracy, Economic Development and Construction Act 2009. The Committee agreed to recommend the Council to adopt draft Petitions Scheme and that a report be brought to this meeting regarding consequential changes in the Council, Overview & Scrutiny and Committee Procedure Rules, to govern the debating of petitions when appropriate and necessary.
- 2 The Appendix to this report sets out the detail of the amendments needed. The proposed procedures mirror the terms of the Petitions Scheme that the Committee is commending to the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

There do not appear to be any significant additional costs arising from the new duty at present. This will need to be reviewed once there has been a period of experience with the Act when the full implications, take up and actual extra workload can be determined.

Legal implications and risks:

Compliance with the requirements is obligatory. Although there is no penalty for failing to comply, petitioners would have the right to ask the Local Government Ombudsman to examine any such failure; and legal action for judicial review could also be taken.

Human Resources implications and risks:

There would appear to be no direct staffing implications at the present time, though this would need to be reviewed once there has been a period of experience with the Act.

Equalities implications and risks:

None emerging from the prospective responses to the consultation paper.

BACKGROUND PAPERS

There are no background papers

APPENDIX

AMENDMENTS TO COUNCIL PROCEDURE RULES

In Council Procedure Rule 2:

Amend “rule 23” in rule (f) to read “rule 23(a)

Add after rule “(j)”, a new rule (and renumber subsequent rules accordingly):

“(k) debate any petition exceeding the threshold of 3,500 signatories, and reach a decision on it, in accordance with the procedure set out in Rule 23;”

In Council Procedure Rule 23:

Delete the existing text

Insert:

“23.1 Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2 (f), subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

Subject to rules 23.2 and 23.3 following, any petitions received by the Mayor at Council or at any other time will be referred to the appropriate Head of Service for action, reply or report.

“23.2 If a petition received by the Council, whether under rule 23.1 or otherwise, has 3,500 signatories or more, it shall be debated by

Council at the next available ordinary meeting in accordance with the Council's statutory Petitions Scheme. Such debates shall take place after Members' Questions but before motions for debate (see Rule 2(k)).

"23.3 The debate on a petition shall take place in accordance with the following rules:

- (a) The petition organiser shall have the right to address the Council for up to three minutes on the content and purpose of the petition;
- (b) Any Member may speak in support of, or opposition to, the petition for up to three minutes; and
- (c) At the end of the debate, the appropriate Cabinet Member shall have a right to speak in reply to the petition and Members' contributions, for up to five minutes.

A maximum of 30 minutes shall be allowed for the debate of petitions. Where more than one petition is to be debated, the Mayor shall have discretion to allocate the time available between petitions.

The Mayor shall also have discretion to vary the length of petition organisers', Members' or Cabinet Members' speeches under this Rule in order to facilitate the business of the Council.

At the conclusion of the debate, the Council shall determine whether:

- (a) to refer the petition to the relevant Overview & Scrutiny Committee, with or without a requirement to report back in due course;
- (b) to invite the Cabinet to consider the petition; or
- (c) to take no further action in relation to the petition."

AMENDMENTS TO COMMITTEE PROCEDURE RULES

In Committee Procedure Rule 7:

Add: in Rule (e) (Member of the public wishing to address the Committee) a new final paragraph:

This rule shall not apply where an Overview & Scrutiny Committee is dealing with a petition presented under the Council's petition scheme.

In “Rules for specific meetings”:

Add new Rule 16 (and renumber existing rule 16 as 17):

“16 Overview & Scrutiny Committees, when considering petitions

In accordance with the Council’s Petitions Scheme, an Overview & Scrutiny Committee (OSC) must consider petitions:

- (a) that have 2,500 or more signatures, and allow an officer to be questioned on the subject-matter of such a petition;
- (b) referred to it by the Council; or
- (c) at the request of the petition organiser if they consider the Council’s decision on it to be inadequate.

In the case of petitions dealt with under (a) above, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the OSC, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairman will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

For the purposes of this rule, the “relevant officer” shall be the Group Director or Head of Service responsible of the function that is the subject of the petition. The relevant officer may be accompanied by other staff who may, but shall not be obliged to, answer questions in addition to the relevant officer.

In the case of (b), a report will be submitted to the OSC about the issues addressed by the petition and in response to them. The OSC will discuss the petition as appropriate and determine what further action, if any, to take. At the discretion of the Chairman, the petitions organiser may address the OSC for up to 3 minutes.

In the case of (c), the petition organiser may address the OSC for up to 3 minutes on why he considers that the Council’s decision on the petition is inadequate. Relevant Ward Councillors may also speak about the petition for up to 3 minutes.

The OSC will consider their representations and decide how to respond. The Overview and Scrutiny Committee may not over-ride

the Cabinet Member, but the Cabinet Member must consider any recommendations made by the Overview and Scrutiny Committee.

**AMENDMENTS TO OVERVIEW & SCRUTINY COMMITTEE (OSC)
PROCEDURE RULES**

In OSC Committee Procedure Rule 2:

Add: after rule (f), a new rule (g):

- “(g) Consider petitions referred to them by the Council following debate
- “(h) Arrange for the relevant officer to appear before them and to answer questions about a petition received by the Council that has 2,500 signatories or more, where the petitions have asked that the officer be questioned.”

In Rule 3:

Add: after rule (d) (Annual Report)

“(e) **Responding to petitions**

Statutory requirements and the Council’s Petitions Scheme relating to petitions place obligations on OSCs:

- (i) to arrange for appropriate officers to answer questions relating to a petition, where the petition has 2,500 or more signatories;
- (ii) to consider petitions referred to them following debate at full Council; and
- (iii) to consider representations by petition organisers if they consider the Council’s decision to their petition to be inadequate.”

In Rule 20:

Add: after rule (a)(iv), a new rule:

- “(iv) questioning of an officer in response to a petition submitted under the Petitions Scheme, to which there are at least 2,500 signatories
- “(v) considering a petition referred to the OSC by the Council
- “(vi) considering representations by petition organisers who consider the Council’s decision to their petition to be inadequate”

and renumber the existing rule (v) as (vii).