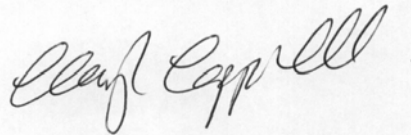


COUNCIL

**7.30pm WEDNESDAY, 21 OCTOBER 2009
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

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

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

Chief Executive

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

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

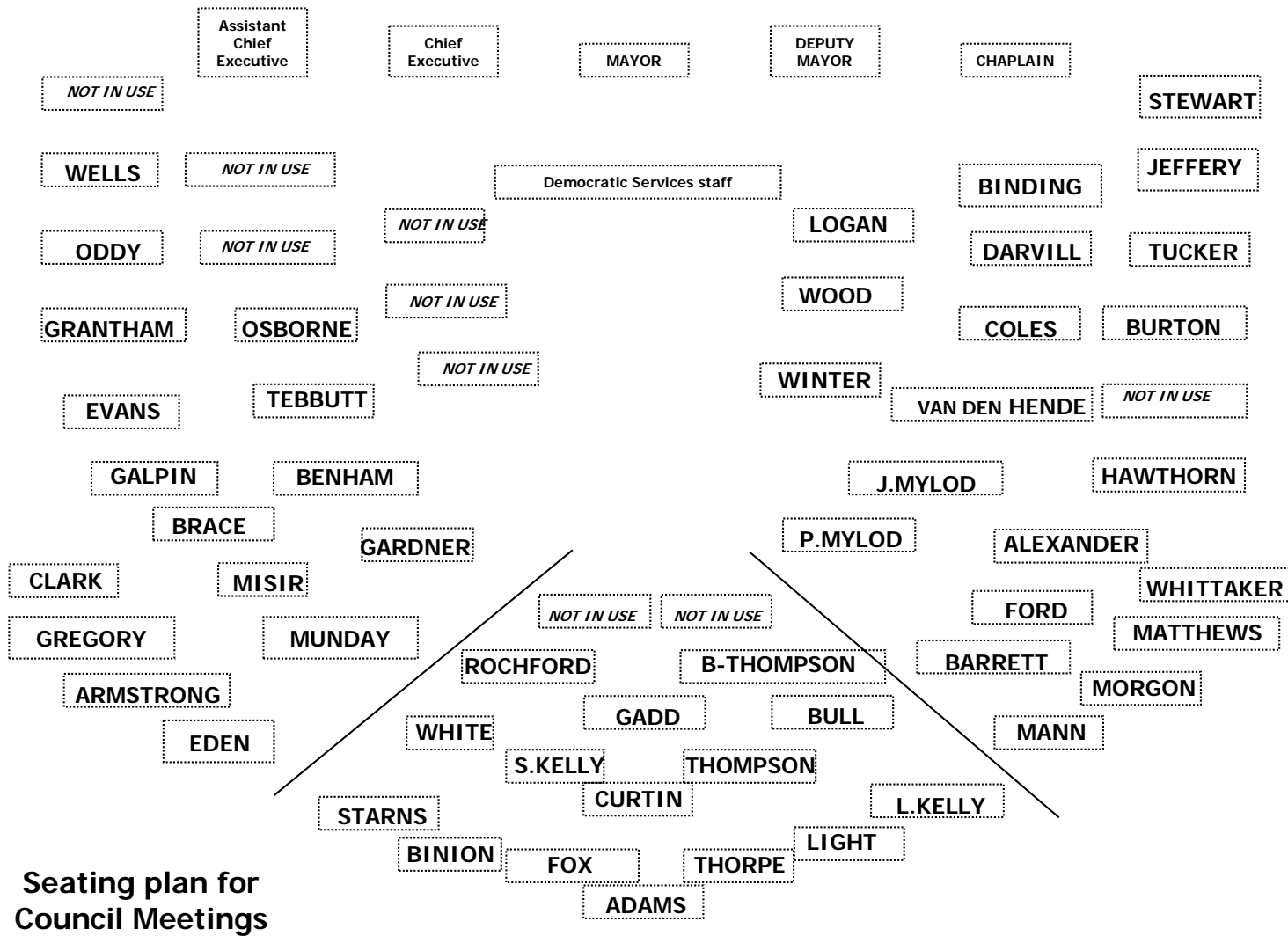
3. CONDUCT AT THE MEETING

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

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

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

Council, 21 October 2009 - Agenda



AGENDA

1 **PRAYERS**

2 To receive apologies for absence (if any)

3 **MINUTES**

To sign as a true record the minutes of the Meeting of the Council held on 22 July 2009

4 **DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting.

Members may still declare an interest in an item at any time prior to the consideration of the matter.

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

6 **PETITIONS**

The following Members have given notice of an intention to present a petition pursuant to Council Procedure Rule 24:

(a) Councillor Andrew Mann

(b) Councillor Pam Light

Council, 21 October 2009

<p>REPORTS FOR CONSIDERATION</p>

NOTE: The deadline for amendments is as follows:

For reports published with this final agenda: midnight, Monday 19 October 2009

**For reports published after this agenda: at any time prior
to the conclusion of the consideration of that report at the meeting**

7 DELEGATION OF POWERS TO THE LONDON ILLEGAL MONEY LENDING TEAM

To consider a report of the Governance Committee

**8 REVISIONS TO THE PROTOCOL ON PROBITY IN PLANNING AND MEMBERSHIP
OF REGULATORY SERVICES COMMITTEE**

To consider a report of the Governance Committee

9 WEBCASTING OF COUNCIL AND OTHER MEETINGS

To consider a report of the Governance Committee

10 REVENUE BUDGET STRATEGY STATEMENT

To consider a report of the Cabinet (to follow as a late item, as Cabinet does not meet until after publication of this agenda)

11 SAFEGUARDING CHILDREN – USE OF CONTINGENCY FUNDS

To consider a report of the Cabinet (to follow as a late item, as Cabinet does not meet until after publication of this agenda)

Council, 21 October 2009

**MEMBERS'
QUESTIONS**

12 MEMBERS' QUESTIONS

**MOTIONS
FOR DEBATE**

13 CAR PARKING CHARGES

Motion on behalf of the Residents' Group

In order to aid local businesses during the recession, this Council agrees to suspend car parking charges in out of town centres to support and stimulate local economies.

13A Amendment by the Administration

In order to aid local businesses during the recession, this Council support this administrations policy of not allowing our outer town car parks to be filled with commuters.

14 LIVE WEBCAM BROADCASTING OF MEETINGS

Motion on behalf of the Independent Local Residents' Group

That meetings of Full Council and Special Interests be made accessible via a live webcam to residents.

14A Amendment by the Administration

That meetings of Full Council and Cabinet be made accessible via a live web cam to residents. Any further expansion of web cam facilities to be reported to and agreed upon at Governance Committee and Council.

15 RAINHAM COMPASS – NEW RAINHAM LIBRARY

Council, 21 October 2009**Motion on behalf of the Rainham Residents' Group**

That the Council abandon the proposal in the Rainham Compass plans to include 16 residential units in the design of the new Rainham Library.

**15A Amendment by the Administration
Amend to read:**

That the Council supports the proposal in the Rainham Compass plans to include 16 residential units in the design of the new Rainham Library.

***At the invitation of the Mayor, musicians from the
Havering Music School will provide musical interludes
before the meeting begins and during the break.***

***The performance before the meeting will be given by the Strings;
during the break, the Clarinet Ensemble will perform in Committee Room 3***

Council, 21 October 2009



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
22 July 2009 (7.30pm – 10.45pm)**

Present: The Mayor (Councillor Roger Ramsey) in the Chair

Councillors Gary Adams, June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Ted Eden, Gillian Ford, Chris Fox, Peter Gardner, Georgina Galpin, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Fred Osborne, Roger Ramsey, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Jeffrey Tucker, Melvin Wallace, Keith Wells, Michael White, Steve Whittaker and John Wood

Some 30 Civic and Members' Guests and members of the public and a representative of the press also attended.

Apologies were received for the absence of Councillors Mark Gadd, Roger Evans, Linda Van den Hende, Andrew Mann and Mike Winter

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

Father Hingley, of St Albans Church, Romford, opened the meeting with prayer.

The meeting closed with the singing of the National Anthem.

17 FORMER COUNCILLORS TOM DIX AND OLIVE BARUCH, AND MRS HANNE GOLDSTEIN

The Mayor referred to the recent deaths of former Councillors Tom Dix and Olive Baruch, and Mrs Hanne Goldstein. All present stood in silence as a mark of respect.

Councillors Michael White, Clarence Barrett and Jeffrey Tucker paid tribute to former Councillor Dix, who had been Mayor, 1966/67, for his service to the community and the Council.

Councillor Eric Munday paid tribute to former Councillor Baruch and Councillor Georgina Galpin paid tribute to Mrs Goldstein, who had been a staunch supporter of the Borough's twinning with Ludwigshafen and Hesdin.

18 **MINUTES**

It was **RESOLVED:**

That the minutes of the Annual Meeting of the Council held on 20 May 2009 be signed as a true record.

19 **DECLARATIONS OF INTEREST**

Councillor Peter Gardner declared a personal interest as a leaseholder in the matter referred to in minute 31 following (agenda item 15: Motion for debate - Survey of Council Tenants and Leaseholders), and Councillors June Alexander, Steven Kelly, Pam Light and Robby Misir each declared a personal interest in the same matter as members of the Board of Homes in Havering appointed by the Council.

There were no other declarations of interest

20 **ANNOUNCEMENTS BY THE MAYOR**

The Mayor welcomed Councillor John Wood to the first meeting following his election at the St Andrew's Ward by-election in June.

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

At the conclusion of his announcements, the Mayor made the following presentations:

London Youth Games

Heathrow Trophy – to James Davis, Nicole Redmond, Eleanor Dew and Harry Philips (representing the Team)

The Mayor also referred to Margaret Campbell, Recreation Officer, the Team organiser, and Jenny Batchelor, Trish Taylor and Jean Kierney volunteer helpers for their support to the Team.

Good Scrutiny Awards 2009

Certificate of high commendation for Best Use of Resources – to Councillor Ted Eden, Chairman, Health Overview & Scrutiny Committee on behalf of the North East London Health Overview & Scrutiny Committee.

Mayor's Cadet, 2009/10

Certificate and Badge of appointment as Mayor's Cadet – to Cadet Corporal Lydia Skilleter of Romford Division, St John Ambulance

Certificate and Badge as runner-up – to Cadet Corporal Leanna Brewster of Rainham Division, St John Ambulance

21 **ANNOUNCEMENT BY THE LEADER OF THE COUNCIL**

The Leader's Announcement is attached as **Appendix 2 to these minutes.**

22 **PETITIONS**

Under paragraph 24 of the Council Procedure Rules, two petitions were presented to the Mayor:

By Councillor Jeffrey Tucker on behalf of residents of Palliser Drive, Rainham, concerning commuters parking on-street rather than using the Rainham railway station car park; and

By Councillor Michael Deon Burton, opposing the routing over Hornchurch of additional aircraft flights to London City Airport.

In the absence of Councillor Andy Mann, a petition that he had been due to present was held over until the next meeting.

23 **ANNUAL REPORTS OF COMMITTEES AND MEMBER CHAMPIONS**

Council received the annual reports for 2008/09 of the Audit, Pensions and Standards Committees, the eight Overview and Scrutiny Committees (presented by the Committees' respective Chairmen) and the Member Champions. The receipt of each of the reports was **AGREED** without going to the vote and it was **RESOLVED** –

- 1 That the annual report of the Audit Committee be agreed.**
- 2 That the annual report of the Pensions Committee be agreed.**
- 3 That the annual report of the Standards Committee be agreed.**

- 4 That the annual report of the Adult Services Overview and Scrutiny Committee be agreed.
- 5 That the annual report of the Children's Services Overview and Scrutiny Committee be agreed.
- 6 That the annual report of the Corporate Overview and Scrutiny Committee be agreed.
- 7 That the annual report of the Crime and Disorder Committee be agreed.
- 8 That the annual report of the Culture and Regeneration Overview and Scrutiny Committee be agreed.
- 9 That the annual report of the Environment Overview and Scrutiny Committee be agreed.
- 10 That the annual report of the Health Overview and Scrutiny Committee be agreed.
- 11 That the annual report of the Housing Overview and Scrutiny Committee be agreed.
- 12 That the annual report of the Member Champion for the Over Fifties be received.
- 13 That the annual report of the Member Champion for Diversity be received.
- 14 That the annual report of the Member Champion for Younger Persons be received.
- 15 That the annual report of the Member Champion for the Historic Environment be received.

24 ADULT SOCIAL CARE COMPLAINTS – statutory delegation of authority

Council considered a report of the Governance Committee about recent changes to the arrangements for dealing with complaints about Adult Social care services consequent upon new legislation, which required that certain officers be designated as responsible for specific aspects of the complaints procedure. It was noted that the legislation applied to both local authorities and the National Health Service, and envisaged that complaints that related to the services of more than one authority would be investigated jointly.

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

RESOLVED:

That, in accordance with the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009:

- 1 The Chief Executive be designated as the person responsible for ensuring compliance with the arrangements made under these Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint about an Adult Social Care Service**
- 2 The Group Director, Social Care and Learning, be authorised to act on behalf of Chief Executive as the responsible person**
- 3 The Adult Customer Care & Complaints Manager, Adult Social Services, be designated as statutory complaints manager, responsible for managing the procedures for handling and considering complaints about Adult Social Care Services in accordance with the arrangements made under these Regulations**
- 4 That, where the circumstances require the Council to investigate a complaint about an Adult Social Care Service jointly with another local authority or one or more NHS bodies, and in the interests of justice it is preferable for another authority or body to take the lead in that investigation, the Chief Executive (or the Group Director on her behalf) be authorised to designate an officer nominated by that lead authority or body to act as complaints manager in the specific case.**

25 PAN-LONDON HEALTH OVERVIEW & SCRUTINY COMMITTEE: SCRUTINY OF HEALTHCARE FOR LONDON PROPOSALS ON ACUTE TRAUMA AND STROKE

Council considered a report of the Health Overview & Scrutiny Committee (OSC) on the response by the Pan-London Joint Health OSC to the Healthcare for London consultation on developing new, high-quality major trauma and stroke services in London "The shape of things to come". Appended to the report was the full report of the Pan-London Committee.

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

RESOLVED:

1. That the Council notes the work undertaken by the Pan-London Committee as shown by the Committee's conclusions and recommendations in the Appendix to the submitted report.
2. That the Council endorses those conclusions and recommendations.

26 **POLITICAL BALANCE OF COMMITTEES**

Council had before it a report of the Chief Executive about the consequences of the election of a new Member for the St Andrew's Ward for the political balance of Committees. The report concluded that there was no need to adjust the seat allocations on Committees.

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

RESOLVED:

That the report be noted.

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

Council had before it a report of the Monitoring Officer on the findings of the Local Government Ombudsman following a complaint by a tenant about the way in which Homes in Havering (HiH) dealt on behalf of the Council with delays in connecting his gas supply when he took tenancy of a Council-owned flat, as he was unable to move in and had to pay for an additional two months rent in his previous private-rented accommodation. The Council had also pursued him for an overpayment of housing benefit which arose because he was not living at the new flat and so was ineligible for benefit.

Although the fault lay with HiH, Council noted that, for the purposes of the law relating to investigations by the Ombudsman, HiH's failures were regarded as failures by the Council and, in this case, the failure to deal with connecting the gas supply in a satisfactory manner had amounted to maladministration causing injustice.

The Leader of the Council made a statement apologising for the way in which the tenant in question had been dealt with. A copy of that statement is attached as **Appendix 3**.

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

RESOLVED:

That the Council informs the Local Government Ombudsman that it accepts the report and will require Homes in Havering to:

- a) pay the complainant £1,550 to reflect the two months' rent paid for the private rented accommodation;**
- b) pay the complainant the amount of housing benefit he would have received between the start of his tenancy and the date a proper gas supply was provided; and**
- c) pay the complainant £350 to reflect the complainant's time and trouble in pursuing his complaint.**

28 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010 – 2013

Council was reminded of its commitment to working with partners to improve the quality of life for all residents through such means as the Sustainable Community Strategy, the Local Area Agreement, and the Medium Term Financial Strategy (MTFS). Cabinet had recently initiated the development of the Council's strategy to continue to improve quality of life from 2010–13, building on the Council's overall ambition and goals as key drivers of the business planning process. Council services would be planning to deliver their businesses within the financial resources set through the MTFS process in parallel with the development of that Strategy and the budget, culminating in the setting of the Council Tax and budget for 2010-11.

Cabinet had invited the Council now to consider the strategies underlying the MTFS in order to provide a clearly defined strategic approach to the revenue budget. As in past years, the development of the business plan had reflected the views of a range of stakeholders, as well as feedback from the Havering Strategic Partnership, residents and the Ipsos-MORI surveys. Those views would be taken into account throughout the process, but especially once firm proposals had been developed for consultation purposes. Members would also have the opportunity to comment on the proposals during the latter stages of the process.

Council noted the recommendations of Cabinet and **AGREED** the strategy without debate or division and it was –

RESOLVED that the Council:

- 1 Supports the proposed approach for the development of the Medium Term Financial Strategy.**
- 2 Approves, as part of the Medium Term Financial Strategy, the revenue budget strategy set out in the Appendix to the report.**

3 Adopts the MTFs, the Capital Strategy, and the Information Systems Strategy.

29 MEMBERS' QUESTIONS

18 questions were listed to be asked under the Council Procedure Rules. The questions and answers, together with a summary of answers to supplementary questions where asked, are set out in **Appendix 4**.

30 AIR TRANSPORT - FLIGHT INCREASES AT LONDON CITY AIRPORT

Motion on behalf of the Labour Group

This Council condemns the Administration's dereliction of its representative duty: -

- (a) In not informing or consulting Council Members or local residents about the significant increases in flights proposed from the London City Airport ; and
- (b) In its failure to consult with or inform local residents, or provide any response to the flight path changes proposed by the National Air Traffic Service (NATS), which will together with the increase in flights will have a substantial and detrimental environmental impact particularly in respect of noise and air pollution in many parts of the Borough.

Amendment by the Administration

Delete motion and replace with:

This Council commends the Administration's execution of its representative duty –

- (a) In informing and consulting Council members about proposals to change flight paths from the London City Airport via the "Form A" process.
- (b) In its success in providing a response to the London City Airport Master Plan.

After debate, the amendment proposed by the Administration was **CARRIED** by 32 votes to 17 (see voting division 1); the substantive motion was then **CARRIED** without division and it was -

RESOLVED that:

This Council commends the Administration's execution of its representative duty –

- (a) In informing and consulting Council members about proposals to change flight paths from the London City Airport via the "Form A" process.
- (b) In its success in providing a response to the London City Airport Master Plan.

31 **SURVEY OF COUNCIL TENANTS AND LEASEHOLDERS**

[For declarations of interest see minute 19 above]

Motion on behalf of the Labour Group

This Council calls upon the Administration and Homes in Havering to improve its consultation arrangements with Tenants and Leaseholders and in particular to conduct in the near future an extensive survey to ascertain the views and opinions of residents in Council owned accommodation about the additional services and the charges payable for such services. It also calls upon the Administration and Homes in Havering to consult with Tenant and Leaseholder representatives before conducting the survey about the content of the survey questionnaire and the information to be provided to recipients.

Amendment by the Administration

Delete motion and replace with:

This Council recognises that the Administration and Homes in Havering constantly review the effectiveness of their consultation arrangements with tenants and leaseholders, and commends Homes in Havering on the recognition that the Audit Commission gave to the effectiveness of their resident involvement methods during the Audit Commission inspection of Homes in Havering in 2008.

After debate, the amendment proposed by the Administration was **CARRIED** by 31 votes to 18 (see voting division 2); the substantive motion was then **CARRIED** without division and it was -

RESOLVED that:

This Council recognises that the Administration and Homes in Havering constantly review the effectiveness of their consultation arrangements with tenants and leaseholders, and commends Homes in Havering on the recognition that the Audit Commission gave to the effectiveness of their resident involvement methods during the Audit Commission inspection of Homes in Havering in 2008.

32 **MOTION WITHDRAWN**

With the consent of the Council, the following motion was withdrawn:

LIVE WEBCAM BROADCASTING OF MEETINGS

Mayor
21 October 2009

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

MAYOR'S ANNOUNCEMENTS

As a great start to this evening, I am absolutely delighted to tell you that Havering received six Green Flags today in the National Standard of Excellence for Parks and Green Spaces awards. Harold Wood and Cottons parks can now fly the prestigious flag along with Hylands, Lodge Farm, Bedfords and Upminster parks, which have retained their Green Flag status.

Also under the award spotlight are:

- our customer services, who have successfully retained the hard-earned Charter Mark status, which underlines the Council commitment to provide quality services;
- our Adult Social Services team, having received the 2009 Award for Outstanding Achievement through IT innovation in the Ceretas National Home Care Awards;
- our Health and Sports Development team, who were highly commended in the Quest Accreditation scheme, a national measure of excellence; and
- John Scowen, the Council's Corporate Procurement Manager, who has been awarded the Government Opportunities award for Individual Excellence in Public Procurement 2009.

I would like to congratulate everyone on these sterling performances.

I am delighted that our young people have made us all proud in recent weeks:

- the borough's young athletes won the 32nd annual Balfour Beatty London Youth Games, bringing the trophy back to Havering for the SIXTEENTH time;
- Havering's Music School has also been commended for the quality of its work following a joint assessment. To mark this success, I have invited some of its talented musicians to play during the interval at the Council Meeting in October.

And on that note... I would like to congratulate the 65 Havering schools that took part in this year's successful Havering Big Dance and the 500 pupils who danced at the O2 arena ahead of the event.

I have attended a number of successful events since becoming Mayor. I had the pleasure of setting off the hugely successful Star Trek Midnight Walk. My congratulations go to those who helped raise an amazing £70,000 for St Francis Hospice along with my thanks to everyone who helped make the walk possible, including staff and Members here at the Council.

May I take this opportunity to thank the public and Members and officers of the Council for their support for Armed Forces Day. I am sure the very well received parade in Romford was a great source of encouragement for our local troops and their families in these difficult times.

I was also asked to pass on the good wishes sent to you from our twin town during our civic visit to Ludwigshafen to present the Mayor, Dr Eva Lohse, with Havering's Freedom of the Borough Certificate.

I would now like to make some presentations.

May I ask the representatives of the Havering Youth Games team to come up and receive the trophy along with our congratulations.

The Joint Health Overview and Scrutiny Committee for Outer North East London was recently commended in the Good Use of Resources category of the national Good Scrutiny Awards. I would now like to invite Councillor Ted Eden, chairman of Havering's Health Overview and Scrutiny Committee to collect the award on behalf of the committee.

And finally, may I introduce to you the Mayor's Cadet for 2009/10, Corporal Lydia Skilleter of the Romford Division of St John Ambulance, together with Corporal Leanna Brewster, of the Rainham St John Division, who was the runner-up and will deputise when needed for Lydia.

I have appointed these Cadets to accompany me to events as I want to involve young people in the civic life of the borough and recognise the outstanding public service which young people such as Lydia and Leanna make. I hope they enjoy their year as, respectively, Havering's first Mayor's Cadet and her deputy.

LEADER OF THE COUNCIL'S ANNOUNCEMENT

Mr Mayor, on Friday I received a letter from the Minister for Housing and Planning. In this letter he explained that steps were needed to fund Gordon Brown's Building Britain's future programme.

In order to fund the promise of future housebuilding across the country, the Government is breaking a promise it made to Havering.

That promise was to provide many millions of pounds in funding to Homes in Havering when it passed its September inspection.

We have now been told that the £9 million we were promised for this year and the £21 million for next to improve tenants' homes here in Havering is to be spent instead on building flats and houses across England, even after Homes in Havering passes its September inspection.

The Government will give no Decent Homes funding to Homes in Havering until at least 2011/12, which means at least two more years of waiting for thousands of tenants looking forward to new kitchens, bathrooms and windows

This was money we had been promised. This is a promise that has been broken.

The Government has form on this – it has broken funding promises before – most recently when the Sixth Form college was invited to bid for funding for a major rebuilding project – funding which was then pulled.

Breaking its promise to Homes in Havering shakes our faith in funding for future regeneration projects, for Building Schools for the Future or for many other projects that are reliant on Government support.

We are fighting this latest broken promise. I have briefed the Mayor's Office, MPs, London colleagues and Shadow Ministers.

Support from colleagues across the Council would be greatly appreciated – perhaps Councillor Darvill would be good enough to use his contacts for that?

Homes in Havering staff have been working tirelessly to pass the inspection – they deserve our support and our tenants deserve better from the government.

I will keep colleagues updated on our efforts to reverse this broken promise.

LEADER OF THE COUNCIL'S STATEMENT

This Ombudsman report relates to a complaint from a Homes in Havering tenant relating to delays in connecting his gas supply and issues around his tenancy and housing benefit.

We fully accept the Ombudsman's view that the property was not in a lettable condition at the start of his tenancy and that he experienced an unacceptable delay in rectifying the problems.

We also recognise that the problems in processing his benefit claims added to his distress and have put measures in place to ensure that we deal with complaints faster and more effectively.

We would like to apologise to the tenant for the service he received from Havering Council regarding his tenancy and for the difficulties with processing his benefits claims.

Since the incidents occurred in 2006, there have been very significant changes at Homes in Havering, in terms of personnel, training and the use of contractors, all of which will help ensure that the issues described by the Ombudsman do not happen again.

MEMBERS' QUESTIONS AND ANSWERS**1 Fire safety in tower blocks of flats****To the Cabinet Member for Housing, Public Protection & Regeneration
(Councillor Michael Armstrong)**

By Councillor Ray Morgon

Given the tragic fire that recently took place in a tower block in Camberwell, South London, would the Cabinet Member confirm what safety precautions and checks are taken by the Council to ensure the safety of residents should a fire break out in one of the Council-owned tower blocks?

ANSWER:

Fire risk assessments, in accordance with the Regulatory Reform (Fire Safety) Order, were carried out for all the Council's tower blocks in 2007. Prior to the Camberwell fire, to keep these assessments up-to-date a review programme had already been agreed between the Council and Homes in Havering for 2009/10.

Considerable steps have been taken in recent years to minimise the risk of fire, notably, in 2008/09 some 8,000 smoke detectors were installed or replaced across the Council's stock, with, since 2007, the standard practice being to install hard-wired smoke detectors to all flats as they become vacant. All internal common parts to tower blocks have fire retardant class "O" decorative coatings. Furthermore, Homes in Havering recently issued advice to residents in blocks of flats asking them to ensure fire exits and corridors are kept clear.

On a day-to-day basis, regular inspections of the common parts in tower blocks are carried out as part of Homes in Havering's Estate Inspection Programme, with named 'Responsible Officers' in Homes in Havering for each communal area.

When someone takes up a council tenancy, the 'sign-up' process includes a Homes in Havering officer meeting the incoming tenant. This meeting includes going through the London Fire Brigade "Home Safe" document. Tenants are also encouraged to arrange a specific home fire safety visit by the London Fire Brigade.

Supplementary question and answer

The Cabinet Member undertook to provide to the questioner written confirmation of the advice given to tenants as to the action to be taken in the event of a fire.

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

By Councillor Mark Stewart:

Could the Council explain the rhetoric behind the decision not to mention the scale of the proposed housing development proposed for Rainham along the A1306, in either the Cabinet paperwork, at the Cabinet meeting, in the 'Rainham Compass' document and all usual outlets such as internal e-mails and media outlet?

ANSWER:

The report to Cabinet on 24 June, the presentation at the meeting, and the 'Rainham Compass' brochure were all clear about the scale of housing development proposed. To quote from the brochure on pages 12-13: "We want to improve existing Council housing and build new housing in keeping with building policy for Rainham. This is our drive towards decent homes for Rainham residents. A predominantly 3 storey building policy for sites on the A1306 and on the Village Broadway has been introduced to ensure development is sympathetic to its surroundings. Our housing policy prioritises affordable housing for local people. We have reduced the area for housing that was proposed in 2005. We have proposals for redeveloping the housing on the Mardyke Estate; a 6 year programme of demolition and new build to be completed by 2016."

Supplementary question and answer

The Cabinet Member reminded the questioner that the 'Rainham Compass' brochure indicated aspirations rather than intentions. Every planning application would be considered on its merits and would not be supported if it did not meet the historical environment of Rainham.

3 Disposal of dead animals**To the Cabinet Member for Corporate Services
(Councillor Peter Gardner)**

By Councillor John Mylod:

Would the Cabinet Member clarify the current procedure in disposing of dead animals on - a) council land and b) private land?

ANSWER:**a) Council Land**

On council land and public highway, small dead animals are removed by the Street Cleansing team. Larger animals, such as deer or horses, are removed by Tractor Services and taken to Bedford Park depot where a company called Vetspeed, who work on behalf of Shanks, collect them and dispose of them.

b) Private Land

On private land it is the responsibility of the house owner or land owner to arrange disposal of dead animals. In certain circumstances it could be possible to collect a dead animal from the front garden of a property if it is appropriately bagged for collection. However, council staff do not enter back gardens or any other area on private land.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member confirmed that there was no arrangement that would enable staff to enter people's back gardens or suchlike in order to remove dead animals.

4 Rainham Village regeneration - spending**To the Cabinet Member for Housing, Public Protection & Regeneration
(Councillor Michael Armstrong)**

By Councillor Mark Stewart:

Can the Council provide a detailed audit of all monies spent in the recent 'village regeneration'?

ANSWER:

I have asked the Head of Regeneration and Strategic Planning to write to the Member with the information he has requested.

5 *Living in Havering: frequency of publication*

**To the Leader of the Council
(Councillor Michael White)**

By Councillor Clarence Barrett:

A recent survey conducted by the Local Government Association regarding Council newspapers revealed that 80 per cent of participating Councils publish six or fewer issues a year. In view of that figure, why does this Council feel it necessary to issue 'Living' 26 times a year?

ANSWER:

We took the decision to increase the frequency of Living because we believe that good communication with residents is vital. People deserve to know what the Council is doing and they deserve the opportunity to feed their thoughts back to us. We've recently launched Let's Talk - a new approach to communicating with local people - and Living will play a vital role in delivering a genuine two-way dialogue with residents.

The fortnightly Living is still under trial and we will continue to evaluate its effectiveness, but the Place Survey told us that people are feeling better informed by the Council and Living plays a major part in that. It should also be noted that more and more Councils are increasing the frequency of their magazines and newspapers in an effort to engage with their residents.

Supplementary question and answer

In response to the questioner's suggestion that the evidence suggested that few residents wanted Living, the Leader of the Council stated that the evidence available to him was that most residents welcomed Living and regarded it as a useful source of information.

6 *Consultation on housing development in Rainham*

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

By Councillor Mark Stewart:

Can the Council also explain the rhetoric behind the non inclusion of any housing development issues in the recent consultations in Rainham?

ANSWER:

Housing development issues have been included in all consultations, from those described in the Cabinet report through to the most recent consultation in respect of the library and station interchange development, with the exception of the consultations which were only concerned with improvements residents would like to see to the public realm in the village.

Supplementary question and answer

The Cabinet Member considered that consultation had been open, transparent and positive and that a further consultation event was due, to ascertain local people's views of the future of the Village.

7 Financial reserves

To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)

By Councillor Ray Morgon

Would the Lead Member confirm the total amount of money held in various earmarked reserves and the purpose for which the funds are being held?

ANSWER:

The information requested is actually contained in the Statement of Accounts available on the Internet. It is Note 38, pages 31 and 32.

I am arranging a letter to provide the Website locations.

8 Civil enforcement of moving traffic offences

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

By Councillor Clarence Barrett:

Since the whole Metropolitan Police Area was designated a civil enforcement area for moving traffic offences (e.g. no left/right turn, one way traffic, zig-zag lines outside schools) earlier this year, would the Cabinet Member advise what arrangements, if any, are now in place for the enforcement of such offences?

ANSWER:

The Metropolitan Police are still carrying out this enforcement. There are no plans for them to stop at present.

Supplementary question and answer

The Cabinet Member re-affirmed that Police had recently confirmed that they had no plans at present to discontinue enforcement of moving traffic offences.

9 Collection of Council Tax

To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)

By Councillor Clarence Barrett:

Would the Cabinet Member advise the level of uncollected council tax in each of the last three years, and the cumulative amount to 31 March 2009?

ANSWER:

The information requested is actually contained in the Statement of Accounts available on the Internet.

For 2006/07 and 2007/08 comparator, this can be found in the 2007/08 Audited Accounts – Note 27 page 41.

For 2008/09 the information can be found in the 2008/09 Draft Accounts – Note 26 page 27.

I am arranging a letter to provide the Website locations.

Supplementary question and answer

The Cabinet Member confirmed that he saw no point providing in an answer to a Question at Council information that was readily available on the public record.

10 **Business waste transfer**

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

By Councillor Ray Morgon:

Would the Cabinet Member confirm how the Council ensures that all businesses in the borough have a waste transfer agreement?

ANSWER:

The StreetCare enforcement team issue demands for production of waste transfer notes from businesses in the Borough on a programmed basis.

In previous years this has been reasonably successful, resulting in an increased take up of trade waste agreements with the Council, but also in fixed penalties and prosecutions.

This activity competes with a range of other priorities and demands for waste transfer notes are currently being issued where there are waste related problems.

So far this year 57 demands for production of waste transfer notes have been made of businesses.

The Enforcement team has also sent Duty of Care advisory leaflets to all businesses in the borough with their commercial rate demands.

Supplementary question and answer

The Cabinet Member undertook to provide the questioner with details of the programme for checking waste transfer notes, the period between checks and the number of prosecutions in the past three years.

11 **Staff earning in excess of £50,000**

**To the Leader of the Council
(Councillor Michael White)**

By Councillor Clarence Barrett:

Would the Cabinet Member advise the number of council staff (including schools) earning in excess of £50,000 as at 1 April 2009 compared with 1 April 2006?

ANSWER:

The information requested is actually contained in the Statement of Accounts available on the Internet.

For 2006/07 and 2007/08 comparator, this can be found in the 2007/08 Audited Accounts – Note 5 page 30.

For 2008/09 the information can be found in the 2008/09 Draft Accounts – Note 7 page 14.

I am arranging a letter to provide the Internet locations.

Supplementary question and answer

The Leader of the Council confirmed that he saw no point providing in an answer to a Question at Council information that was readily available on the public record.

12 River Rom riverside: grass cutting

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

By Councillor Gillian Ford in the absence of Councillor Andy Mann:

Would the Cabinet Member provide an explanation as to why, to date, the grass has not been cut this year along the River Rom from Cornell Way Bridge to Collier Row Recreational ground? In addition, what is the cutting schedule and how much has been spent on grounds maintenance at the River Rom in each of the last three years?

ANSWER:

The Council aims to cut the paths in this area adjacent to the River Rom 5 times a year with the remaining areas cut once a year; although this is subject to ground and weather conditions. On occasions the grass is deliberately left to grow to allow the flow of river water to slow down during flash floods.

The Council has cut the grass on the footpaths three times this year so far; on 13 April, 11 May and 9/10 July.

According to records the grounds maintenance costs associated with this work were £1,043 in 2008/09 and would have been a similar figure in previous years subject to an annual uplift.

13 Empty dwellings

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

By Councillor Barbara Matthews in the absence of Councillor Andy Mann:

Would the Cabinet Member advise:

- a) How many empty homes do we currently have in Havering?
- b) How many orders have been issued under the "Empty Dwelling Management Order" and subsequently put back into use?

ANSWER:

Currently, there are some 1,490 properties empty in the borough across all tenures. This represents just 1.5% of properties.

Of this number, there are 721 properties in the private sector that have been empty for six months or more. This is just 0.8% of private properties, well below the Mayor of London's 1% maximum target.

The Council has an enviable track record of returning an average of 250 private sector empties into use for each of the last three years, putting the borough in the top quartile in London. To date, no Empty Dwelling Management Orders, EDMOs, have been made given the success of the regime of offering advice and/or grants, and taking enforcement action. The Council will, however, use an EDMO in cases where this is considered the most effective course of action.

14 **CCTV car: issue of fixed penalty notices**

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

By Councillor John Mylod in the absence of Councillor Andy Mann:

How many Fixed Penalty Notices have the CCTV cars issued to date this year (2009/10)?

ANSWER:

The number of Penalty Charge Notices issued by the CCTV cars from 1st April 2009 to 30th June 2009 is 6,260, still the lowest in London.

Supplementary question and answer

The Cabinet Member undertook to provide the questioner with details of the number of successful appeals and the amount of money refunded.

15 **Inspection of street lights**

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

By Councillor Ray Morgon:

Would the Cabinet Member confirm the inspection regime for street lights in the borough?

ANSWER:

The scouting team carry out inspections at night time and visit every street light in the borough once every 28 days.

16 **Removal of barbed wire adjacent to the highway**

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

By Councillor Ray Morgon:

Would the Cabinet Member confirm the council's policy on the use of Section 164 of the Highways Act 1980 to instruct a property owner to remove barbed wire from his property when it is adjacent to the highway?

ANSWER:

Section 164 of the Highways Act 1980 is specific in that before the Council can issue a notice to remove barbed wire from boundary walls etc, the wire has to be a nuisance to the highway. It is to be deemed to be a nuisance to a highway if it is likely to be injurious to persons or animals lawfully using the highway

Where such wire has been installed for several years, and is securely located at or about the 2 metre height, it is difficult to substantiate that a nuisance exists to persons lawfully

using the highway and therefore any notice served upon the occupier/owner of the land is likely to be unenforceable. Particularly, if the property concerned has been subject to burglary or other crime.

17 **Dog fouling: fines**

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

By Councillor Ray Morgon:

Would the Cabinet Member advise how many fines have been issued for dog fouling since the Council adopted the relevant enforcement powers?

ANSWER:

This is an offence of opportunity; it must be witnessed before a fixed penalty can be issued.

The enforcement team are concentrating effort on graffiti and waste offences, but will carry out observations if there is sufficient evidence to justify officers waiting for short periods of time at specific locations.

StreetCare have also sought the assistance of Police who can issue Fixed Penalties for these offences on behalf of the Council.

Supplementary question and answer

The Cabinet Member confirmed that, so far as he was aware, no penalty notice had so far been issued.

18 **Utility companies: improving service standards**

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

By Councillor Ray Morgon:

Would the Cabinet Member confirm what steps this council is taking to ensure that utility companies that have a monopoly in providing services to local authorities across London, such as EDF, improve their service standards to Havering Council?

ANSWER:

Since deregulation of the gas and electricity market in 1995 the council is able to purchase its utility supplies from any one of a number of registered supply companies. However with regards to the provision and maintenance of the distribution system EDF as the regional electricity distribution company have responsibility for the provision of the local distribution system. This has particular relevance for the council's street lighting.

Havering is represented at LoLEG (London Lighting Engineers Group), which is a London Group that discusses street lighting issues including the relationship with EDF. Through this group the boroughs are constantly negotiating at putting pressure on EDF to improve its services.

EDF are monitored by OFGEM (Office of the Gas and Electricity Markets) and are required to produce statistics on their services. We are now at a stage when EDF has offered a Service Level Agreement for all its customers and at this stage approximately half the London Boroughs have signed up and the others, including Havering, have not yet signed. Our delay is due to the way in which EDF present their statistics which in our opinion are not fully auditable.

Other pressures on EDF are gradually forcing them to either improve services or reduce barriers that prevent other companies working on the power supply.

Havering's lighting contractor, May Gurney, is a major supplier across London and is currently in high level discussions with EDF to allow them to work on the power supply cables.

VOTING RECORD

<i>DIVISION NUMBER:</i>	<i>1</i>	<i>2</i>
The Mayor [Cllr. Roger Ramsey]	✓	✓
The Deputy Mayor [Cllr. Melvin Wallace]	✓	✓
<u>CONSERVATIVE GROUP</u>		
Cllr. Michael White	✓	✓
Cllr. Gary Adams	✓	✓
Cllr. Michael Armstrong	✓	✓
Cllr. Robert Benham	✓	✓
Cllr. Sandra Binion	✓	✓
Cllr. Jeff Brace	✓	✓
Cllr. Wendy Brice-Thompson	✓	✓
Cllr. Dennis Bull	✓	✓
Cllr. John Clark	✓	✓
Cllr. Andrew Curtin	✓	✓
Cllr. Ted Eden	✓	✓
Cllr. Roger Evans	A	A
Cllr. Christine Fox	✓	✓
Cllr. Mark Gadd	A	A
Cllr. Georgina Galpin	✓	✓
Cllr. Peter Gardner	✓	✓
Cllr. David Grantham	✓	✓
Cllr. Kevin Gregory	✓	✓
Cllr. Lesley Kelly	✓	✓
Cllr. Steven Kelly	✓	✓
Cllr. Pam Light	✓	✓
Cllr. Robby Misir	✓	✓
Cllr. Eric Munday	✓	✓
Cllr. Barry Oddy	✓	✓
Cllr. Frederick Osborne	✓	✓
Cllr. Paul Rochford	✓	✓
Cllr. Geoffrey Starns	✓	✓
Cllr. Barry Tebbutt	✓	✓
Cllr. Frederick Thompson	✓	✓
Cllr. Lynden Thorpe	✓	✓
Cllr. Keith Wells	✓	✓
<u>RESIDENTS' GROUP</u>		
Cllr. Clarence Barrett	×	×
Cllr. June Alexander	×	×
Cllr. Gillian Ford	×	×
Cllr. Linda Hawthorn	×	×
Cllr. Andrew Mann	A	A
Cllr. Barbara Matthews	×	×
Cllr. Raymond Morgon	×	×
Cllr. John Mylod	×	×
Cllr. Patricia Mylod	×	×
Cllr. Linda van den Hende	A	A
Cllr. Steve Whittaker	×	×
Cllr. Mike Winter	A	A
Cllr. John Wood	×	×
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>		
Cllr. Jeffery Tucker	×	×
Cllr. Michael Deon Burton	×	×
<u>LABOUR GROUP</u>		
Cllr. Keith Darvill	×	×
Cllr. Tom Binding	×	×
<u>RAINHAM RESIDENTS' GROUP</u>		
Cllr. Mark Stewart	×	×
Cllr. Coral Jeffrey	×	×
<u>Liberal Democrat Member</u>		
Cllr. Jonathan Coles	×	×
<u>British National Party Member</u>		
Cllr. Mark Logan	✓	×
TOTALS		
YES	32	31
NO	17	18
ABSTAIN/NO VOTE	0	0
DECLARATION OF INTEREST/NO VOTE	0	0
ABSENT FROM MEETING	5	5

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

GOVERNANCE COMMITTEE

7

SUBJECT: DELEGATION OF POWERS TO THE LONDON ILLEGAL MONEY LENDING TEAM

The London Illegal Money Lending Team was officially launched in January 2008 and is one of a number regional teams which are funded jointly by HM Treasury and The Department for Business, Innovation and Skills (BIS). The Team's organisation and remit are based on projects that have already been running in other areas such as Birmingham. The London Borough of Tower Hamlets facilitates and services the Team.

The project is focussing on illegal money lenders. Not licensed by the Office of Fair Trading, and often known as loan sharks, they prey on the vulnerable, charging extortionate interest rates. Victims often live in fear, resulting in ill health and other social problems, leading possibly into a criminal lifestyle to keep up with payments. Information on illegal lenders rarely comes to the attention of Trading Standards. This is in part due to fear, but sometimes there is a perception that these lenders are the only source of credit for those without an income. They may also feel a local authority would not have the ability to deal with such crimes.

In addition to the Consumer Credit Act 1974, the London Illegal Money Lending Team uses a wide range of other legislation to deal with illegal money lenders and their criminality, which includes fraud and violence. The project benefits all Londoners, particularly the vulnerable, and complements Havering's Sustainable Community Strategy of reducing poverty, improving safety and building confidence within the community. It supports victims as well as securing convictions against illegal lenders.

Delegation to the London Illegal Money Lending Team would speed up enforcement action against unlicensed lenders within Havering, enhance confidentiality of operations and help avoid Havering officers being placed in possibly dangerous situations.

Twenty London local authorities have already entered into similar partnership arrangements.

As the London Illegal Money Lending Team needed for operational reasons to have the delegated authority before the next meeting of full Council in order to carry out investigations in the borough into current complaints, the Governance Committee noted that it was proposed that the Chief Executive

would use her power “to discharge the relevant functions of the Council where.....as a matter of urgency it is necessary that action should be taken before the date of a meeting of a body in whom the power of decision rests” to delegate the necessary authority in advance of the Council’s approval.

The Committee accordingly RECOMMENDS that Council:

1. In pursuance of Section 101(1)(b) of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, delegates to Tower Hamlets London Borough Council:
 - (A) Enforcement of Parts III and IV of the Consumer Credit Act 1974, and
 - (B) the enforcement functions and powers under Parts XI and XII of the Consumer Credit Act 1974, and
 - (C) the power of prosecution under section 222 of the Local Government Act 1972

all in connection with money-lending or the activities of money lenders and/or their agents and associates, and the laundering of the proceeds of illegal money-lending.

2. Agrees that Part 3, Section 2.3 of the Constitution (functions exercised by another authority on behalf of this authority) be amended accordingly
3. Authorises the Assistant Chief Executive to agree the terms of the delegation agreement with the Tower Hamlets Council.
4. Agrees that the Council will enter into a joint Cross Border Working Protocol with the Tower Hamlets Council in respect of illegal money lending.
5. Notes the exercise by the Chief Executive of her powers within Part 3, Section 3.1.8 of the Council’s Constitution temporarily to delegate the above powers to Tower Hamlets Council to allow an investigation to proceed prior to this meeting.

GOVERNANCE COMMITTEE

8

SUBJECT: REVISIONS TO THE PROTOCOL ON PROBITY IN PLANNING AND MEMBERSHIP OF REGULATORY SERVICES COMMITTEE

The Committee noted that Local Government Association (LGA) had revised its Guidance Note on good planning practice, the previous version of which was incorporated in the Council's Protocol on Probity in Planning, and that the Administration had suggested an amendment to the membership of Regulatory Services Committee.

The Committee considered a revised version of the Protocol, amended in the light of the new Guidance, and including some new proposals. The draft Protocol had also been considered by the Standards Committee at its meeting in September, in accordance with its role of advising on the Protocol and consideration was given to several suggestions that had been put forward by that Committee. The revised Protocol, incorporating changes resulting from the Committee's deliberations, is appended to this report.

The Committee concurred with the Standards Committee:

- that the Chairman of the Regulatory Services Committee should not give any direction as to the decision of any planning application
- that the Protocol should make clear that Members of the Regulatory Services Committee can seek clarification from staff about planning applications
- that Members should ensure they are careful in the way they phrase questions at planning committee to ensure balance, lack of bias and that they are seen to have a fair approach

It was noted that the Standards Committee had also expressed views about the length of addresses to the Regulatory Services Committee by Members who were not appointed to that Committee, by objectors and by applicants and the Committee discussed that issue in some depth. The appended revised Protocol has been amended to reflect the Committee's conclusions.

It was also noted that the LGA guidance had recommended that any call-in procedure should include provisions requiring the reasons for the call-in to be expressed in writing so that there was a record of decision, and should refer solely to matters of material planning concern. The appended Protocol also reflects this.

It was also noted that a restriction in the Constitution meant that there could be no more than one Executive Member serving on the Regulatory Services Committee. This restriction had led to difficulties from time to time in finding a suitable substitute to attend Regulatory Services Committee meetings when necessary and the Administration had requested that the Committee recommend that the number of Executive Members permitted to serve on the Regulatory Services Committee be increased to a maximum of two in order to permit an Executive Member to attend as a substitute.

The Committee also noted that there may be further minor amendments to the Protocol arising from the current review of the Constitution to ensure that it and the Committee Procedure Rules conformed to one another.

RECOMMENDATIONS:

That the Council:

1. Approve the appended, revised Protocol on Probity in Planning.
2. Increase to two the number of Members of the Executive permitted to serve on the Regulatory Services Committee to enable substitution to take place, as necessary.

PROTOCOL ON PROBITY IN PLANNING MATTERS

Summary

The Council's function of development raises various issues of conduct and procedure for members including sometimes difficult matters of reconciling their role as ward member with their role as decision maker. The planning process allows decisions to be challenged either through the appeal process or the courts, or to be tested through the Ombudsman for maladministration or the District Auditor in some cases, with potentially severe consequences if decisions cannot be justified.

Consequently, it is of the utmost importance that the Council's processes and decision making should be open, accountable and objective.

This protocol applies to members and staff involved in the planning process and is concerned with maintaining the integrity of the planning system, including the conduct of members and staff in its processes and procedures. This Protocol should be read in conjunction with the Members Code of Conduct, the Staff Code of Conduct, and the Protocol on Member/Officer Relations.

It has been drafted in accordance with the guidance issued by the Local Government Association (LGA) in May 2009.

Provisions

The following general areas of advice take into account ~~the~~ LGA guidance on planning issues for local authorities. They require members and staff involved in the planning process to conduct themselves according to certain standards.

Deleted: earlier

Deleted: Local Government Association

1 Declaration and registration of interests

- (a) Members are required to declare and register their interests, and should review their interests regularly. A register of members' interests will be maintained by the Monitoring Officer.
- (b) Where a member has a personal interest in a matter, he must declare it, but he is not necessarily debarred from participation in the discussion of the matter.
- (c) If a member has personal interest which is also a prejudicial interest, then he should leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter either because they have a statutory right to do so or because the Constitution permits them to do so. In this case a member can attend the meeting to exercise this right but must immediately leave the room afterwards and cannot remain in the public gallery. A member

Formatted: Font: Arial

with a prejudicial interest cannot participate in the discussion of the item by the committee or vote, and must not seek to improperly influence a decision on the matter.

Deleted: ,

- (d) A member must regard him or herself as having a personal interest in a planning matter:
- (i) if the matter relates to an interest in respect of which the member has given notice in the statutory register of members' interests; or
- (ii) if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the ward, the well-being or financial position of themselves, members of their family, or people with whom they have a close association or
- an employment or business carried on by such persons
 - any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors
 - any corporate body in which such persons have a personal interest in a class of securities exceeding the nominal value £25,000 or one hundredth of the total issued share capital (whichever is the lower)
 - any body which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.
 - The interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £25 within a period of 3 years before the date of the meeting.
- (e) A member with a personal interest in a planning matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest and (i) the matter does not fall within any exempt categories (ii) the matter affects a member's financial interests or relates to a licensing or regulatory matter. Further information on personal and prejudicial interests is contained in the Members' Code of Conduct and the Guide for Members 2007 issued by the Standards Board.
- (f) Members who are unsure whether an interest should be declared should seek advice of the Monitoring Officer. However, the ultimate decision is for the member.

Formatted: Font: Arial

2 Role and Conduct of Members and Officers

(a) Role of Councillors

- (i) It is most inadvisable for Members of the planning committee, to become directly involved in pre- or post-submission discussions or negotiations with applicants or objectors. Deleted: not
- (ii) Members serving on planning committees or who become involved in making planning decisions (where the full Council deals with a planning application) must not in their official capacity, or in any other circumstances, use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- (iii) Members should take account of opposing interests involved in planning decisions, but should not favour any person, company or group or locality, nor put themselves in a position where they appear to do so.
- (iv) Members must treat others with respect and must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- (v) Members should not bully staff nor seek to put undue influence on staff for a particular recommendation nor to instruct staff to make a particular recommendation. Instructions to staff may only be given through a decision of the Council, Executive, or committee decision.
- (vi) Members can seek information from staff on behalf of constituents in the normal way. Members will need to be aware that there is often a fine line between seeking information and appearing to support or oppose an application. Further advice is given in the section on lobbying.
- (v) Confidential information must not be disclosed save for and strictly in accordance with the limited circumstances set out in the Members' Code of Conduct and only after seeking legal advice.

(b) Role of staff

- (i) Unless given clear delegation by the Council to act on behalf of the authority, staff can only advise.

Formatted: Font: Arial, 10 pt, Bold, Underline

(ii) It is part of the normal role of staff, and acknowledged as good practice, to give advice and guidance to potential applicants, landowners, or interested third parties in relation to an application being made.

Deleted: (ii)

Formatted: Bullets and Numbering

(iii) All advice is given “without prejudice” either to the applicant’s rights or the Council’s decision.

Formatted: Indent: Left: 72 pt

(iv) Staff must always act impartially.

(v) It is part of the role of staff to facilitate consultation with appropriate interest groups and third parties – for example, statutory consultees, nearby occupiers to a proposal etc. – and to guide them, as necessary, to enable their participation and understanding of schemes.

(vi) Wherever possible, staff of the Council should decline offers of hospitality from people with an interest in a planning matter. If the receipt of hospitality is unavoidable, officers should ensure that it is of a minimal level and declare its receipt as soon as possible in the hospitality register. Offers of hospitality should be recorded whether accepted or not and the register will be reviewed regularly by the Monitoring Officer. Reference should be made to the Gifts and Hospitality Protocol which contains more detailed advice.

(vii) Professionally qualified staff are bound by the relevant codes of conduct of their own institutes or societies and the Staff Code of Conduct. All officers involved in the planning process should comply with the relevant parts of the Royal Town Planning Institute’s Code of Professional Conduct

Deleted: National

Deleted: for Local Government Employees

(viii) The Council as a whole is entitled to unbiased and carefully considered professional opinion.

3 Development proposals submitted by the Council, members and all Planning staff, Chief Officers and Heads of Service

Proposals for a Council’s own development can easily give rise to suspicions of impropriety. So indeed can proposals to their own authority by Members and staff and their close friends and relatives. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

(a) Proposals for a Council’s own development should be treated in the same way as those by private developers.

Formatted: Font: Arial

- (b) Members who act as agents for people pursuing planning matters with the authority should play no part in the decision-making process for those proposals. Deleted: in
- (c) Members who submit their own proposals to the authority on which they serve, should play no part in its processing and a member should not seek to improperly influence a decision about the matter. The consideration of a proposal from a member in such circumstances would be considered a prejudicial interest and the member would be required to withdraw from any consideration of the matter, save that a member attends on the same basis as a member of the public in accordance with the Constitution and in order to make representations but must not attend any other part of the meeting.
- (d) Staff responsible for processing planning applications shall not act as agents for people pursuing a planning matter within the borough.
- (e) Staff described above who submit their own planning proposals to the authority, shall take no part in its processing. Deleted: ould
- (f) The Monitoring Officer shall be informed of development proposals submitted by the Council, members and staff described above when they occur.
- (g) Proposals by Members and staff described above should be reported to the Regulatory Services Committee as main items and not dealt with by staff under delegated powers; as part of the report the Monitoring Officer should confirm whether it has been processed normally.

4 Pre-application/post submission discussions

Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit. However it would be easy for such discussions to be seen as part of a lobbying process by the applicant. In order to avoid this perception pre-application and post-application discussions should take place within the guidelines outlined below.

- (a) It should be made clear at the outset that any discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- (b) Any advice given to an applicant should be consistent and based upon the development plan and material considerations. Advice should only be given after careful consideration and must be unbiased. Members should avoid giving separate advice on Formatted: Font: Arial

the development plan or material considerations as they may not be aware of all the issues at an early stage. Members should not become drawn in to any negotiations.

- (c) All members and staff taking part in such discussions should make clear whether or not they are the decision-maker.
- (d) A written note should be made of all potentially contentious meetings. At least one member of staff should attend such meetings and a follow-up letter should be written. A note should be made of all similarly contentious telephone discussions.
- (e) Care should be taken to ensure that any advice given is not partial.

5 Lobbying

- (a) In making a decision on a planning application the need for impartial assessment is sometimes at variance with the role which a member may feel they should fulfil as a ward member representing their own constituents' views.
- (b) Lobbying is a normal and proper part of the political process. Those who may be affected by a planning decision or an applicant who is aware of a likely adverse recommendation by a member of staff will often seek to influence it by approaching their elected ward member or a member of the committee which will determine the application.
- (c) However such lobbying can, if not properly handled, lead to the impartiality of a member serving on the committee which determines the application being called into question.
- (d) Ward members and members of the planning committee who are lobbied should avoid expressing an opinion that may be taken as indicating they have already made a decision on the issue before they have been exposed to all the evidence and arguments.
- (e) Members of the planning committee should not openly declare which way they intend to vote in advance of the planning meeting, and of hearing evidence and arguments on both sides.
- (f) A member can easily find his or her position prejudiced by inadvertently participating in advocacy, lobbying and the use of pressure on other members. Unless common sense is exercised by all parties concerned, such situations could lead to the impartiality of a Councillor being called into question and the need for an interest to be declared.

- (i) If a member expresses an opinion in public on a planning application before it comes to committee it will be virtually impossible for that member to argue convincingly when the committee comes to take its decision that he or she has carefully weighed the evidence and arguments presented. Many of these may only become apparent when the item is discussed at committee.
- (ii) If it is difficult or inappropriate not to express an opinion members are advised to make it clear that they have yet to hear all the arguments and see the evidence before forming a final view. Ideally this caveat should be put in writing to the applicant/objector.
- (iii) Political group meetings prior to the planning committee meeting should not be used to decide how Councillors should vote. The use of political “whips” at group meetings over planning applications is contrary to the guidance, and could amount to maladministration.
- (iv) If a meeting or phone call with objectors or applicants is likely to be contentious, members are advised to make a note at the time of what is said and, preferably, to arrange for a member of staff to be present.
- (v) In committee, members should ensure that they are able to concentrate on the application and the discussion.
- (vi) If a member decides that they must lobby for or against a proposal, or publicly expresses support of a particular outcome, they should attend the committee as an individual and not take part in the decision making process for any matter being considered at that meeting.

Deleted: National Code

6 Pre-disposition and Pre-determination

In addition to declaring personal or prejudicial interests under the Members' Code of Conduct, members of a planning committee need to avoid any appearance of bias or having pre-determined their views before taking a decision on an application. The Standards Board has provided guidance on pre-determination, pre-disposition and bias.

Formatted: Indent: Left: 0 pt, Hanging: 21.3 pt

The following should be noted:

(a) Pre-determination occurs where a Member has clearly expressed an intention to vote in a particular way before a meeting and/or has made his views known and is firm in those views. Such a Member should not take part in the Committee discussion or vote on the matter.

Formatted: Font: Arial

(b) Pre-disposition is where a Member expresses an initial view but where the Member is clear and has made it clear to applicants &/or objectors that he is willing to listen to all the material considerations before deciding how to exercise his vote.

(c) In cases of pre-determination a Member should also consider whether this is such that a personal interest should also be declared.

(d) Bias or the appearance of bias must be avoided and the passing of notes between Members of the planning committee and objectors or applicants or discussions with applicants or objectors before or during the meeting should be avoided.

7 Written reports to committee

To avoid public concern and loss of confidence in the probity, quality and consistency of decision making and the possibility of maladministration or judicial review, committee reports will:

- (a) normally be available to the public five clear days prior to the meeting
- (b) be accurate, objective and fair and cover amongst other things, the proposal, policy and background issues, the substance of any objections, and the views of those consulted
- (c) include an exposition of the development plan; site or related history; and any other material considerations
- (d) contain a recommendation clearly justified by technical appraisals.
- (e) if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.
- (f) oral reporting to committee will as far as possible be confined to updating the meeting on developments since the publication of the report – for example, late representations or suggested additional conditions.

Formatted: Indent: Left: 35.45 pt

Deleted: ¶

Deleted: .

8 Decisions contrary to staff recommendation and/or the development plan

Deleted: 7

(a) Decisions on planning applications are to be made in accordance with the development plan unless material considerations dictate otherwise. This is a requirement of the Planning and Compensation Act 2004.

Deleted: Town and Country Planning Act 1990

(b) Decisions contrary to the development plan should:

Formatted: Font: Arial

- (i) be identified as soon as possible.
- (ii) be advertised in accordance with the Planning and Compensation Act 2004.
- (iii) if it is intended to approve such an application, the material considerations leading to the conclusions must be clearly identified, and how the considerations justify overriding the development plan clearly identified.

Deleted: section 8 of

Deleted: Town and Country Planning Act 1990

(c) If a member of the Planning Committee is minded to move a motion contrary to staff recommendation the following steps should be actively considered:

- (i) encouraging the formation of tentative reasons by discussing a pre-disposition with planning staff prior to the meeting
- (ii) writing down the reasons as part of the mover's motion
- (iii) adjourning for a few minutes for those reasons to be discussed
- (iv) if there is a strong objection by staff on the validity of those reasons, considering deferring to another meeting to have the putative reasons tested and discussed

Formatted: Space After: 12 pt

Formatted: Bullets and Numbering

(d) Where the planning committee makes a decision contrary to a staff member's recommendation:

- (i) a detailed minute of the committees reasons should be made and a copy placed on the application file.
- (ii) the staff member should be given the opportunity to explain the implications of the contrary decision.
- (iii) reasons for departing from the recommendation should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds (a notable exception is where a planning policy allows for this).
- (iv) Members should be prepared to explain in full their reasons for not agreeing with staff recommendations and in doing so should take all material considerations into account and ignore all non-material matters.

(e) A senior legal officer will always attend committee meetings to ensure appropriate procedures are followed.

Deleted: d

Formatted: Font: Arial

Formatted: Font: Arial, 10 pt, Bold, Underline

9. Committee site visits

Deleted: 8

- (a) Site visits are used for fact finding and members are always accompanied by staff.
- (b) Committee site visits can only be authorised by the Regulatory Services committee, should only be made where the expected benefit is substantial, and will be arranged by staff.
- (c) A site visit will only be necessary if the impact of the proposed development is difficult to visualise from the plans and supporting material, or there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- (d) Site visits are not decision-making meetings.
- (e) All committee members will be invited and will be accompanied by staff. Relevant ward members will be invited.
- (f) Where applicant and objector are present it is important that the interested parties are not allowed to make further submissions so as to avoid inappropriate lobbying. The format and conduct of the meeting will be clearly established at the outset by staff.
- (g) To avoid prejudice to third parties, the landowner/operator/applicant will be advised that only factual answers/information should be given and that lobbying will be unacceptable.
- (h) Where the committee consider it appropriate, objectors premises may also be visited and similar rules on lobbying will apply. Members should be aware that a site visit would be official business and therefore the Members' Code of Conduct would apply.
- (i) Site visits consisting simply of an inspection by a 'viewing' panel, with staff assistance are in most cases, the most fair and equitable approach. An inspection could be unaccompanied (i.e. without applicant and objectors) or accompanied but run on the strict lines of a planning inspector's site inspection with no arguments to be expressed on site.
- (j) site visits and the reasons they were made will be recorded.

Formatted: Indent: Left: 35.45 pt, Hanging: 35.45 pt

Formatted: Bullets and Numbering

10. Call in of planning decisions and Ward Councillors

Formatted: Indent: Hanging: 70.9 pt, Tabs: 35.45 pt, Left

Formatted: Underline

The Head of Development and Building Control has certain constitutional delegations to approve planning permission, subject to Member call in. If a planning application is called in it will be referred to the Planning Committee. Such call in operates:

Formatted: Font: Arial

Formatted: Font: Arial, 10 pt, Bold, Underline

(a) In accordance with paragraph 4 of Section 3.7.8 of the Constitution.

Formatted: Indent: Left: 35.45 pt, Hanging: 21.25 pt

(b) Any request for call in by a Member must be received by the Head of Development and Building Control in writing (to include e-mail and facsimile) and setting out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

(c) A Councillor calling in a planning matter must attend the Planning Committee or appoint a substitute to explain the reasons for the call in.

(d) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Planning Committee.

(e) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

11 Public speaking at Planning Committee

Formatted: Font: Bold

Where one or more objections have been received to an application, the objector(s) shall have an opportunity to address the committee before the application is determined provided:

(a) Any objector wishing to speak must notify the Head of Development and Building Control not less than three working days before the meeting at which the objection is to be heard

Formatted: Indent: Left: 36 pt, Hanging: 17.85 pt, Space After: 12 pt

Formatted: Bullets and Numbering

(b) If there is more than one objector, they shall be invited to agree among themselves before the meeting, who shall speak for them all. In the event that no agreement can be reached, the Chairman shall draw lots.

(c) If an objector speaks against an application, the applicant or their designated representative shall be entitled to respond.

Deleted: ive

Deleted: four

Deleted: or such lesser time as

Inserted: or such lesser time as

(d) Addresses by both objector and applicant shall not exceed two minutes each unless the Chairman extends this time in relation to a specific application.

Formatted: Hidden

Deleted: ¶

Deleted: 9

Formatted: Font: Bold, Underline

Formatted: Font: Arial

12 Members of Planning Committee

Formatted: Font: Arial, 10 pt, Bold, Underline

(a) Members should ensure they are careful in the way they phrase questions at planning committee to ensure balance, lack of bias and that they are seen to have a fair approach.

Formatted: Bullets and Numbering

(b) The Chairman should not give any direction as to the decision of any planning application.

Formatted: Indent: Left: 36 pt

Formatted: Bullets and Numbering

13 **Reviews**

Formatted: Indent: Left: 36 pt

- (a) A review of planning decisions should be undertaken annually. Such a review should include samples from a broad range of planning decisions and briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

Formatted: Font: Arial

GOVERNANCE COMMITTEE

9

SUBJECT: WEBCASTING OF COUNCIL AND OTHER MEETINGS

Introduction

- 1 At its meeting on 7 October, the Committee re-considered a proposal that the Council should adopt webcasting as an additional means of communicating with the public, as part of the general programme of improving engagement with the public, and in particular that webcasts should be made of meetings of the Council and of Cabinet.
- 2 The Committee noted that:
 - A trial webcast – available only to Members and senior staff – had been made of the Cabinet meeting on 15 July
 - Arrangements had been made for those Members who wished to, to visit Epping Forest District Council (“Epping”) to see meetings being webcast
 - Staff had visited colleagues at Epping to learn more about webcasting from their perspective (and it was reported that the Epping experience had been wholly positive)
 - Two briefing sessions had been held for Members, attended by legal, communications and committee staff and a representative of the prospective contractor
- 3 The Committee was reminded of the Council’s commitment to improving its engagement with local people, and that the most recent Place Survey results had demonstrated that Havering residents did not in the main feel engaged with the democratic process and did not feel able to influence local decision making in the borough. The report to the Committee suggested that webcasting of certain meetings would provide a simple way for people to view the democratic process in action, at a time and in a place that suits them. Through the Havering Council website, the webcasting platform could also be used to increase access to other information, such as interviews with members of the public in which they express opinions or answer questions (“vox pops”), events and other informative clips of video.
- 4 In the past few years, as Members will be aware, the use of the internet as a medium for broadcasting live entertainment and other events has grown at a remarkable rate. Concerts and films are now available widely for “as broadcast” viewing and for later downloading. Most domestic personal computers with a broadband connection to the

internet are now able to receive such webcasts and that medium is increasingly being seen as the primary source of TV and other broadcasts for the future.

Use of webcasting

- 5 Following the appropriate procurement procedures, initial discussions had taken place with the leading provider of webcasting facilities for local authorities, Public-i, and the facilities would be available for an initial period of two years at a cost per annum of the order of £18,000, including the hire of essential equipment and provision for up to 120 hours per annum webcasting (and unlimited after-the-event downloading).
- 6 The report proposed that meetings of the Council and Cabinet be webcast and that, once experience was gained, webcasting could be extended to other Committees, to other events and for broadcasting other items of interest, such as corporate news and events. In all cases, the ability to webcast a particular meeting or event would be subject to there being adequate capacity available within the webspace contractually available to the Council.

Members' concerns

- 7 In course of discussing the proposal, Members raised a number of concerns about the implications of using webcasting.
- 8 A major concern related to the ability of Members to speak freely, without fear of legal action for defamation, and the possibility that malicious extracts from webcasts could be used against Members and others. In response, the Committee was advised that Members present at meetings of the Council and its Committees convened under the Local Government Act 1972 enjoyed qualified privilege from action for defamation – comments made in the course of meetings would not be liable to action for libel or slander provided that they were not made with malicious intent. That qualified privilege would apply to webcasts as it would to the meetings themselves.
- 9 It was noted that the Monitoring Officer would prepare guidance for the Mayor and Committee Chairmen on the conduct of meetings that are being webcast. The Council would retain copyright in all webcast material, whether webcast live or held as a recording, either on the website or as an archived electronic file.
- 10 In relation to malicious extracts from webcast material, the Committee was advised that technical advice from the contractor was that it was highly unlikely that extracts could be made, although not impossible. It was noted that when asked a similar question, Epping had confirmed that, in their experience, on only one occasion had an extract been made from webcast material – and that not malicious as such – and the

person doing that had complied with a request to delete the extract and to desist from making other extracts.

- 11 There was also concern about the rights of members of the public attending meetings who might not wish to appear in the webcast. It was noted that a Protocol (based on similar protocols tried and tested by other local authorities) would be used to ensure compliance with the Data Protection Act 1998 and the Human Rights Act 1998. This Protocol required that members of the public attending a meeting were warned in advance that it would be webcast and given the opportunity not to participate in it if they did not wish to appear in the webcast.
- 12 In terms of cost, the Committee noted that the annual cost of equipment etc of around £18,000 would be met from existing budget provision. This will include monitoring service usage to ensure the maximum contracted web casting limit is not exceeded. On the question of staff costs, the Committee was advised that it was not anticipated that any extra staff costs would be incurred in webcasting Council and Cabinet meetings, as the associated tasks would be absorbed into the duties of those staff who already attended those meetings. The webcasting equipment was compatible with the existing IT equipment in the Council Chamber and, other than an external internet connection, no change was needed.
- 13 In response to enquiry, it was noted that use of the webcasting equipment for other meetings or for other purposes might incur additional staff costs but these were not expected to be significant and would be absorbed in existing budgets. Some additional training of relevant staff in Media & Communications and Democratic Services would be required but the cost of that would be met from existing budget provision.

Conclusion

- 14 Following debate, the Committee considered that, before any further work was done on webcasting, the Council ought to have the opportunity to consider the principle of whether the Council should use it. If Council were to decide to do so, it would then be appropriate for the Committee to approve the detail of the operational arrangements, including any necessary amendment of the Constitution.

RECOMMENDATIONS:

- 1 That Council consider whether to make use of webcasting.
- 2 That, if it is decided that webcasting should be used, the Council delegate to this Committee:
 - (a) determination of the uses to which it will be put and the terms of such use; and

- (b) approval of any requisite changes to the Council's Constitution.



COUNCIL, 21 OCTOBER 2009

12

QUESTIONS

NOTE: Questions are listed in the order in which they will be dealt with at the meeting.

1 Freedom Pass funding

To the Leader of the Council

(Councillor Michael White)

By Councillor Andy Mann

In a recent Conservative newsletter which included a feature on the Freedom Pass, you were quoted as saying: *"The Government decided to withhold this year's payment in Havering"*. Can you confirm if the Government have actually slashed the £1.8 million as stated in the leaflet?

2 Litmus Towers along the A13

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Mark Stewart

Could the Administration tell us the total amount spent on the installation and maintenance of the Litmus Towers along the A13?

3 Cancelled penalty charge notices: Havering Show

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member explain why a number of people who were issued parking tickets in the streets around Harrow Lodge during the Havering Show had their tickets cancelled?

4 **Investment policy**

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Jeffrey Tucker

Taking into consideration the recent significant increases in value of silver and gold, does this Council regret not investing in them when they had the opportunity?

5 **Hazardous household waste**

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

By Councillor Linda Van den Hende

What procedures do the council have in place to ensure that there is safe collection, disposal and recycling of hazardous household waste to comply with legislation?

6 **Thames Chase: funding**

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Keith Darvill

Will the Lead Member Finance and Commerce make a statement about progress in the negotiations with the other 4 partner authorities in renewing the Thames Chase Joint Funding contract due to come into effect at the end of March 2010.

7 **Numbers of licensed premises in town centres**

**To the Cabinet Member for Corporate Services
(Councillor Peter Gardner)**

By Councillor Pat Mylod

With increasing numbers of premises obtaining licenses to sell alcohol, would the Cabinet Member set out what measures are being taken to avoid our town centres and neighbourhoods being overrun with licensed premises?

8 **10:10 Climate change campaign**

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Jonathan Coles

Will the Council be signing up to the 10:10 climate change campaign?

9 **Killed and seriously injured road incidents**

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

By Councillor Andy Mann

Would the Cabinet Member set out how many KSI (killed and seriously injured) road incidents have occurred in Havering in each of the last four years, and this year to date?

10 **Street lighting: times of operation**

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

By Councillor Andy Mann

Would the Cabinet Member explain why street lights on Havering roads are coming on later at night and going off earlier in the mornings?

11 **Use of external consultants: cost**

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Clarence Barrett

In respect of expenditure for external consultants, would the Cabinet Member set out how much has been spent, broken down by Directorate, in each of the last three years and the projected figure for 2009/10?

12 **Support for schools not receiving Building Schools for the Future funding**

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

By Councillor Gillian Ford

Would the Cabinet Member advise this Council what support is being given to schools that are now at the top of the priority list for improvement, but are not currently identified as receiving Building Schools for the Future funding?

13 **Welfare of animals kept in schools**

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

By Councillor Linda Hawthorn

Would the Cabinet Member please explain the policy in respect of welfare of animals kept at schools?

14 **Surface water management: DEFRA funding**

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

By Councillor Ray Morgon

DEFRA has awarded the Drain London Forum £3.2million to fund surface water management across London. Would the Cabinet Member confirm if Havering has bid for any of this money?

15 **Highway works: signage**

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

By Councillor Gillian Ford

Would the Cabinet Member please advise this Council the signage requirements of contractors carrying out work on the public highway?

16 **Responding to Members' enquiries**

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

By Councillor Cllr Andy Mann

Would the Cabinet Member state:

- a) What time scale does the Cabinet member feel should be appropriate for StreetCare to reply to a member's enquiry?
- b) Does he have in place a Service Level Agreement (SLA) for such member enquiries?

17 **Rex Close Car Park: spending**

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

By Councillor Andy Mann

Would the Cabinet Member state how much capital funding has been spent on Rex Close Car Park, Collier Row, in each of the last two financial years and 2009/10 to date?

18 **Monitoring highway repairs**

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

By Councillor Gillian Ford

Would the Cabinet Member provide details of the monitoring process that takes place after all highway repairs?

19 **Housebound people: recycling of glass items**

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

By Councillor Cllr Gillian Ford

Would the Cabinet Member set out what measures are taken to enable residents who are housebound to recycle items made of glass?

Council, 21 October 2009



Havering
LONDON BOROUGH

COUNCIL

21 OCTOBER 2009

SUPPLEMENTARY AGENDA

A. AMALGAMATION OF DEBATES

In the absence of the Mayor, the Deputy Mayor (Councillor Melvin Wallace) has agreed in exercise of the power conferred by Rule 7(iv) that the debates on the following agenda items shall be amalgamated and dealt with as agenda item 9.

Accordingly, the Governance Committee report, the Independent Local Residents' Group motion and the Administration amendment to that motion will each be moved and seconded in the usual way, as separate matters, but there will be only one subsequent debate and the Group Leaders' rights of reply will be exercisable only once.

9 WEBCASTING OF COUNCIL AND OTHER MEETINGS

To consider a report of the Governance Committee

14 LIVE WEBCAM BROADCASTING OF MEETINGS

Motion on behalf of the Independent Local Residents' Group

That meetings of Full Council and Special Interests be made accessible via a live webcam to residents.

14A Amendment by the Administration

That meetings of Full Council and Cabinet be made accessible via a live web cam to residents. Any further expansion of web cam facilities to be reported to and agreed upon at Governance Committee and Council.

B. CABINET REPORTS

The following reports of Cabinet, from the meeting of 14 October 2009, are now submitted for consideration as late items, with the agreement of the Mayor under s.100B(4) of the Local Government Act 1972, as the recommendations in them were not agreed until after the agenda for this meeting had been published:

10 **REVENUE BUDGET STRATEGY STATEMENT**

11 **SAFEGUARDING CHILDREN – USE OF CONTINGENCY FUNDS**

CABINET

10

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

SUBJECT: DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010-13

In June, Cabinet approved a revenue budget strategy statement as part of the MTFS.

The Council's long-term financial strategy has been based on a robust approach that seeks to ensure financial stability, whilst continuing to invest in services critical to the well-being of the local community, and that underpin the Council's Living Ambition. Given the current economic pressures, it is essential that this robust and sustainable approach is maintained.

Cabinet has therefore proposed a minor amendment to the strategy statement, and approval is accordingly sought of the revised statement set out in the Appendix A to this report.

RECOMMENDATION: That the amendment to the revenue budget strategy statement set out in the Appendix be approved.

REVENUE BUDGET STRATEGY

The following is recommended as a statement of Havering's revenue budget strategy:

- The Council will ensure that there is an effective Medium Term Financial Strategy in place to drive forward the financial planning process and resource allocation. The financial strategy will be determined by policies and priorities contained within the Sustainable Communities Strategy, together with other key Strategies, and with appropriate linkages in place to the Service Planning process.
- The Council is clear about its Living Ambition, to provide our residents with the highest quality of life in London, the five key goals for the future development of the borough and the priorities in the Sustainable Communities Strategy, and will redirect resources to support their achievement.
- The Council recognises the pressures on its budget, and while seeking to protect and enhance front-line services as far as possible, will aim to contain these pressures within existing resources. Cabinet Members will examine all budget pressures and seek reductions where possible.
- The Council will wherever possible seek new funding and new ways of working. The Council will continue to look at new methods of service delivery to improve services to the public and the value for money that they provide.
- The Council will continue to seek to improve efficiency and deliver value for money, in particular, the Council will aim to identify efficiencies that will not impact on service delivery, and to identify options that will improve the value for money of its services through improving performance, and/or reducing service costs.
- The Council will ensure that, given the severe financial pressures it is facing, growth will only be supported in priority areas, or where the Council is required to fund new responsibilities.
- The Council will however ensure that the most vulnerable members of its community are protected, will continue to lead in the development of social cohesion, and will ensure that the services provided and resources allocated reflect the diverse nature and needs of our local community and our responsibilities to the local environment.
- The Council will lobby to ensure that the Government provides adequate funding to take on any new responsibilities and to illustrate the impact of the low funding basis for Havering and its residents.
- The Council will ensure that it engages with its local community, its partners and individual stakeholders in developing financial plans, and will reflect on the outcome of its consultation process in the identification of priorities and the allocation of resources.

Council, 21 October 2009

- That, while addressing its priorities and setting a balanced and prudent budget, the Council will seek to keep any increase in the Council Tax to the lowest possible level and in line with its stated aspirations whilst maintaining reserves at the minimum level of £10m.
- And as part of that process, the Council will not utilise those reserves, or any reserves earmarked for specified purposes, to subsidise its budget and reduce Council Tax levels as this is neither a sustainable nor a robust approach.

CABINET

11

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

SUBJECT: SAFEGUARDING CHILDREN – USE OF CONTINGENCY FUNDING

In July, Cabinet received a report on emerging central government requirements for improving local authorities’ safeguarding of children in the light of the Laming Report, following the Baby P case in Haringey. The report summarised the findings of a recent audit of the quality of partnership working across all agencies which had been commissioned by the Local Safeguarding Children Board. A further report was submitted to Cabinet at its meeting on 14 October, outlining the steps that needed to be taken in the light of the Laming Report.

Cabinet was advised that, in order to comply with anticipated future requirements of the Laming Report recommendations, there was no alternative but to comply with the national safeguarding policy and to absorb the resultant financial pressure relating to staffing and legal costs. The number of child assessments had risen significantly, leading to resource capacity issues that needed to be addressed by changes to the existing staffing. Use of external legal services would be more costly than use of in house services so the rationale was to increase in house capacity.

Cabinet endorsed the recommendation that costs of £176k in 2009/10 be met from contingency. The actions will have base budget implications of inbuilt growth for 2010/11 amounting to £668k. The matter is therefore referred to the Council to agree the inbuilt growth and that it be taken into account in the 2010/11 budget process.

No provision has as yet been made for potential increases in children’s placements or any other related resource implications that may arise as, currently, it is considered that any pressure can be contained within existing resources. The situation will be closely monitored as part of the ongoing budgetary control process and any emerging pressure will be reported as part on the monthly reporting process.

The detailed proposals are as follows:

		£k part year
Child Care Lawyer	x 1	45
Legal Secretary	x 1	24
Additional Salary Range		10
Social Workers	x 5	225
Admin Support to Duty Teams	x 2	50
Support for Increased legal proceedings		100
Increase in hours of pa to the Service Managers, Safeguarding and Standards	0.5	14

Council, 21 October 2009

Administration Safeguarding and Standards	x 1	28
Audit Officer Safeguarding and Standards	x 1	26
Independent Reviewing Officer	x 1	51
Policy Officer	x 1	51
Family Group Conference Co-ordinator	x 1	30.5
Family Group Conference Administrators	x 0.5	13.5
		668

The above figures reflect full year effect from 1 April 2010. However, the data indicates that it will be unsafe to wait until then for an additional injection of capacity. For this reason Cabinet recommends that Council approve a call upon contingency in 09/10 the part year effect of which would be as follows:

		£k half year
Child Care Lawyer	x 1	18.75
Legal Secretary	x 1	10
Additional Salary Range		4
Social Workers	x 5	56.25
Admin Support	x 2	20
Legal Proceedings		42
Increase in pa hours	0.5	6
Audit Officer		7
IRO	x 1	12
TOTAL		176

RECOMMENDATION:

That Council approve the allocation of the funds from contingency for 2009/10 and agree that the inbuilt growth be taken into account in the 2010/11 budget process.