

GOVERNANCE COMMITTEE

AGENDA

7.30pm

Wednesday
26 April 2006

Havering Town Hall
Main Road, Romford

Members 9: Quorum 3

COUNCILLORS:

Conservative Group (4)

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

Residents' Group (3)

Ivor Cameron
Barbara Reith
Louise Sinclair

Labour Group (2)

Ray Harris
Wilf Mills

For information about the meeting please contact:

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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

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

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

AGENDA ITEMS**1 CHAIRMAN'S ANNOUNCEMENTS**

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

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

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

4 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 21 March 2005, and to authorise the Chairman to sign them.

5 GOVERNANCE (APPEALS) SUB COMMITTEE

To receive the minutes of the Sub-Committee meetings held 16 March 2006
(note: the exempt appendices are available only to Members of the Committee)

**6 APPOINTMENT OF INDEPENDENT MEMBERS TO STANDARDS COMMITTEE –
final stage****7 URGENT BUSINESS**

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

Stephen Evans
Chief Executive

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
21 March 2006 (7.30pm – 9.45pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), Roger Ramsey and +Joe Webster

Residents' Group Ivor Cameron and Louise Sinclair

Labour Group Ray Harris and Wilf Mills

+ Substitute Member: Councillor Joe Webster (for Michael White)

Apologies were received for the absence of Councillors Eric Munday, Barbara Reith and Michael White

Except as noted, all decisions were taken with no vote against

No Member declared an interest in any of the business before the meeting

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

39 MINUTES

The Minutes of the meeting of the Committee held on 1 February 2006 were approved as a correct record and signed by the Chairman.

40 GOVERNANCE (APPEALS) SUB COMMITTEE

The Minutes of the meetings of the Sub-Committee held on 6 February and 2 March 2005 were noted.

41 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

In September 2005, the Committee had commissioned a review of polling districts and polling places. A set of preliminary proposals was published as a basis for discussion by Members and for wider consultation with the public and

Governance Committee, 21 March 2006

interested groups. A report was subsequently considered by each of the Area Committees.

Following the consultation, a number of responses were received, with suggestions for alteration in some cases. Those suggestions had been considered and taken into account in the proposals now submitted. The accessibility of the premises used as polling stations required to be reviewed.

The Committee considered the outcome and agreed detailed proposals for change within each ward, to be implemented following the forthcoming local elections.

RESOLVED:

That the Council be **RECOMMENDED** to approve the changes proposed for each ward in Appendix 1 to these minutes and that, in due course, an accessibility review of polling places be undertaken.

42 AREA COMMITTEE REVIEW

At its meeting in December 2005, the Council had accepted recommendations of this Committee on proposals to amend the Area Committee structure. The Committee now noted that, at the request of the Leader of the Council, that decision was subsequently reported to each Area Committee during the January cycle of meetings.

At each Area Committee meeting, comments were made by both members of the public and Members of the Area Committee. On some occasions such views were formulated as formal views of the Area Committee, and on others simply noted as comments not necessarily reflecting the views of the Area Committee.

The report now before the Committee summarised the views formally recorded in the respective Area Committee's minutes (whether or not endorsed by the Area Committee). In addition, Members referred to comments and views expressed at Area Committee meetings at which they had been present.

The Committee noted that a particular intention of the new structure was to facilitate Area Committee Chairmen and Members arranging *ad hoc* meetings to discuss and seek to resolve local issues of concern in an informal manner.

The Committee noted also a Member's comment that the boundaries of the new Area Committees did not altogether reflect local communities. A motion would be before Council on 29 March 2006, seeking to make changes to two Area Committee boundaries.

RESOLVED (by 4 votes to 3):

Governance Committee, 21 March 2006

That, having regard to the comments made at the recent Area Committee meetings, Council be **RECOMMENDED** that the new Area Committee structure be reviewed after it has been in operation for a year.

(Note: the voting was –

For – Councillors Roger Ramsey, Frederick Thompson, Louise Sinclair and Joe Webster;

Against – Councillors Ivor Cameron, Ray Harris and Wilf Mills)

43 AMENDMENTS TO THE CONSTITUTION

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

A number of proposals were accordingly submitted to the Committee for changes to existing provisions. The Committee accepted them (some with minor amendments) and agreed to recommend that the Council approve them, as Members considered that the changes proposed would lead to an improvement in the way in which the Council's business is conducted.

A proposal that the appropriate Cabinet portfolio-holders should also undertake the roles respectively of Member Champions for Diversity, the Elderly, the Historic Environment and for Younger People was rejected, as it was felt that conflicts of interest would inevitably arise, and a proposal relating to the delegation of decision-making powers to individual Cabinet Members was withdrawn to allow it to be further discussed and developed.

RESOLVED:

That Council be **RECOMMENDED** that the changes to the Constitution set out in the several proposals in Appendix 2 to these minutes be approved.

WARD: BROOKLANDSThe current polling places used are

- BL1 - St Johns Hall, Pretoria Road
- BL2 - Mawney School, Mawney Road
- BL3 - Sports Pavilion Cottons Park, Cottons Road
- BL4 - Crowlands School, London Road
- BL5 - Romford/Gidea Park Rugby Club, Crow Lane
- BL6 - Rush Green Gospel Hall, Birbeck Road

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted –

- (1) **In respect of Polling Districts –**
 - (a) **To retain the existing polling districts BL1 and BL5.**
 - (b) **To redraw the boundary of BL3 to incorporate part of Jubilee Avenue, Recreation Avenue, Richards Avenue, Cromer, Norfolk, Kensington and Knighton Roads, Sheringham Avenue etc., into polling district BL4 and rename it BL3.**
 - (c) **To amalgamate the remainder of polling district BL3 and BL2 into one polling district, BL2.**
 - (d) **To rename polling district BL6, making it BL4.**
- (2) **To make no changes to the polling place venues used, except for electors in BL3 who will be split between Mawneys and Crowlands Schools and no longer use the Sports Pavilion in Cottons Park.**

WARD: CRANHAMThe current polling places used are

- CM1 - St Luke's Church Hall, Front Lane
- CM2 - Front Lane Community Hall, Front Lane
- CM3 - Cranham Church, Severn Drive
- CM4 - Cranham Community Centre, Marlborough Gardens
- CM5 - Methodist Church Hall, Hall Lane
- CM6 - Methodist Church Hall, Hall Lane

Governance Committee, 21 March 2006**Outcome of the consultation**

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted –

- (1) To retain the existing polling districts CM1, CM2, CM3 and CM4.**
- (2) To amalgamate polling districts CM5 and CM6 into one polling district CM5.**
- (3) To make no changes in the polling station venues currently used.**

WARD: ELM PARK**The current polling places used are**

EL1 - Scargill Infants School, Mungo Park Road
EL2 - R.J.Mitchell School, Tangmere Crescent
EL3 - Scargill Junior School, Mungo Park Road
EL4 - Elm Park Hall, Eyhurst Avenue
EL5 - Baptist Church Hall, Rosewood Avenue

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted –

- (1) To amalgamate polling districts EL1 and EL3, renaming the new polling district EL1.**
- (2) To make no changes to the other polling districts except for renaming EL5 as EL3.**
- (3) To make no changes to the polling places currently used for EL2, EL4 and EL5 (to be renamed EL3) except to amalgamate polling for EL1 so that instead of using Scargill Junior and Infant Schools, the Junior School be used as the polling place.**

Governance Committee, 21 March 2006**WARD: EMERSON PARK**The current polling places used are

EM1 – Harold Wood Primary School, Recreation Avenue
 EM2 – Gidea Park Church, Manor Avenue
 EM3 – Gidea Park Church, Manor Avenue
 EM4 – Nelmes Hall, Burntwood Avenue
 EM5 – Whittaker Hall, Woodhall Crescent
 EM6* – Nelmes School, Wingletye Lane

*EM1 to EM5 is in the Upminster Parliamentary Constituency, EM6 is in the Romford Parliamentary Constituency until the parliamentary boundaries become coterminous.

Outcome of the consultation

A Member's suggestion that the polling station for EM2 and EM3 be at Emerson Park Community Hall, Slewins Lane was considered. That hall is already used as a polling station for in Squirrels Heath Ward. As it is recommended that different wards should not use the same polling places and there is nowhere else suitable available, it is recommended that the original proposals be agreed.

RECOMMENDATION

That Council be recommended that the following proposals be adopted -

- (1) In respect of Polling Districts**
 - (a) To retain the existing polling districts EM1, EM4 and EM5.**
 - (b) To amalgamate polling districts EM2 and EM3 into one polling district.**
 - (c) To rename polling district EM6 as EM3.**
- (2) To make no changes to the polling station venues currently used.**

WARD: GOOSHAYSThe current polling places used are

GS1 – Harold Hill Library, Hilldene Avenue
 GS2 – Old Peoples Home, Chippenham Gardens
 GS3 – Broadford School, Faringdon Avenue
 GS4 – Brookside School, Dagnam Park Road
 GS5 – Holy Redeemer Church, Petersfield Avenue
 GS6 – Holy Redeemer Church, Petersfield Avenue
 GS7 – Pyrigo Priory School, Settle Road
 GS8 – Pyrigo Priory School, Settle Road

Governance Committee, 21 March 2006

GS9 – Brookside School, Dagnam Park Road

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted –

(1) In respect of Polling Districts –

- (a) To retain the existing polling districts GS1, GS2 and GS3.**
- (b) To amalgamate polling districts GS4, GS8 and GS9 into one polling district GS4.**
- (c) To amalgamate polling districts GS5 and GS6 into one polling district GS5.**
- (d) To rename polling district GS7 as GS6.**

(2) To make no changes to the polling places currently used, except the electors from GS4 (was GS8) use Brookside School instead of Pyrgo Priory School.**WARD: HACTON****The current polling places used are**

HN1 – St Georges Hall, Kenilworth Gardens
HN2 – St Matthews Hall, Chelmsford Drive
HN3 – Hacton School, Chepstow Avenue
HN4 – Suttons School, Suttons Lane
HN5 – Ayloff School, South End Road

Outcome of the consultation

No change was proposed in the arrangements for this ward and there were no suggestions for change as a result of the consultation.

RECOMMENDATION

That no changes be made to existing polling districts or places.

WARD: HAROLD WOOD**The current polling places used are**

Governance Committee, 21 March 2006

HW1 – Mead Infants School, Amersham Road
HW2 – Baptist Church Hall, Ingreway
HW3 – Ingrebourne Centre, Gubbins Lane
HW4 – Methodist Church Hall, The Drive
HW5 – Harold Court School, Church Road

Outcome of the consultation

A suggestion that a mobile station in Tesco's car park be used for HW1 and HW4 was considered. It was, however, not feasible to offer electors a choice of more than one location at which to vote, as it would not be possible to stop them from voting at each polling station; and the use Mobile units was not recommended. It is, therefore, proposed that the original proposals be agreed.

That no changes be made to existing polling districts or places.

WARD: HAVERING PARK**The current polling places used are**

HP1 – Forest Lodge Activity Centre, Lodge Lane
HP2 – Clockhouse School, Clockhouse Lane
HP3 – Chase Cross Neighbourhood Centre, Hillrise Road
HP4 – St James Church Hall, Chase Cross Road
HP5 – St James Church Hall, Chase Cross Road
HP6 – North Romford Community Centre, Clockhouse Lane
HP7 – Chase Cross Neighbourhood Centre, Hillrise Road
HP8 – Dame Tipping School, North Road
HP9* - Dame Tipping School, North Road

*HP1 to HP8 is in the Romford Parliamentary Constituency, and HP9 is in the Upminster Parliamentary Constituency, until the parliamentary boundaries become coterminous.

Outcome of the consultation

The appropriateness of combining polling districts HP3 and 7 was questioned, as the polling place Chase Cross Neighbourhood Centre was located on a hill.

However, there were no other alternative suitable venues within the locality. The use of a mobile unit was not recommended. It is therefore recommended that the original proposals be agreed.

RECOMMENDATION

That the following proposals be adopted:

- (1) In respect of Polling Districts –
- (a) To retain the existing polling districts HP1 and HP2.
 - (b) To amalgamate polling districts HP3 and HP7 into one polling district, HP3, and polling districts HP4 and HP5 into one polling district, HP4.
 - (c) To rename polling district HP6 as HP5, and HP8 as HP6.
 - (d) To rename polling district HP9 as HP7 to be automatically incorporated into polling district HP6 when the Parliamentary boundaries become coterminous at the next Parliamentary election.
- (2) To make no changes in any polling place currently used.

WARD: HEATON

The current polling places used are

HT1 – Ingrebourne School, Ashbourne Road
HT2 – St Ursulas School, Straight Road
HT3 – Hilldene School, Grange Road
HT4 – Betty Strathern Centre, Myrtle Road
HT5 – Betty Whiting Centre, Briar Road
HT6 – Betty Whiting Centre, Briar Road
HT7 – United Reformed Church, Chaucer Road
HT8 – United Reformed Church, Chaucer Road

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted:

- (1) In respect of Polling Districts –
- (a) To retain the existing polling districts HT1 and HT4.
 - (b) To redraw the boundary of HT2 and HT3 to incorporate Grange Road, Hale End and Archway into polling district HT2.
 - (c) To amalgamate the remainder of polling district HT3 with polling districts HT7 and HT8 into one polling district, HT3.
 - (d) To amalgamate polling districts HT5 and HT6 into one polling district, HT5.

Governance Committee, 21 March 2006

- (2) As Hilldene School will no longer be required, the electors who previously used this polling place be divided between St Ursula's School and the United Reformed Church.**

Governance Committee, 21 March 2006**WARD: HYLANDS****The current polling places used are**

HY1 – Dukes Hall, Maygreen Crescent
HY2 – Dukes Hall, Maygreen Crescent
HY3 – St Marys School, Hornchurch Road
HY4 – Albany School, Broadstone Road
HY5 – Wykeham School, Rainsford Way
HY6 – Towers School, Windsor Road
HY7 – Towers School, Windsor Road

Outcome of consultation

It was suggested that electors from St Andrews Ward could also vote at St Georges Hall as, prior to the Ward boundary changes some electors in St Andrews Ward had voted at St Georges Hall, Kenilworth Gardens (used as the polling station for HN1). As this would be impracticable for many reasons, it is recommended that the original proposals be agreed.

RECOMMENDATION

That the following proposals be adopted –

- (1) To retain the existing polling districts HY3, HY4 and HY5.**
- (2) To amalgamate polling districts HY1 and HY2 into one polling district, HY1.**
- (3) To amalgamate polling districts HY6 and HY7 into one polling district, HY2.**
- (4) To make no changes to any polling place venues currently used.**

WARD: MAWNEYS**The current polling places used are -**

MN1 – Ascension Church Hall, Collier Row Road
MN2 – St Patrick's School, Lowshoe Lane
MN3 – Havering Road Church, Moray Way
MN4 – Good Shepherd Church Hall, Redriff Road
MN5 – Scout Hall, Abbots Close
MN6 – Crownfield School, White Hart Lane

Outcome of the consultation

No change was proposed in the arrangements for this ward and there were no suggestions for change as a result of the consultation.

RECOMMENDATION

That no changes be made to existing polling districts or places.

WARD: PETTITS

The current polling places used are

PT1 – Tweed Way Social Hall, Tweed Way
PT2 – Rise Park School, Annan Way
PT3 – Parklands School, Havering Road
PT4 – Marshalls Park School, Pettits Lane
PT5 – St Michael's Church Hall, Main Road
PT6 – Marshalls Park School, Pettits Lane

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATION

That the following proposals be adopted –

- (a) **To retain the existing polling districts PT1, PT2, PT3 and PT5.**
- (b) **To amalgamate polling districts PT4 and PT6 into one polling district PT4.**
- (c) **To make no changes in the polling places currently used.**

WARD: RAINHAM & WENNINGTON

The current polling places used are

RW1 – Parsonage School, Farm Road
RW2 – Wennington Village Hall, Wennington Road
RW3 – Brady School, Wennington Road
RW4 – Rainham Village School, Upminster Road South
RW5 – Parsonage School, Farm Road

Outcome of the consultation

A suggestion had been made that Wennington Hall cease to be used as a polling place but, in the light of representations from that locality, the Committee decided to retain it.

RECOMMENDATION

That no changes be made to existing polling districts or places.

WARD: ROMFORD TOWNThe current polling places used are

RT1 – Central Library, Main Road
RT2 – Manor School, Shaftesbury Road
RT3 – Salem Church, London Road
RT4 – RAFA House, 18, Carlton Road
RT5 – Gidea Park School, Lodge Avenue
RT6 – Manor School, Shaftesbury Road
RT7* – Edwin Lambert School, Malvern Road

*RT1 to RT6 is in the Romford Constituency, and RT7 in the Hornchurch Constituency, until the parliamentary boundaries become coterminous.

A proposal was received in respect of the Romford Town Ward from the Romford Residents Association, suggesting that all of polling district RT3 east of Waterloo Road be incorporated into polling district RT1 as residents would find access easier to get to Central Library to vote.

It is, in other respects, recommended that the original proposals be agreed.

RECOMMENDATION

That the following proposals be adopted –

- (1) In respect of polling Districts**
 - (a) To amend RT1 and RT3 by incorporating all of RT3 east of Waterloo Road into RT1.**
 - (b) To amalgamate polling districts RT6 with RT2 into one polling district, RT2, and RT4 and RT5 into one polling district, RT4, and to rename polling district RT7 to RT5.**

- (2) In respect of Polling Places –**
 - (a) To make no changes to the polling places venues currently used for RT1 and for the new polling district RT5.**
 - (b) To use Manor School as the polling place for the newly formed polling district of RT2.**
 - (c) As Salem Church does not have adequate disabled access, to use St Andrews Church Hall, St Andrews Road as polling place for RT3.**
 - (d) To use Gidea Park School as the polling place for the newly formed polling district of RT4.**

Governance Committee, 21 March 2006**WARD: ST ANDREW'S****The current polling places used are**

ST1 – Fairkytes Art Centre, Billet Lane
ST2 – Langtons School, Westland Avenue
ST3 – Robert Beard Youth Centre, Inskip Drive
ST4 – The Herons, Abbs Cross Gardens
ST5 – Benhurst School, Benhurst Avenue
ST6 – Benhurst School, Benhurst Avenue

Outcome of the consultation

Concern was expressed about electors from polling district ST5 having to cross Abbs Cross Lane to get to Benhurst School and to avoid this suggested that they could vote at St George's Hall, which is the polling station for HN1. It is impracticable for voters from more than one ward to use the same polling place, not least because of the risk of ballot papers being placed in the wrong ballot boxes.

The only suitable venue within polling district ST5 was Abbs Cross School, which was not available for polling station use. No other suitable alternative venue is currently available.

It is, therefore recommended that the original proposals be agreed.

RECOMMENDATION**That the following proposals be adopted –**

- (1) In respect of Polling Districts –**
 - (a) To retain the existing polling districts ST1 and ST2**
 - (b) To redraw the boundary between ST2 and ST3 moving part of Westland Avenue and Allenby Drive from ST2 to ST3.**
 - (c) To amalgamate polling districts ST5 and ST6 into one polling district, ST5.**

- (2) To make no changes to the polling place venues currently used.**

WARD: SQUIRRELS HEATH**The current polling places used are**

SQ1 – Royal Liberty School, Upper Brentwood Road
SQ2 – Catholic Church Hall, Brentwood Road
SQ3 – Squirrels Heath School, Salisbury Road
SQ4 – Royal Liberty School, Upper Brentwood Road

Governance Committee, 21 March 2006

SQ5 – Royal Liberty School, Upper Brentwood Road

SQ6 – Ardleigh Green School, Ardleigh Green Road

SQ7 – Baptist Church, Ardleigh Green Road

SQ8 – Emerson Park Community Hall, Slewins Lane

Outcome of the consultation

A Member's suggestion that the polling station for EM2 and EM3 be at Emerson Park Community Hall, Slewins Lane was considered. That hall is already used as a polling station for in Squirrels Heath Ward. As it is recommended that different wards should not use the same polling places and there is nowhere else suitable available, it is recommended that the original proposals be agreed.

RECOMMENDATION

That the following proposals be adopted –

- (1) In respect of Polling Districts –**
 - (a) To retain the existing policy districts SQ3 and SQ6.**
 - (b) To amalgamate polling districts SQ1, SQ4 and SQ5 into one polling district, SQ1.**
 - (c) To redraw the boundary of SQ1 along the railway line and incorporate Durham Avenue, Elvet Avenue, part of Squirrels Heath Lane and part of Brentwood Road in polling district SQ2.**
 - (d) To rename polling district SQ7 to SQ4, and SQ8 to SQ5.**
- (2) To make no changes to the polling place venues currently used.**

WARD: SOUTH HORNCHURCH**The current polling places used are**

SX1 – St Johns Church Hall, South End Road

SX2 – La Sallette School, Rainham Road

SX3 – Brittons School, Ford Lane

SX4 – Whybridge School, Blacksmiths Lane

SX5 – South Hornchurch Airfield Community Association, Nelson Road

SX6 – Newtons School, Lowen Road

Outcome of the consultation

Continued use of Brittons School was suggested but the accommodation previously used was no longer available, and closure of the school for polling was inappropriate. The proposed alternative venue Whybridge School, Blacksmiths Lane, for amalgamated SX3 and SX4 polling districts, was considered to be very nearby. It is, therefore, recommended that the original proposals be agreed.

RECOMMENDATIONS

That Council be recommended that the following proposals be adopted.

- (1) In respect of Polling Districts –
 - (a) To retain the existing polling districts SX1, SX2 and SX5.
 - (b) To amalgamate polling districts SX3 and SX4 into one polling district, SX3.
 - (c) To rename polling district SX6 as SX4.
- (2) To make no changes to the polling place venues currently used, except to no longer use Brittons School.

WARD: UPMINSTER

The current polling places used are

UP1 – James Oglethorpe School, Ashvale Gardens
 UP2 – Corbets Tey School, Harwood Hall Lane
 UP3 – St Josephs School, St Marys Lane
 UP4 – Upminster School, St Marys Lane
 UP5 – Baptist Church Hall, Springfield Gardens
 UP6 – Branfil School, Cedar Avenue
 UP7 – Gaynes School, Brackendale Gardens
 UP8 – Corbets Tey School, Harwood Hall Lane
 UP9* – Corbets Tey School, Harwood Hall Lane

*UP1 to UP8 is in the Upminster Parliamentary Constituency, and UP9 is in the Hornchurch Parliamentary Constituency, until the parliamentary boundaries become coterminous.

Outcome of the consultation

There were no comments on the proposals put forward for consultation.

RECOMMENDATIONS

That the following proposals be adopted –

- (1) In respect of Polling Districts –
 - (a) To retain the existing polling districts UP1 and UP6.
 - (b) To amalgamate polling districts UP2 and UP8, to be called UP2.
 - (c) To alter the boundary of UP5 to take in part of UP4 comprising Beech Avenue, Elm Avenue and parts of Gaynes Park Road, Southview Drive and Corbets Tey Road.

Governance Committee, 21 March 2006

- (d) To amalgamate polling districts UP3 and the remainder of polling district UP4, to be called UP3.
 - (e) To rename polling district UP7 to UP4.
 - (f) To rename polling district UP9 as UP7 to be automatically incorporated into polling district UP2 when the parliamentary boundaries become coterminous at the next Parliamentary election.
- (2) To make no changes to the existing polling place venues currently used except that the use of St Josephs School, St Mary's Lane will no longer be required.

PROPOSAL 1**Appointment of Members to certain committees**

Relevant Part(s) of the Constitution:	Part 4: Committee Procedure Rules
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Details of proposal:

As a general principle, Groups and Group Leaders are free (within the rules of political balance) to alter their memberships of all bodies other than Council itself, Cabinet and Area Committees, as they wish. Various changes during the term of the Council are inevitable and may impact on this, of course, and it is accepted that changes of circumstances inevitably affect the Groups' membership arrangements.

There are certain Committees, however, where it is desirable for Groups to make few, if any, changes to their representation. These Committees carry out specialist functions for which Members receive additional training in order to undertake their duties. Continuity, experience and/or special knowledge are useful, if not essential, to the effective working of these Committees.

In the case of the **Audit Committee** and **Investment Committee**, it is highly desirable for the memberships to remain unchanged for the whole four years of the Council's term and Council agreed that as a principle, on the recommendation of this Committee, in July 2004 (and that certain nominated substitutes should be appointed).

In the case of the following Committees, it is desirable for the membership to be unchanged for at least two years:

Adjudication and Review
Licensing
Regulatory Services

The Committee agrees therefore that Groups and Group Leaders should be asked to strive to avoid making changes to their representation on those Committees for as long as possible.

Amendments proposed:

In Rules for Specific Meetings, Add:

5 Membership of certain committees

In the interests of business continuity, Groups and Group Leaders shall strive to avoid making changes to their representation of the Committees indicated below for as long as possible and shall accordingly seek to ensure that their members remain on the

Governance Committee, 21 March 2006

particular committee for the period indicated:

Committee	Period
Adjudication and Review	At least two years
Audit	Full four year term
Investment	Full four year term
Licensing	At least two years
Regulatory Services	At least two years

For the Audit, Investment and Standards Committees, Groups shall nominate members other than those appointed to the respective Committees to be "designated substitutes", to attend a meeting in the event that an appointed member is unable to do so. "Designated substitutes" shall be offered the same training opportunities as appointed members.

This rule shall operate without prejudice to the ability of the Council and the Standards Committee to require changes in membership where to do so is appropriate for other reasons, or to comply with statutory requirements.

PROPOSAL 2**Attendance and speaking at Cabinet meetings**

Relevant Part(s) of the Constitution:	Part 4: Executive Procedure Rules
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Details of proposal:

The Rules currently provide that Cabinet members attend and speak at Cabinet meetings as of right, and that other members may attend and speak with the consent of the Chairman. An informal rule agreed sometime ago provides that, generally, the Leaders of Groups not in the Cabinet (or their nominees - generally, the Group spokesperson for the particular service) will be invited to speak but other members will not normally do so.

It is proposed that the arrangement (which appears to have worked well) be formalised. At the same time, it is proposed to give the Chairman discretion to allow members of the public to address the Cabinet where to do so is desirable.

Amendments proposed:

Amend to read:

2 **How are meetings of the Cabinet conducted?**

.....

(b) **Who may attend and speak?**

Governance Committee, 21 March 2006

All members of the Council may attend meetings of the Cabinet.

Without prejudice to the powers of the person presiding at the meeting to control debate as chairman, the following rights of address apply:

- Members of the Cabinet are entitled to speak at any meeting on any matter.
- Any Group Leader who is not a member of the Cabinet (or a member nominated by him) may speak on any item before the Cabinet.
- Any other member may speak only with the consent of the person presiding.

For the avoidance of doubt and in the interests of orderly debate, the person presiding has discretion to limit the amount of time, and the number of times, that any member may speak on a particular item.

The person presiding at the meeting has discretion to permit one or more members of the public to address the Cabinet on a matter before it provided he is satisfied that to do so will assist the Cabinet in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions as he thinks fit.

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PROPOSAL 3**Rights of Reply in debate at meetings of the Council**

Relevant Part(s) of the Constitution:	Part 4: Council Procedure Rules
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Details of proposal:

Confusion sometimes arises over the rights of reply afforded to Group Leaders at the conclusion of debates in full meetings of Council. Current rules provide for automatic rights of reply by the Leader of the Council and the Leader of the Opposition, and for a right of reply by the Leader of the Group proposing the motion if not the Leader of the Council or the Opposition.

There is, however, no explicit provision for a right of reply by the Leader of any other Group proposing an amendment to a motion. It is suggested that it would be helpful for such a right to be provided for.

It is also considered that it would be helpful to make explicit that the rights also arise where the debate is on a report of Cabinet, a Committee or an officer.

Amendments proposed:**13.12 Rights of reply**

Governance Committee, 21 March 2006

At the close of each debate upon a motion or report, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (i) the Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition)
- (ii) the Leader of the Opposition
- (iii) the Leader of the Council.

In each case, the appropriate Leader may nominate another member to reply on his behalf.

PROPOSAL 4**Consideration by Council of reports**

Relevant Part(s) of the Constitution:	Part 4: Council Procedure Rules
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Details of proposal:

The Rules do not make explicit provision for the way in which reports are dealt with by Council.

The Constitution provides, in various places, for Council to consider reports of the Cabinet, Committees and certain officers. Reports are rarely the subject of debate at Council and are usually "nodded through". The rules of debate do not, however, set out what should happen if members wish to debate the recommendations of a report. This proposal aims to address that.

It is suggested that the Council Procedure Rules should refer explicitly to the consideration and debating of reports to which amendments are proposed. There would be no significant change from present customary practice in doing so but, procedurally, the way forward would be clearer.

In essence, the suggested procedure is that the any report to which an amendment is proposed be deemed to be subject to a motion "that the report be adopted and its recommendations carried into effect", to be moved and seconded in the usual way, with debate proceeding to vote in the usual way.

Amendments proposed:

In paragraph 11, add new 11.5:

11.5 Reports to Council

Reports of Cabinet, Committees or officers to Council to which an amendment is

Governance Committee, 21 March 2006

proposed shall be deemed subject to a motion “that the report be adopted and its recommendations carried into effect”, which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman. In these Rules, “motion” includes a deemed motion in respect of a report.

PROPOSAL 5**Annual Reports of Committees and Member Champions**

Relevant Part(s) of the Constitution:	Part 4: Council Procedure Rules
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Details of proposal:

There are requirements for Annual Reports to be submitted to Council by the Overview and Scrutiny Committees, the Audit and Investment Committees and Member Champions. Some are provided for in the Council’s Constitution, others by external regulation, directive or good practice advice.

Generally, the practice is for such Annual Reports to be submitted at the July meeting of Council – the first ordinary meeting following the end of the preceding municipal year (submission to the Annual Meeting would generally be impractical, given that a municipal year does not end until the Meeting begins).

In election year, however, this would be nonsensical as the report would be to a new Council in respect of work in which Members have no ‘interest’, while conceivably, Chairmen could be missing. It is suggested that the relevant paragraph in the Council Procedure Rules, which currently refers only to Annual Reports of the Overview & Scrutiny Committees, be amended so that (a) in election year the report is submitted to the final ordinary meeting of the year, and (b) the approach refers to all Committee/Member Annual Reports that need to be submitted.

Amendments proposed:

Insert the underlined words:

2.
 - (xiii) at the first ordinary meeting in the Municipal Year, receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee and the Investment Committee and from the Champions except in the year where there are Borough Elections when the reports will be submitted to the last ordinary meeting before those elections.

PROPOSAL 6**Avoiding conflict of interest: members appointed to the board of Havering Homes**

Relevant Part(s) of the Constitution:	Overview and Scrutiny Committee Rules
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Details of proposal:

A conflict of interest is likely to arise if members appointed to the board of Havering Homes are also appointed to the overview and scrutiny committee that is responsible for reviewing the Council's Housing Services. The board will be responsible for management of the Council's housing properties and land under delegated executive powers; the overview and scrutiny committee will be tasked with reviewing the effectiveness of those arrangements as part of its overall concern for the delivery of good-quality housing services.

It is therefore proposed that, to avoid doubt, the Rules should provide explicitly that a member cannot serve simultaneously on both bodies.

Amendments proposed:**20 Restrictions on appointment to Housing Overview & Scrutiny Committee**

No member who has been appointed by the Council to the board of Havering Homes shall be appointed to the overview & scrutiny committee responsible for scrutiny of the Council's housing management functions.

PROPOSAL 7**Awards for eminent service to the borough – minor adjustment**

Relevant Part(s) of the Constitution:	Part 4: Council procedure rules
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Details of proposal:

At its last meeting, the Committee agreed to propose to mechanisms for the regular consideration of conferment of the awards of Honorary Freeman or Honorary Alderman for eminent service to the borough.

As drafted, the mechanisms provide for the Council to consider the award of Honorary Alderman in the year when the municipal elections are held and the award of Honorary Freeman in the three other years of the Council's four-year term.

Governance Committee, 21 March 2006

On reflection, it would be preferable for Council to consider conferring Honorary Freeman awards every year. Accordingly, a slight re-wording of the constitutional changes agreed at the last meeting is now suggested to achieve this.

Amendments proposed:

CPR 2 Ordinary Meetings:

Insert revised new para. (iv) and renumber subsequent paras accordingly

- (iv) at the first ordinary meeting following the Annual Meeting in a year when there is an ordinary election of Councillors, to consider whether to confer
- (a) on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
 - (b) on any former Member who has rendered eminent service to the Council the office of Honorary Alderman, and to present to any other Member a certificate of service.

Insert revised paragraph in new CPR

25. CONFERMENT OF AWARDS FOR EMINENT SERVICE

- 25.2 In a year in which there is an ordinary election of Councillors, Council shall consider at the first ordinary meeting following the Annual Meeting
- (a) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
 - (b) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
 - (c) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

PROPOSAL 8**Committee meetings: time and duration**

Relevant Part(s) of the Constitution:	Part 4: Committee Procedure Rules
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Details of proposal:

Currently, the Committee Procedure Rules provide that (other than in special circumstances), meetings of Committees shall commence at 7.30pm and end at 10pm.

It is proposed to amend the Rules to give greater flexibility over the starting time in particular, and in consequence the finishing time. The quality of debate and decision making is likely to be adversely affected the longer a meeting lasts: and decisions taken

Governance Committee, 21 March 2006

at the later stages of an over-long meeting on issues such as planning applications could successfully be challenged under Human Rights and other legislation.

The amendments suggest that the normal duration of a meeting be 2½ hours (subject to the ability of the Committee to suspend the operation of this Rule).

Amendments proposed:

Amend to read:

1 Ordinary meetings of committees

- (a) An ordinary meeting of each committee shall begin at 7.30pm (or such other time as the Chairman may agree shall be specified in the agenda) on the date, and at the place, specified for that meeting in the schedule of meetings published annually.
- (b) The Chairman of a committee may, following consultation with its members, agree to a variation of the date, time or place of meeting or its cancellation, as appropriate.

9 Conclusion of meetings

- (a) All meetings shall finish when two and a half hours (including any time spent in adjournment) have elapsed from their beginning.
- (b) If it is necessary to adjourn and reconvene in order to complete the business of the meeting, such adjournment shall be to a date, time and place to be fixed by the committee in question, or failing that, by the Chairman.
- (c) As soon as two and a half hours (including any time spent in adjournment) have elapsed from the beginning of a meeting, unless a procedural motion has been passed to suspend this rule and to extend the time of the meeting, the business of the meeting will continue only until the end of the discussion then in progress. At that point the Chairman will call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion

PROPOSAL 9**Council meetings: time and duration**

Relevant Part(s) of the Constitution:

Part 4: Council Procedure Rules
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Details of proposal:

Currently, the Council Procedure Rules provide that (other than in special circumstances), meetings of Council shall commence at 7.30pm and end at 10.30pm (or as soon as practicable thereafter).

Governance Committee, 21 March 2006

It is proposed to amend the Rules to give greater flexibility over the starting time in particular, and in consequence the finishing time. Members will be conscious that the quality of debate and decision making is likely to be adversely affected the longer a meeting lasts: it is indeed conceivable that decisions taken at the later stages of an over-long meeting could successfully be challenged under Human Rights and other legislation.

The amendments proposed would ensure that meetings would terminate after a set period (subject to the ability of the Council to suspend the operation of this Rule).

Amendments proposed:**5. TIME AND PLACE OF MEETINGS**

Meetings of the Council will be held at the Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

9.1 Conclusion of meeting

- (i) Once two and a half hours have elapsed from the beginning of the meeting (including any time spent in adjournment), if the Mayor believes that an item could not properly be considered in the time remaining available, then notwithstanding rules 11 and 13.4, the Mayor may direct that an item be not taken, or may modify the length of speeches and general debate in respect of any item. In the case of an item already being debated, the Mayor may modify the length of speeches or restrict the number of speakers
- (ii) Unless a procedural motion has been passed to suspend this rule and to extend the time of the meeting, once three hours have elapsed from the beginning of the meeting, the business of the meeting will continue only until the end of the debate then in progress. At that point the Mayor will call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion.
- (iii) in the event of an adjournment of any meeting of the Council being necessary such an adjournment shall be to a date to be fixed by the Council, and in the event of no date being fixed then on a date to be fixed by the Mayor. For the purposes of rules (i) and (ii) above, any reconvened meeting shall be treated as a new meeting.

Governance Committee, 21 March 2006**PROPOSAL 10****Ex-gratia Payments**

Relevant Part(s) of the Constitution:	Part 3: Responsibility for functions
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Details of proposal:

This Committee considered this matter in November 2005 and at that time were minded to approve an extension of ex-gratia payments and for payments to cover all matters rather than those restricted in Part 3 Section 7 Appendix B i.e. loss of personal property and ex-gratia payments to housing tenants for breakdown, floods and improvements to vacated property. This will tie in with the delegation to staff to settle ex-gratia payments up to £3,000 which is not limited to certain areas. There is also a discrepancy between the figures; £3,000 in the staff delegation and £3,070 in Appendix B as the latter has inflation applied to it.

Amendments proposed:

To alter the current limit to a figure reflecting inflation and to provide for its automatic adjustment annually in line with inflation.

In section 3, paragraph 3.3.3, sub-paragraph 5

Amend "£3000" to "the limit specified in Appendix B for such payments"

In section 3, Appendix B

Amend entry for ex-gratia payment read:

Expenditure	Limit
Ex gratia payments where action taken by or on behalf of the council in the exercise of their functions amounts to, or may amount to, maladministration, to a person who has been, or may have been, adversely affected by that action (s92 of Local Government Act 2000).	£3,070 (in consultation with the Group Director Finance & Commercial and Assistant Chief Executive Legal and Democratic Services)

PROPOSAL 11**Decision making processes**

Relevant Part(s) of the Constitution:	Part 2: Articles of the Constitution Part 4: Overview & Scrutiny Committee Procedure Rules
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Governance Committee, 21 March 2006**Details of proposal:**

Confusion some times arises over the respective roles of the Council, the Cabinet and the Overview and Scrutiny Committees. To assist obviate some of the confusions that can arise, it is suggested that a statement of the general principle of Council's decision-making process would be helpful.

If agreed, the statement would be incorporated in Part 2 of the Constitution, the Articles of the Constitution, as Article 13.09 (with the existing article of that number re-numbered to 13.10). Some consequential amendments of the Overview & Scrutiny Procedure Rules would also be required.

See also Proposal 14 following.

Amendments proposed:

In Part 2: add new Article

13.09 General principle of the decision-making process

- 1.1 The general principle of the Council's decision making process is that decisions will be taken at the lowest practicable level, having regard to operational requirements, the democratic process and the relevant provisions of law.
- 1.2 "Executive decisions" are those that are required to be taken by the Cabinet or in accordance with delegations agreed by the Cabinet to Area Committee, to individual members of the Cabinet or to specific officers.
- 1.3 Decisions that are not executive decisions shall be taken by the Council, or by a Committee to which Council has delegated power to act on its behalf, or by specific officers to whom powers have been delegated. In reaching such decisions, officers to whom powers have been delegated may consult the Chairman of the relevant Committee where to do so is expedient, and shall do so where an earlier decision so requires.
- 1.4 An individual or body to whom power to make a decision has been delegated may decline to make that decision and refer it for decision by the relevant Committee, by Cabinet or by Council instead.

2 Executive decision-making processes

- 2.1 Executive decisions that are key decisions (see Article 13, paras 13.03(6)) may be taken only if due notice has been given of them in the Forward Plan, unless the procedure for taking decisions without due notice has been followed.
- 2.2 Key decisions may be taken by Cabinet, by individual members of Cabinet

Governance Committee, 21 March 2006

or Chairmen of area committees or by officers acting in accordance with powers delegated generally or for specific purposes.

- 2.3 Executive decisions that are not key decisions may be taken by officers as well as by Cabinet, individual Cabinet members or area committee chairmen, in accordance with powers delegated generally or for specific purposes.
- 2.4 A list of all executive decisions (whether or not key decisions) taken by member and of key decisions taken by officers in the preceding week will normally be published in the weekly Calendar Brief issued on Fridays, but where circumstances so require a supplementary Calendar Brief may be issued at any time.

3 Call-in

- 3.1 A key decision may be called in by written requisition signed by two members of the Council who are not also members of the Cabinet, or by one such member and one co-opted member of an overview & scrutiny committee. Where two members sign, they must be from different Groups (which in this context includes, as if they were a Group, any independent member(s)).
- 3.2 A requisition must state the grounds upon which it is based.
- 3.3 A requisition must be received by the Chief Executive not later than three working days following the publication in Calendar Brief of the requisitioned decision. The deadline for requisitions shall be stated in Calendar Brief.
- 3.4 The two signatories may designate the requisition as a "holding requisition", the effect of which shall be to extend the period of deadline from three working days to eight working days, to enable the two signatories to meet the relevant Cabinet member, to discuss with him their concerns and to seek a mutually satisfactory resolution. Time shall be of the essence in such cases.
- 3.5 No key decision shall be acted upon until either the deadline for submission of a requisition has passed without one being submitted, or any requisition submitted has been disposed of.
- 3.6 A holding requisition shall expire at the deadline unless, following discussion with the relevant Cabinet member, both signatories confirm that it is to be referred to the overview & scrutiny committee. It shall then be dealt with in accordance with the following paragraphs.
- 3.7 A requisition submitted in accordance with this section shall be referred to the relevant overview & scrutiny committee(s) for consideration. Such

Governance Committee, 21 March 2006

referral shall be made as soon as reasonably practicable so that, if the requisition is upheld, the matter may be referred to the Cabinet no later than its second meeting following the making of the original decision, or to the Council at its next ordinary meeting.

- 3.8 An overview & scrutiny committee may:
- Refuse to uphold the requisition;
 - If the decision has been made by an individual Cabinet member, uphold the requisition and refer the matter to the Cabinet, with or without recommendations as to action to be taken;
 - If the decision has been made by Cabinet, uphold the requisition and refer the matter back to Cabinet for further consideration, with or without recommendations as to action to be taken; or
 - If the decision has been made by Cabinet and has implications for the Council's policy framework or financial framework, uphold the requisition and report upon the matter to the Council, with or without recommendations as to action to be taken
- 3.9 For the avoidance of doubt, an overview & scrutiny committee considering a requisition may
- adjourn its meeting if further information is needed to enable proper consideration of it (but not so as to prevent its referral to the Cabinet no later than the second meeting following the making of the original decision or to the next ordinary meeting of the Council)
 - uphold a requisition in part
- 3.10 A requisition is "disposed of" when
- it is withdrawn
 - an overview & scrutiny committee has refused to uphold it;
 - Cabinet has considered the overview & scrutiny committee's reference and determined what, if any, action to take;
 - the Council has considered the overview & scrutiny committee's report and determined what, if any, action to take; or
 - in the case of a holding requisition, eight working days have passed from the publication of the decision and the requisition has not been confirmed.
- 3.11 Either of the two signatories of a requisition, or the Leader of a Group to which one of them belongs on the signatory's behalf, may withdraw the requisition at any time prior to the overview & scrutiny committee reaching a decision on it.
- 3.12 Once a matter has been called-in, it shall not be liable to further call-in once the requisition has been disposed of, unless Cabinet reaches a substantially different decision upon that matter.
- 4 Action where a key decision has not been shown on the Forward Plan**

Governance Committee, 21 March 2006

- 4.1 A key decision that has not been shown on the Forward Plan shall be made only in exceptional circumstances.
- 4.2 Such a key decision shall be made only if the Chairman of the relevant overview & scrutiny committee signifies in writing that he is satisfied on the report of the member or officer responsible for making the decision that
- it was reasonable in all the circumstances for notice of need for the decision not to appear in the Forward Plan
 - there is urgency for the decision to be made that justifies its being dealt with immediately rather than awaiting processing in the normal way
 - there are no grounds for supposing that the decision would be likely to be called in if processed in the normal way
- 4.3 Where the Chairman so signifies, the decision may be made forthwith and implemented without delay, and shall not be liable to be called in under the procedure provided for in section 3.

In Overview and Scrutiny Committee Procedure Rules

Delete existing paragraph 16 and insert:

16 Call-in (“requisition”) procedure

- (a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by staff or area committees, will be notified weekly to all members, and non-Executive members shall be entitled to requisition that decision. Notification will be by the weekly Calendar Brief (or supplementary Calendar Brief) to all members, indicating the latest date for submission of a requisition.
- (b) If the Chief Executive is notified of a requisition of a decision shown on that notification within three working days of the deemed receipt of a decision, then (subject to (g) following) that decision shall not be acted upon but shall be submitted to the next overview and scrutiny committee meeting, or one convened for the purpose, for determination.
- (c) At that meeting, the overview and scrutiny committee may resolve to initiate either of the specific call-in procedures set out in rule 5 of the Policy Framework Procedure Rules or in rule 8 of the Budget Framework Procedure Rules.
- (d) Any requisition submitted under (b) above must be in writing and must be signed by:
- (i) at least two non-Executive members representing more than one group, or
 - (ii) at least one co-opted member and one non-Executive member.
- Additionally, the requisition must give the grounds for the requisition.
- (e) Following the consideration of the matter by members if the requisition submitted under (b) above is upheld, the matter shall be referred to either
- (i) The Council where the committee considers the matter is contrary or not wholly in accordance with the policy or budgetary framework, or otherwise

Governance Committee, 21 March 2006

- (ii) The Cabinet
- (f) A requisition under (b) above shall be determined at the committee meeting by simple majority.
- (g) The members may indicate at the time of submitting any requisition that it is “holding” requisition, to permit informal discussion with the Cabinet member as to the merits of the decision. Time shall be of the essence when dealing with “holding” requisitions. A “holding requisition” shall be treated as withdrawn if, eight working days having passed from the publication of the decision, both members have not confirmed by notice in writing to the Chief Executive that the requisition should be subject to the full requisition procedure provided for in the preceding paragraphs.
- (h) Any requisition may be withdrawn at any time prior to it being disposed of.
- (i) For the avoidance of doubt, “notice given in writing” for the purpose of this Rule includes notice given by fax or by email from an address or number recognised as associated with the member sending it, and shall be regarded as validly signed by both members if either an identical fax or email is received from both of them or one clearly associates him or herself with a submission by the other,

PROPOSAL 12**Schedule of Council meetings**

Relevant Part(s) of the Constitution:	Part 4: Council Procedure Rules
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Details of proposal:

Council customarily agrees the schedule of its meetings for the coming municipal year (and provisionally until the end of the following calendar year) at the final meeting of each municipal year (usually held late March or early April). When the Council Procedure Rules were revised in 2005, however, by inadvertence they provided that the scheduling should be done at the Annual Meeting.

Since the administrative processes relating to the scheduling of all meetings are geared to when the Council meets and to its schedule being fixed in March/April, deletion of the requirement that this be done at the Annual Meeting is proposed.

Amendments proposed:

In the preamble to CPR 2, delete “at the Council’s annual meeting” and insert “by the Council”.

PROPOSAL 13**Agreeing Community Safety Partnership strategies**

Relevant Part(s) of the Constitution:	Part 3: Executive functions
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Details of proposal:

It is proposed that Cabinet Member decision-making be extended to enable the relevant Cabinet Member to accede to strategies agreed by the Havering Community Safety Partnership (of which s/he is a member, representing the Council).

Amendments proposed:

In Part 3:2, paragraph 2.2, add new entry:

- 33 The Cabinet Member for Crime and Safety to approve all Community Safety Partnership Strategies arising under the Crime and Disorder Act or other related legislation.

PROPOSAL 14**Treasury Management**

Relevant Part(s) of the Constitution:	Part 3: 1 – Functions delegated to general council committees Part 3: 2 – Executive functions
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Details of proposal:

The treasury management powers can be exercised by either the executive or non-executive members and in the light of the fact that the function is linked to the Capital Programme proposals it seems in the light of experience more sensible for the powers to be held by Cabinet.

The Investment Committee has agreed with this proposal.

Amendments proposed:

In the table to section 1.2 , delete from the entry for Investment Committee:

Treasury management strategy

To consider the Council's treasury management strategy, making recommendations to full Council on its content and to subsequently monitor its effectiveness taking account of appropriate expert advice

In section 2.1, insert new paragraph 30 and renumber all subsequent paragraphs as

Governance Committee, 21 March 2006

appropriate:

Treasury management strategy

To consider the Council's treasury management strategy, making recommendations to full Council on its content and subsequently to monitor its effectiveness taking account of appropriate expert advice

PROPOSAL 15**Areas of responsibility of Overview and Scrutiny Committees**

Relevant Part(s) of the Constitution:	Part 2: Articles of the Constitution
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Details of proposal:

There have been few changes to the areas of responsibility of the Overview and Scrutiny Committees listed in Article 6 since the adoption of the new constitution in 2002. The areas of responsibility are fairly wide but, from time to time it may not be clear which particular Committee is responsible for the scrutiny of a particular area of activity.

Accordingly, based on experience so far, it is suggested that, for the avoidance of doubt, Diversity is listed under Corporate Overview and Scrutiny Committee; Adult Education be listed under Culture and Regeneration Overview and Scrutiny Committee; and Environmental Strategy and Planning & Building Control are both listed under Environment.

Amendments proposed:

In Article 6: Overview and Scrutiny Committees, para 6.01. Areas of Responsibility add, in column 3 headed 'Area of Responsibility'

Diversity alongside Corporate

Adult Education alongside Culture and Regeneration

Environmental Strategy alongside Environment

Planning & Building Control alongside Environment

PROPOSAL 16**Appointment of Area Committee Chairman and Vice-Chairman**

Relevant Part(s) of the Constitution:	Part 4: Committee Procedure Rules
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Details of proposal:

The Chairmen and Vice-Chairmen of the area committees are elected by those

Governance Committee, 21 March 2006

committees, and they hold office until the first meeting of the area committee after the next annual meeting of the Council, when the Chairman and Vice-Chairman for the next municipal year are elected.

To date this has happened without constitutional difficulty. The situation could arise, however, where a committee fails to appoint to one or either of these positions. In those circumstances, the meeting would choose a member to preside for that meeting alone: strictly, however, as the Constitution allows this to happen at the "first" meeting, it could be argued that it cannot appoint the Chairman and Vice-Chairman at a "second" meeting.

The position of Chairman attracts a Special Responsibility Allowance (SRA) and the mechanisms for the post's appointment ought to be absolutely clear. As from the next Annual Meeting the area committees will only be meeting four times a year. If the first meeting of the municipal year fails to elect a Chairman and Vice Chairman, then, if the committee were to retain the ability to elect the positions, three months would elapse before the election could take place and local decision-making start operating properly. Moreover, each area committee will comprise just six members: this being an even number, there is a greater risk of an area committee failing to elect a Chairman and Vice Chairman.

The Committee considers therefore that, in cases where a Chairman is not elected at the first meeting, the matter falls to Council either to appoint a Chairman (from within the area committee's membership) or positively to empower the area committee to make such an appointment at that committee's next meeting.

The position of Vice-Chairman does not attract an SRA. If an area committee cannot agree on the appointment of a Vice-Chairman, it is suggested that they be left to operate without one.

Amendments proposed:

Deletions and Additions as shown

- (b)(i) The Chairman ~~and Vice-Chairman~~ of the area committees shall be elected by those committees and shall hold office until the first meeting of the area committee after the next annual meeting of the Council. If at its first meeting an Area Committee does not make an appointment, Council shall be so notified at its next meeting and shall either
- (1) Make the appointment from among the Area Committee's membership,
or
(2) Empower the Area Committee to make the appointment at a second or subsequent meeting.
- (ii) The ~~Chairman and Vice-Chairman~~ of the area committees shall be elected by those committees and shall hold office until the first meeting of the area committee after the next annual meeting of the Council.

PROPOSAL 17**Schedule of meetings**

Relevant Part(s) of the Constitution:	Part 3: Responsibility for Functions Part 4: Committee Procedure Rules Executive Procedure Rules
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Details of proposal:

Every year, a schedule of meetings for the coming municipal year is published. Based on the programme of meetings for full Council, the schedule sets out the dates for meetings of Cabinet and most Committees and attempts to match meeting commitments with members' availability, although there are inevitably factors that cannot be taken into account in advance that lead occasionally to clashes of commitments for some individuals.

The schedule has been compiled on the basis of "customary practice" but it would be useful now to specify the rules within which the schedule is compiled in order to ensure that there is no doubt about the basis on which it is drawn up.

The following is a broad outline of the existing position:

Council meets seven times a year, at roughly eight week intervals (the exception being the Council Tax meeting, which has to be held in late February/early March to comply with legal requirements). The cycle starts with the Annual Council in May, and ends in late March/early April. There is a longer interval over the summer period, which means effectively that August is ignored in setting up the cycle; and the December meeting is held slightly less than eight weeks after the October meeting to avoid clashing with the Christmas/New Year period. By tradition, Council meets on Wednesdays.

Cabinet meets monthly, generally on the third Wednesday, except when that would clash with a Council meeting (Council takes precedence), normally in August (when there is no programmed meeting) and in February when the meeting's timing depends on the meeting of Council at which the Council Tax is set.

Area Committees meet quarterly, in July, October, January and April.

The Regulatory Services Committee meets every three weeks (except around the Christmas/New Year period when there is inevitably a different pattern of meetings).

The Audit, Governance, Investment and Standards Committees and the Overview & Scrutiny Committees all generally meet once during each period between

Governance Committee, 21 March 2006

Council meetings.

Council determines the programme of its meetings each March. The Manager of Committee and Overview & Scrutiny Support within Democratic Services then draws up the schedule of other meetings, in consultation with Cabinet Members, Group Leaders and the Chairmen of the various Committees, and officers.

It is proposed that the Executive Procedure Rules (EPR), be amended to provide explicitly for Cabinet to meet monthly, on the third Wednesday of the month, except

- when Council is due to meet that day (Cabinet shall then meet a week later)
- in December, when it shall meet in the second week of the month
- in February, when it shall meet two weeks before the meeting of Council at which the Council Tax will be set
- in August, when it shall not normally meet

It is also proposed that the Committee Procedure Rules (CPR) be amended to authorise the Manager of Committee and Overview & Scrutiny Support, in consultation with Cabinet Members, Group Leaders and the Chairmen of the various Committees to determine the schedule of Committee meetings within the parameters mentioned above.

Amendments proposed:

In Part 3:3 – paragraph 3.9.2 (Functions the responsibility of the Assistant Chief Executive, Legal & Democratic Services):

Add new subparagraph

- 29 In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:
- Area Committees shall meet quarterly, in July, October, January and April
 - The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)
 - The Audit, Governance, Investment and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings
 - Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.

In Part 4:4 – CPR 1 Ordinary meetings of Committees:

Add new subparagraph

- (c) The Manager of Committee and Overview & Scrutiny Support shall publish a schedule of meetings for each municipal year. Subject to the provisions of this Rule and of Rule 4 following, all meetings shall be convened in accordance with the schedule.

In Part 4:6 – EPR 1(f) Cabinet meetings – when and where:

Governance Committee, 21 March 2006

Amend to read:

The Cabinet will meet at monthly, on the third Wednesday of the month, except

- when Council is due to meet that day (Cabinet shall then meet a week later)
- in December, when it shall meet in the second week of the month
- in February, when it shall meet two weeks before the meeting of Council at which the Council Tax will be set
- in August, when it shall not normally meet

The Leader may cancel a scheduled meeting where there is insufficient business, or require the Chief Executive to convene an additional meeting at any time.

The Cabinet shall meet at the Town Hall or another location to be agreed by the Leader.

PROPOSAL 18**Committee meeting procedure rules: suspension**

Relevant Part(s) of the Constitution:	Part 4: Committee Procedure Rules
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Details of proposal:

From time to time, it is useful to be able to suspend the operation of particular Committee Procedure Rules, especially that relating to the duration and closure of meetings.

The Council Procedure Rules contain a power to suspend and it is now proposed to rectify the omission by inserting a similar provision in the Committee Procedure Rules.

Amendments proposed:

Add new Rule:

11 Suspension of Rules

All of these Rules may be suspended for the duration of a meeting by motion without notice, except where a Rule is noted as not being capable of suspension.

PROPOSAL 19**Overview & Scrutiny: Topic Groups – number**

Relevant Part(s) of the Constitution:	Part 4: Overview & Scrutiny Committee Procedure Rules
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Governance Committee, 21 March 2006**Details of proposal:**

The volume of topic group activity is such that some services cannot do justice to the topic being examined. As a consequence some groups might not be as well informed as they should in formulating recommendations. Furthermore, some topic groups find their timetables slipping as they cannot make timely progress.

It is proposed therefore that each Overview & Scrutiny Committee be entitled normally to establish a maximum of three topic groups. With six committees this would mean no more than 18 topic groups running at any time.

If the above were to be adopted a topic group covering two or more Overview and Scrutiny Committees would count as one and the Chairmen would need to agree in respect of which committee the topic group would be counted. The number could be exceeded should Council or Cabinet refer a matter to the Overview and Scrutiny Committee and that Committee decides to pursue the matter.

Amendments proposed:

Insert in paragraph 3

(b) Overview and Scrutiny Committees may

(vii) Establish Topic Groups

(C) Each committee may establish topic groups, not normally exceeding three to operate at any one time.

Any cross cutting topic group involving two or more committees counts as one topic group (and the relevant Chairmen are to agree which committee's number it counts towards).

Any topic group established in consequence of a reference of a matter from Council or Cabinet does not count towards this maximum number.

PROPOSAL 20**Time limiting overview and scrutiny Topic Groups**

Relevant Part(s) of the Constitution:	Part 4: Overview & Scrutiny Committee Procedure Rules
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Details of proposal:

Members have expressed concern about the time some topic groups take to complete the tasks they set themselves and the open endedness of some of groups' activities.

It is therefore suggested that any topic group established by an Overview and Scrutiny Committee automatically finishes in twelve months time or some shorter

Governance Committee, 21 March 2006

period decided by the Overview and Scrutiny Committee. Any extension on that period would have to have the agreement of the relevant Overview and Scrutiny Committee. Once the period expires, members of the topic group would have no authority to act without the committee itself extending the time to a specified date.

Amendments proposed:

Insert in paragraph 3.

(b) Overview and Scrutiny Committees may

(vii) Establish Topic Groups

(A) Any topic group automatically ends twelve months from the date of its first meeting or some shorter period decided by the Committee which established it. Any extension on that period would have to have the agreement of that Committee. Once the period expires, Members of the topic group would have no authority to act without a renewal of that authority.

PROPOSAL 21**Overview and Scrutiny: Topic Groups – terms of reference**

Relevant Part(s) of the Constitution:	Part 4: Overview & Scrutiny Committee Procedure Rules
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Details of proposal:

It is suggested that topic groups report back immediately to the Overview and Scrutiny Committee after their first meeting with the wording of the group's terms of reference. This ought to assist in avoiding a gradual drift during the life of a topic group away from the purpose established by the Committee when the topic group was set up. The Overview and Scrutiny Committee could then be sure that the topic group was indeed focussing entirely on the issue for which it was established.

Amendments proposed:

Insert in paragraph 3

(b) Overview and Scrutiny Committees may

(vii) Establish Topic Groups

(B) The topic group must report back to the Overview and Scrutiny Committee which established it immediately after their first meeting with the group's detailed terms of reference for confirmation. The Committee is entitled to alter the terms of reference if it sees fit.

Governance Committee, 21 March 2006

**MINUTES OF A MEETING OF THE
GOVERNANCE (APPEALS) SUB COMMITTEE
Upminster Court, Hall Lane, Upminster
16 March 2006 (2.15pm – 3.10pm)**

Present:

COUNCILLORS:

Conservative Group Eric Munday (in the Chair) and Roger Ramsey

Residents' Group +June Alexander

Labour Group + Jan Davis

No Member declared an interest in any of the business before the meeting.

+ Councillor June Alexander substituted for Councillor Ivor Cameron and Councillor Jan Davis substituted for Councillor Wilf Mills

The Head of Exchequer Services, the Head of HR Policy and Advisory Services, the Principal Solicitor (Corporate) and a Committee Officer were also present

18. MINUTES

The minutes of the meeting of the Sub-Committee on 2 March 2006 were agreed as a correct record and signed by the Chairman.

19. PROCEDURE FOR HEARING APPEALS

The Sub-Committee noted the procedure included with the agenda.

20. EXCLUSION OF THE PUBLIC

On the proposal of the Chairman it was **RESOLVED** that the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972.

21. APPEAL AGAINST DECISION OF PENSIONS PANEL - OFFICER E

The Sub-committee heard Officer E's case against a decision of the Pension Panel in respect of added years.

The Sub-Committee, considered the following

1. Contents of the Statement to the Pensions Panel, submitted by the Appellant, dated 10 November 2005 and additional information, presented orally to the Sub-Committee by the Appellant;
2. Contents of the Exempt report of the Chief Executive, appearing as Item E2 in the documents before the Sub-Committee; and
3. Factors which the Pensions Panel took into account in arriving at its decision, against which the appeal had been lodged.

The Sub-Committee determined their decision on the basis of the following factors:

1. the Appellant's age, experience and ability
2. the number of years of continuous local government employment which the Appellant had
3. the nature of the Appellant's redundancy
4. the value of the Appellant's pension and pension lump sum

On 1. The Sub-Committee took the view that, at aged 51, and with the Appellant's level of ability, the Appellant could go on to generate further earnings, whether by obtaining an interim or a permanent position.

On 2. The Appellant had 30 years continuous local government service, nearly three of those years with Havering Council. The Sub-Committee took the view that this factor did not, by itself, point in favour of a decision to award 'added years'.

On 3 and 4. It was accepted that the Appellant had been made compulsorily redundant and took the Appellant's point that she would need to continue to work to achieve her previously-expected level of pension. The Sub-Committee, however, took note of the fact that in every form of employment there is a risk of redundancy. The Sub-Committee took the view that the Appellant had received full and proper compensation for the redundancy and noted the value of the Appellant's

pension and lump sum.

Having taken account of the information outlined and the factors set out above, the Sub-Committee **RESOLVED** unanimously, in exercise of its discretion, not to award 'added' years and, consequently, not to depart from the decision which had been arrived at by the Pension Panel.

The Head of Exchequer Services, the Head of HR Policy and Advisory Services, the Principal Solicitor (Corporate), withdrew at this point.

22. APPOINTMENT OF INDEPENDENT HR SPECIALIST

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

The Chairman agreed to accept as urgent business, a report, tabled by the Assistant Chief Executive (ACE) HR requesting the Appeals Sub-committee to grant authority for him to appoint an independent HR specialist to undertake an investigation, on behalf of the Council, in connection with Employment Tribunal proceedings issued against the Council.

Having considered the report and the oral submission of the ACE HR, the Sub-Committee unanimously **RESOLVED** to authorise the ACE HR to appoint an independent HR specialist to conduct the investigation.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	26 APRIL 2006	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF INDEPENDENT MEMBERS TO STANDARDS COMMITTEE – final stage

SUMMARY

The Local Government Act 2000 requires the Council to appoint a Standards Committee, at least 25% of whom must be Independent Members. Following completion of the recruitment process agreed by the Committee at its February meeting, consideration is now invited as to the recommendations to be made to Council about the appointment of Independent Members at the Annual Meeting on 24 May.

RECOMMENDATIONS

- 1 For consideration as to the individuals to be **RECOMMENDED** to Council for appointment as Independent Members of the Standards Committee as from the Annual Meeting of the Council, 24 May 2006.
- 2 For consideration as to the length of the term of office for each Independent Member to be recommended.
- 3 For consideration as to the number of Independent Members to be appointed; and if it is decided that more than two be

appointed, to **RECOMMEND** accordingly to the Council, and that the Monitoring Officer be authorised to make all consequential changes to the Constitution.

- 4 For consideration as to who should be nominated respectively as Chairman and Vice-Chairman of the Standards Committee.

REPORT DETAIL

1 Introduction

- 1.1 The Local Government Act 2000 (“the Act”) requires that each Council appoint a Standards Committee responsible for the maintenance of high standards of conduct among Members. The Act makes no prescription as to the size and general composition of the Committee (beyond specifying that no more than one Member of the Cabinet can be appointed to it and that he/she may not chair it), but requires that at least 25% of its membership should be Independent Members. The political balance rules do not apply to the Standards Committee (although, for convenience, a politically balanced membership has in fact been appointed, disregarding the two Independent Members).
- 1.2 There is no particular qualification for “Independent Member” at present, apart from the obvious need for them to be genuinely independent, but they need to be sought by public advertisement and to have completed an application form prior to being considered for appointment.
- 1.3 As currently constituted, the Council’s Standards Committee has a membership of eight, of whom two (25%) are Independent Members. The Council has provided that the two Independent Members should be respectively Chairman and Vice-Chairman of the Committee.
- 1.4 Members are reminded that both the Monitoring Officer and the Standards Board for England consider that the current membership of eight is too large for undertaking hearings. This point must be addressed either by reducing the size of the Committee or by the formation, by the Standards Committee, of a Hearings Sub-Committee.

2 Procedure for appointment

- 2.1 Following the agreement by the Committee at its meeting in February of a recruitment process, 38 applicants were interested in being appointed. Of them, 19 subsequently withdraw or failed to attend for assessment and thus 19 applicants remain to be considered, including the two current appointees.

Governance Committee, 26 April 2006

- 2.2 The 17 new applicants have been initially assessed by the Assistant Chief Executive, Legal & Democratic Services with the Manager of Committee and Overview & Scrutiny Support. The assessment involved a face-to-face discussion with each applicant, a written case study exercise and a questionnaire. The names of the applicants, their total assessment scores and some other relevant personal information are set out in the appendix to this report (which contains exempt information and is not available to the press or public).
- 2.3 The two current appointees were not subjected to that process. They are both eligible for re-appointment and go straight to interview.
- 2.4 As agreed by the Committee, arrangements have been made for an ad hoc Sub-Committee comprising Councillors Steven Kelly (on behalf of the Leader of the Council), Ray Harris and Barbara Reith to select a number of applicants for interview, to interview them and to recommend to the Committee who should be nominated to Council for appointment. This process will not be completed until shortly before this meeting and the Sub-Committee's recommendations will therefore be notified at the meeting.
- 2.5 The Committee will need to identify who, of those interviewed, should be nominated to the Council for appointment.

3 Term of office

- 3.1 The legislation does not prescribe a term of office for Independent Members – the only constraint is that they should serve for no more than two “terms” (a period that is not specifically defined). The two current Independent Members have served for a single term of four years from May 2002.
- 3.2 It is thus open to the Council to decide upon a “term” of less than four years’ duration, were that thought desirable.
- 3.3 It would even be possible for different Independent Members to serve for different periods, overlapping or consecutive: this would have the benefit of bringing in a mixture of experienced and fresh Independent Members. The Council would, however, need to advertise and recruit more frequently, a process that takes several months.
- 3.4 The Committee needs therefore to consider whether to recommend to Council that those now nominated serve for four years – until the Annual Meeting following the election due in 2010 – or for lesser periods: for example, for two years, with another recruitment process for replacements in 2008.
- 3.5 Consideration is also needed as to whether differential terms are to be recommended – for example, some for two years, others for three or four.

- 3.6 The Committee, in considering these issues, will need to bear in mind both the number of candidates available and the number to be appointed – see next section.

4 **Number of Independent Members to be appointed**

- 4.1 At the meeting on 29 March, Council rejected by 31 votes to 19 a motion that a majority of members of the Standards Committee be Independent Members. That does not, however, preclude the Committee from recommending that more than two be appointed.
- 4.2 The law requires that at least 25% of the membership of the Standards Committee be Independent Members. The current membership achieves that. There is, however, no leeway – should one of the Independent Members cease to be a member, the Council could no longer meet the statutory minimum of 25% Independent Members, leaving the Standards Committee inquorate and exposing the Council to a number of potential difficulties in discharging its statutory duties in respect of ethical issues.
- 4.3 The Standards Committee has a maximum of three months to determine cases once a report has been received. If one Independent Member left, currently the Council would have to reduce the Committee to four Councillor Members to comply with the legislation, calling an Extraordinary Council meeting, if necessary, for this purpose.
- 4.4 The Committee needs to consider whether it would be appropriate, therefore, to recommend the appointment of one or more additional Independent Members. In practice, one additional Independent Member would suffice to ensure that the Council does not inadvertently fail to meet its statutory obligations.
- 4.5 The question of whether to establish a Hearings Sub-Committee, and if so, how, is a matter for the Standards Committee. It is clear, however, that it is not possible to appoint to such a Sub-Committee Independent Members who are not also appointed as such to the main Standards Committee.
- 4.5 Consideration has been given as to whether it is permissible or practicable to establish a list of “reserve” Independent Members from among those who are current applicants but the conclusion is that it is not possible to do so.
- 4.6 Accordingly, if the Committee decides not to appoint more than two Independent Members, should a vacancy occur, it would be necessary both to advertise for a replacement member(s) and to suspend Standards Committee activity pending urgent action. That would expose the Council to a breach of Regulations and the Monitoring Officer would almost certainly have to take immediate action, which might involve a

Monitoring Officer's Report and/or calling an Extraordinary Council meeting.

- 4.7 If the Committee is minded to recommend an increase in the number of Independent Members, the Monitoring Officer will need to be authorised by the Council to make all necessary consequential changes to the Constitution.

There are no **Human Resources, Equalities or Environmental Implications or risks** other than as contained in the report.

The only **Financial implications** are that Independent Members receive a flat-rate allowance of £100 per meeting attended. If only two Independent Members are appointed there will be no additional costs; but if more than two are appointed, some additional costs will be incurred, though they should be marginal overall. All such costs will be contained within existing budgets. There are no obvious **financial risks**.

Should the Committee decide to appoint only the bare minimum of two Independent Members, there is a **legal implication** that, if one or other of those appointed ceased to be able to carry out the role, the Council would be unable to pursue with due propriety complaints of misconduct etc by Members, without taking such action as reducing the number of Councillor Members on the Committee. This would expose the Council to a number of **legal risks** such as referral to the Local Ombudsman or Standards Board for England, or Judicial Review for failure to carry out a mandatory responsibility. It might also indirectly have an adverse impact on the Council's CPA and other inspectorial/regulatory regimes.

Stephen Evans
Chief Executive

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

Background Papers

There are none



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	26 APRIL 2006	7A

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

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COUNCIL PROCEDURE RULES: ANNUAL MEETING OF COUNCIL IN THE YEAR OF LOCAL ELECTIONS – submission of motions, reports and amendments

The Council Procedure Rules (CPRs) set out the process for the submission of motions, reports and amendments for consideration at Council meetings. Normally, there is no difficulty about complying with the timetable but it has become apparent that, for the Annual Meeting following the forthcoming local elections, the deadline for submissions is likely to pass before Groups have had opportunity to address issues such as their nominations for appointments.

Accordingly, a revised timetable specifically for Annual Meetings in the year of local elections is now proposed.

If the Committee agrees the proposals, it is intended to seek the Mayor's consent to implement them at the coming Annual Meeting, notwithstanding that they will not have been formally incorporated in to the CPRs.

RECOMMENDATION

That the Committee **RECOMMEND** to Council that the proposed amendments set out in the Appendix, be approved.

There are no legal, financial or HR implications or risks to these proposals.

**Stephen Evans
Chief Executive**

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

Background Papers

There are none

In the Council Procedure Rules (Part 4 of the Constitution), add the following additional rules:

11 MOTIONS ON NOTICE

11.5 Motions at Annual Meeting in the year of ordinary elections

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

13 RULES OF DEBATE

13.17 Amendments at Annual Meeting in the year of ordinary elections

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

