

# AUDIT COMMITTEE (SPECIAL MEETING) AGENDA

7.30pm

Tuesday,  
27 September 2005

Havering Town Hall  
Main Road, Romford

Members 6: Quorum 3

## COUNCILLORS:

### Conservative Group (3)

Graham Price (Chairman)  
Eddie Cahill (Vice Chairman)  
Daryl Williams

### Residents' Group (2)

Gillian Ford  
Malvin Brown

### Labour Group (1)

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. USE OF COUNCIL PROVIDED MOBILE TELEPHONE BY COUNCILLOR ALBY TEBBUTT – *Report attached*****5. 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



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MEETING	DATE	ITEM
AUDIT COMMITTEE	27 <sup>th</sup> September 2005	<b>4</b>

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### **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: USE OF COUNCIL PROVIDED MOBILE TELEPHONE BY  
COUNCILLOR ALBY TEBBUTT**

#### **SUMMARY**

This report contains relevant information regarding the use of a Council provided mobile telephone to Councillor Alby Tebbutt.

The report is in response both to a request for information from the Chairman of this committee and further to the Council Motion on 13<sup>th</sup> July 2005.

#### **RECOMMENDATION**

For consideration

#### **REPORT DETAIL**

1. On 13<sup>th</sup> July 2005 Council approved the following motion:

Given the reports in the press regarding the extortionate mobile phone bills incurred by Councillor Tebbutt whilst on holiday in Hawaii and given

the failure of the member to identify the nature of Council business which led to these bills, this Council agrees to refer the matter to the Standards Committee and/or Audit Committee for investigation.

2. The Standards Committee and/or Audit Committee as appropriate are asked to investigate, inter alia, the following issues:

**Question 1** On what and whose authority Councillor Tebbutt had a Council mobile telephone at that time, given that he had ceased to be a member of the Cabinet;

**Question 2** The nature of the Council business (as Chair of Regulatory Services) that required the degree of contact he deemed necessary and which incurred such high costs;

**Question 3** Why the Council business concerned could not be managed by professional officers and the Vice Chair of the Committee;

**Question 4** On what basis the decision was made to require only 50% of the bill to be re-imbursed and the basis on which personal and business caller use was determined.

3. The Standards Committee and/or Audit Committee as appropriate are asked to report urgently and by no later than the Autumn.
4. The Assistant Chief Executive Legal & Democratic Services is of the view that the matter should be referred to this Committee rather than Standards Committee, partly because it appears to fall more logically within this Committee's terms of reference but also because it leaves the Standards Committee free to determine the matter should there be a subsequent referral or complaint.

The report deals with the questions contained within the Council motion together with supporting and background information.

5. **Question 1** On what and whose authority Councillor Tebbutt had a Council mobile telephone at that time, given that he had ceased to be a member of the Cabinet;

- 5.1. Councillor Tebbutt, at the time of these events, was Chairman of the Regulatory Services Committee and held a UK Council mobile telephone which was issued to him on 10<sup>th</sup> April 2003 with the form being authorised by the relevant Head of Service at the time i.e. the former Head of Communications, Democratic Services and Community Area Management. At that time Councillor Tebbutt was both a Cabinet Member and Chairman of the Regulatory Services Committee. He ceased to be a Cabinet Member on 31<sup>st</sup> March 2004. (Note there was an earlier period where he was not a Cabinet Member from 21<sup>st</sup> May to 22<sup>nd</sup> August 2003 and he retained a mobile telephone during this period).

- 5.2 The responsibility for issuing mobile telephones was assumed by Democratic Services in January 2004. The Democratic Services Manager was not aware of any policy on Mobile Telephones. The US mobile was issued to Councillor Tebbutt on the authority of the Head of Democratic Services upon Councillor Tebbutt requesting a mobile telephone for use on his US trip for Regulatory Services matters. Councillor Tebbutt had the US capable mobile telephone from 23<sup>rd</sup> April to 19<sup>th</sup> May 2004.
- 5.3 In the absence of a policy the Democratic Services Manager took steps to establish one. The first draft of a report for the Governance Committee was circulated to officers for comment on 23<sup>rd</sup> January 2004. The draft was sent to the Leader of the Council for comment etc., following agreement among the officers – the organisational arrangement at the time was that the Governance Committee Chairman (the then Leader of the Council) should see all reports before submission to committee.
- 5.4 At the time a handful of Cabinet members and the two Opposition Group Leaders had mobile telephones. Thus the initial draft policy listed Cabinet Members and Group Leaders who would be entitled to telephones plus the Mayor which seemed a sensible addition. The then Leader of the Council indicated that the Chairman of Regulatory Services and the Chairman of Licensing Committee ought to also be on the list. These positions were added to the report on 31<sup>st</sup> March 2004.
- 5.5 The Chairman did not wish to take the report as urgent business at the Committee meeting that evening, but it was anticipated that this would go quite quickly to Governance Committee. Furthermore as the Leader was the Governance Committee Chairman (thus, among other things, having a casting vote – the committee split by group was 3:2:1) there was every expectation this policy would be adopted. The telephone issued on 23<sup>rd</sup> April 2004 was issued on this basis.
- 5.6 In the event the report did not go before Governance Committee until 26<sup>th</sup> May 2004. By then the Committee had increased from six to nine members (4:3:2) and the Administration could be out-voted. The committee approved an eligibility policy which excluded the two Chairmen added to the list at the earlier stage. The Agenda item and minute is attached as Appendix 2.
- 5.7 It should be noted that the report to Governance Committee stated that:
- “So far as can be established members have never properly concluded an eligibility policy on mobile phones and this report seeks to place on record eligibility criteria and policies associated with their issue”.
- 5.8 It subsequently transpired from conversations with a Councillor that there had been an earlier policy. A decision of the Vice-Chair of the then Strategic Policy Committee in response to consultation by the then Chief Executive in October 1998 or thereabouts set out that mobile telephones could be issued to Strategic Partnership Cabinet members and to Group

Leaders. Extensive inquiries have not been able to turn up a copy of this document, but there is no reason to dispute that it once existed.

- 5.9 Councillor Tebbutt had a council mobile telephone prior to and during the above events. On 31<sup>st</sup> March 2004 he was removed from the Cabinet by Council motion. In the absence of a set down policy, but in the expectation that a policy as set out in the, as yet, unpublished report of the Chief Executive to Governance would be in place imminently, no action was taken to reclaim the mobile telephone from Cllr Tebbutt, the Chairman of the Regulatory Services Committee. In the event the UK mobile telephone was returned on 17<sup>th</sup> September 2004.

### **Circumstances leading up to the telephone being acquired**

- 5.10 Councillor Tebbutt requested a telephone for his US trip shortly before going (a different telephone is needed for use in the US). The cost of the provision of the US mobile telephone was £42 for 26 days with additional charges for insurance £26, delivery £48 and collection £6.49 providing a total cost of £122.49 excluding VAT.
- 5.11 The Democratic Services Manager made it clear orally to the member that this would be for Regulatory Services business and the member acknowledged that this would be the case. The then Head of Regulatory Services was informed that every effort should be made to keep calls to the telephone to the absolute minimum.
- 5.12 Delivery of the telephone was quite late in the day by which time there were no officers present when Councillor Tebbutt took possession of the telephone. The phone was delivered to the Town Hall on the 23<sup>rd</sup> April 2004. The phone tariff did not include any free minutes and was not time of day sensitive. Different rates were charged for incoming calls, calls to the US and calls to the UK. However, it appears the charge was 12p per unit.
- 5.13 The Democratic Services Manager did not advise Councillor Tebbutt regarding cost. The budget for members' telephones is held by the Democratic Services Manager. The total budget for that year was £1,200.
- 5.14 The telephone for US use was returned by Councillor Tebbutt after his holiday on the 19<sup>th</sup> May 2004.

### **Events upon return**

- 5.15 Three invoices containing calls totalling £5,602.80 and a spreadsheet of all calls totalling £5,430.48. (It subsequently has transpired that the company made an error in the spreadsheet omitting the value of £172.32 of incoming calls) reached Democratic Services, via ICT in early June 2004. A variation on the standard letter was sent to the member in the following terms;

- 5.16 “Attached is the invoice for calls made from the Council’s mobile telephone that you had for use as Chairman of Regulatory Services Committee while you were on holiday. As with the ordinary mobile telephone invoices, I should be grateful if you would go through it and, should you find usage that was not for Regulatory Services Committee purposes, pay for those calls in the normal way. Ordinarily members would pay anything they needed to their Group Secretary, but on this occasion please would you come to me or, otherwise, feel free to pay anything that might need to be paid via the Cashiers (quoting code G103 536 000). You might wish to know that the annual budget for Members’ mobile phone usage is £1,200”. The Democratic Services Manager believes that the invoice attached was a spreadsheet of all the calls provided by the company – it was not the three invoices.
- 5.17 Although not recorded on file there were then several oral exchanges between Councillor Tebbutt, the Leader and the Democratic Services Manager before an email of 17<sup>th</sup> August 2004 to the Leader alerting him to the fact that no payments had been received and that the budget was overspent and would need attention?
- 5.18 On 10<sup>th</sup> September 2004 the Leader of the Council called the Democratic Services Manager to a meeting with Councillor Tebbutt in the Leader’s office. The Leader indicated in his presence that Councillor Tebbutt had to pay for his private calls. Councillor Tebbutt said they were all about Council business. The Democratic Services Manager intervened and pointed out that only calls concerned with Regulatory Services’ matters were covered – Councillor Tebbutt acknowledged this to be the case and said he would go through the bill.
- 5.19 On 20<sup>th</sup> September 2004 the Leader was informed no payments had been forthcoming. On 22<sup>nd</sup> September 2004 the Democratic Services Manager was asked to provide bill details to the Leader’s office. On 23<sup>rd</sup> September 2004 Councillor Tebbutt volunteered to the Democratic Services Manager that he was working on the bill. The Democratic Services Manager spoke to Cllr Tebbutt again on 22<sup>nd</sup> October 2004 at which point he was told that the member was in discussion with the Monitoring Officer about the matter. Thereafter the Democratic Services Manager took no further action.
- 5.20 The Monitoring Officer and the Section 151 Officer became more involved on 9<sup>th</sup> September 2004 as the telephone bill had not been paid.
6. **Question 2** The nature of the Council business (as Chair of Regulatory Services) that required the degree of contact he deemed necessary and which incurred such high costs;

## **Background**

- 6.1 Councillor Tebbutt’s telephone bill covered the period from 26<sup>th</sup> April 2004 to 20<sup>th</sup> May 2004. The main issue around the telephone bill is the alleged or possible cost of telephone calls made to or by Councillors on party



political or non Regulatory Services business as opposed to calls made in connection with Regulatory Services business. As can be seen from the Appendix attached these two together form the bulk of the bill.

- 6.2 During that period Regulatory Services Committee met on one occasion on 6<sup>th</sup> May 2004. The Members of Regulatory Services were: Councillors Geoff Brace (Chairman), Jean Gower, Barry Oddy, Barry Tebbutt, Reg Whitney, Alby Tebbutt, Linda Hawthorn, Mike Winter, Jan Davis & Jeff Stafford.

The Members attending the meeting on 6<sup>th</sup> May 2004 were: Councillors Geoff Brace, Jean Gower, Barry Oddy, Barry Tebbutt, Wendy Brice-Thompson, Frederick Thompson, Linda Hawthorn, Malvin Brown, Mike Winter, Jan Davis & Jeff Stafford.

- 6.3 Councillor Tebbutt has been asked to provide details as to the nature of the Regulatory Services business that required the degree of contact he deemed necessary and his response is provided below.

*Councillor Tebbutt's view is that he does not write letters or use the e-mail system and all Council business is dealt with on the telephone.*

*He states he is often contacted in high profile matters by developers, estate agents, architects etc., and by other councillors. Planning issues arise all the time in respect of Regulatory Services matters and when he became Chairman of the Committee there were few experienced members. Matters he dealt with related not just to the matters before the Regulatory Services Committee at that time but issues arising on planning all the time.*

*Councillor Tebbutt confirmed that he called his business (Copsey) every day in order to collect his Council calls which needed returning.*

*Calls made to Councillors White and Munday are regarding a mixture of matters and one call would have dealt with many issues. Councillor Tebbutt states that he never made notes at the time.*

*Councillor Tebbutt does not believe that he should have paid 50% of the bill because he feels it is impossible that more than half of the bill was unrelated to Regulatory Services business. He offered to pay 50% as an assessment and in order to resolve the matter. He has asked for the committee to be advised that if the matter is thoroughly investigated and this committee definitely establishes that he should have paid more then he is willing to do so but if it is found that he has paid too much then he expects to have the difference refunded.*

7. **Question 3** Why the Council business concerned could not be managed by professional officers and the Vice Chair of the Committee;

- 7.1 Councillor Tebbutt has been asked to provide his comments as to why the business concerned could not be managed by professional officers and the Vice Chair of the Committee and his view is as follows:

*Councillor Tebbutt is of the view that the Vice Chairman was at the time comparatively new to the role and was still gaining experience. It was difficult for the Vice Chairman to be involved in all the general planning discussions and in dealing with the public on planning matters etc., and these people were automatically ringing Councillor Tebbutt.*

*Officers and members tend to deal with different issues. Often other Councillors were referring calls from the public to Councillor Tebbutt.*

*The Vice Chairman was at the time being trained and assisted by Councillor Tebbutt to take the Chair but was still familiarising himself with the planning process, planning matters and getting to know the relevant staff.*

*Councillor Tebbutt believes that approximately 90% of the people contacting him on planning matters were ringing and leaving messages via his office (Copsey) from which he was collecting calls.*

*Councillor Tebbutt's opinion is that he needed the telephone as he didn't feel able to cut himself off. He seldom goes on holiday and hesitated about going as the telephone was not available until quite late. There were no telephones nearby where he was staying.*

8. **Question 4** On what basis the decision was made to require only 50% of the bill to be re-imbursed and the basis on which personal and business caller use was determined.

8.1 Following the matter being referred to the Monitoring Officer and Section 151 Officer a meeting took place between them and Councillor Tebbutt on 14<sup>th</sup> October 2004. It is worth mentioning several matters in connection with the telephone bill which is analysed in Appendix 1.

- (a) As can be seen around £900 (£730 plus £172 missed from schedule) of the bill relates to incoming calls which were recorded to his mobile number i.e. incoming calls show the receiving number and records do not show who made these calls to Councillor Tebbutt but his mobile would have incurred the cost. As mentioned it is not possible to ascertain these callers.
- (b) There are a number of calls to Councillor Brace who was Vice Chair of Regulatory Services Committee and who chaired the Committee in Councillor Tebbutt's absence, and other members of Regulatory Services. A substantial number of calls totalling some £1,382 are to the Leader of the Council. The Schedule attached gives details of relevant calls. Some numbers are unknown totalling around £723 and may be members of the public

- 8.2. The view of the Monitoring Officer and the Section 151 Officer was that to analyse and investigate the bill further would require calls to be made to all the numbers which are not recognised in order to ascertain (if possible) the details of the caller and the details of the discussion which took place in April/May 2004 with Councillor Tebbutt. In addition those officers would need to interview and take statements from all the Councillors to whom Councillor Tebbutt spoke to ascertain the substance of the call and whether it related to Regulatory Services or non-Regulatory Services matters. Given that at the time Councillor Tebbutt was first interviewed by these two officers it was six months after the calls took place it was believed that this exercise would have proved fruitless, time consuming, inconclusive and not an effective use of resources which could be better directed elsewhere. Councillor Tebbutt's assessment of 50% of the calls being unrelated to Regulatory Services business was therefore accepted.
- 8.3 At the time Councillor Tebbutt was interviewed the bill contained a number of possible issues on billing e.g. Units not being consistent. This may have been due to the timing of the calls. In addition internet charges (WAP) appeared which may be incorrect as Councillor Tebbutt said he did not use this facility. ICT had already raised queries with the supplier asking for a full review of the charges and a credit was obtained for duplicate charging however ICT state there may still be some discrepancies as ultimately the accuracy of a mobile telephone bill can only be verified by the user.
- 8.4 The main issue regarding the telephone bill is the split between Regulatory Services business for which Councillor Tebbutt was issued the telephone and party political business, as there was an imminent leadership contest.
- 8.5 There was a reasonable assessment undertaken of the agreed contributions. The Section 151 Officer made an assessment of Councillor Tebbutt's normal monthly phone bills and using the data available and translating it to the charges applied this would have suggested a cost by Councillor Tebbutt of between £1,000 - £1,620 assuming £3 per minute which is suggested by the bill as the maximum cost using 0.12 pence per unit. (There were units charged at cheaper rates). Around £900 of the bill relates to calls being made to Councillor Tebbutt which would make the bill around £4,700 and after his contribution of £2,633 would mean that the Regulatory Services element would amount to £2,069 of calls made by him.
- 8.6 As previously stated Councillor Tebbutt was asked to identify the percentage of calls which related to Regulatory Services Committee and those which did not. His assessment was 50%. The Section 151 Officer and Monitoring Officer accepted his assessment which led to him paying the amount of £2,632.98 to the Council. As stated above in the view of these two officers it would not be possible to confirm this figure given the

passage of time and the fact that they would need to interview all the Councillors whose numbers appeared on the phone bills and others to establish what the discussion was about. Given the time and cost of this exercise and the fact it was unlikely to provide any further clarity it was not pursued and Councillor Tebbutt's assessment was relied upon.

8.7 The Finance Services Manager wrote to Councillor Tebbutt on 27<sup>th</sup> October setting out how the £2,632.98 would be paid. This sum has been received.

8.8 As a way forward it has since been agreed between the Monitoring Officer and Section 151 Officer that any foreign mobiles issued to Members should be approved by the Assistant Chief Executive Legal & Democratic Services in writing; have clear conditions attached to their issue and the mobile should be signed for.

### **Financial Implications and risk:**

Mobiles are issued to Cabinet and the Group Leaders. The policy provides that these Councillors are expected to pay for private calls. The monies received in recent times have been minimal and is estimated to amount to £152 since mid 2002.

The cost of the calls is set out above in the main body along with the cost incurred by the Council. It is important that Members note there have also been considerable indirect costs of officer time initially agreeing a resolution and subsequently in preparing this report. Should further investigations be agreed by the Committee; there will be further indirect costs in terms of staff time and in all probability a level of direct costs which would need to be authorised.

### **Environmental Implications and risks:**

None

### **Equalities Implications and risks:**

None

### **Legal Implications and risks:**

In line with the Freedom of Information Act 2000, the exemption, under Section 40 - Personal Information, has been applied on the basis that a request for personal data relating to another person is exempt if its disclosure contravenes any of the Data Protection principles in accordance with the Data Protection Act 1998.

The Council's Data Controller considered any telephone numbers that were not clearly business numbers i.e. Town Hall Switchboard (01708 43....) to be personal data, and therefore the following Data Protection Principles would be breached upon disclosure:

Principle 1 - Fair & Lawful Processing

Principle 2 - Obtained only for one or more specified lawful purposes

Principle 6 - Data subjects rights/Processing likely to cause damage and distress

Principle 8 - Transfer outside the European Economic Area

On that basis only the redacted telephone list is available as background papers. The Appendix includes costs to mobile telephone numbers known to be held by Councillors but the numbers themselves have been omitted as again some of these are mobile telephone numbers which are private to the Councillors concerned.

Staff Contact	Christine Dooley
Designation:	Assistant Chief Executive Legal & Democratic Services
Telephone No:	01708 432442

**STEPHEN EVANS**  
**Chief Executive**

### **Background Papers**

Telephone List  
Letter of 27<sup>th</sup> October 2004  
Note of Meeting 14<sup>th</sup> October 2004

**APPENDIX 1**

<b>Analysis of Calls</b>						
<b>Name</b>		<b>Number</b>	<b>Cost</b>	<b>Total Cost</b>		
Armstrong, M			214.20	425.16		
Armstrong, M			210.96			
Brace, M	Reg Services Vice C/man		3.00	86.16		
Brace, M	Reg Services Vice C/man		80.76			
Brace, M	Reg Services Vice C/man		2.40			
Cahill, E			72.48	72.48		
Curtin, A			5.64	5.64		
Galpin, G			64.32	189.24		
Galpin, G			124.92			
Gardner, P			90.96	115.92		
Gardner, P			24.96			
Gower, J	Reg Services Member		6.96	42.00		
Gower, J	Reg Services Member		35.04			
Morgon, R			185.28	188.04		
Morgon, R			2.76			
Munday, E			332.16	379.44		
Munday, E			47.28			
Oddy, B	Reg Services Member		100.44	100.44		
Redgrave, W			22.44	22.44		
Reith, B			148.08	148.08		
Smith, A			2.64	3.6		
Smith, A			0.96			
Smith, M			36.24	36.24		
Tebbutt, A	Copseys		128.88	128.88		
Tebbutt, B	Reg Services Member		600.72	619.92		
Tebbutt, B	Reg Services Member		19.20			
Thompson, F	Reg Services Sub		10.08	10.08		
White, M			1381.68	1381.68		
			<b>Total:</b>	<b>3955.44</b>		
Council		441708432038	1.80			
Council		441708434343	19.20	21.00		
			<b>Total:</b>	<b>21.00</b>		
Calls made to Cllr Tebbutt			<b>Total:</b>	<b>730.56</b>		
Unknown Numbers			<b>Total:</b>	<b>723.48</b>		
Total				<b>5430.48</b>		
less credit				<b>-164.52</b>		
sub total				<b>5265.96</b>	of which 50% paid	
plus calls missed by company from schedule				<b>172.32</b>		
Total Invoiced calls				<b>5438.28</b>		



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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	26 MAY 2004	6

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**REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: MOBILE TELEPHONES – issue to Members**

**SUMMARY**

This Committee is responsible for overseeing matters related to the facilities available to support members. Among other things, the Council provides mobile telephones to certain members of the Council. The policy on such provision has evolved over the years on an ad-hoc basis and this report deals solely with the matter of which members should be eligible for such a telephone.

**RECOMMENDATION**

That the eligibility policy contained in paragraph 3 of this report be confirmed.

**REPORT DETAIL**

1. This Committee is responsible for, among other things, overseeing matters related to the facilities available to support members (Article 8, paragraph 8.01 of the Constitution). Among those facilities that support members is the provision of mobile telephones for use on Council business in appropriate cases.

2. So far as can be established members have never properly concluded an eligibility policy on mobile phones and this report seeks to place on record eligibility criteria and policies associated with their issue.
3. The current practise is that the following members are offered mobile telephones for use for Council business –

Leader of the Council  
Cabinet Members  
Leaders of Opposition Groups  
The Mayor  
Chairman of Regulatory Services Committee  
Chairman of Licensing Committee

4. They are issued by IT Services and upon issue recipients are required to sign a document confirming that they have read the Council's mobile telephone protocol and have agreed to abide by the terms contained in that protocol. Ordinarily the Democratic Services Manager would authorise IT to issue the phone.

#### **Financial Implications and risks**

5. The cost of the mobile phones and relevant use are met from the 'Expenses of the Council' budget.

#### **Other implications and risks**

6. There are no direct legal, equalities and social inclusion or human resources implications and risks attached to this report.

Staff Contact: Philip Heady, Democratic Services Manager  
Telephone: 01708 432433  
E-mail: philip.heady@haverling.gov.uk

**Stephen Evans**  
**Chief Executive**

Background Paper List - None



**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Havering Town Hall  
26 May 2004 (7.30pm - 8.35pm)**

**Present:**

**COUNCILLORS:**

**Conservative Group** Roger Ramsey, +Frederick Thompson and Michael White

**Residents' Group** +June Alexander and Barbara Reith

**Labour Group** +Wilf Mills

+ Substitute Members: Councillors June Alexander (for Louise Sinclair), Wilf Mills (for Ray Harris) and Frederick Thompson (for Steven Kelly)

Councillor Louise Sinclair was present for part of the meeting.

Apologies were received for the absence of Councillors Ray Harris and Steven Kelly

In the absence of the Chairman, Councillor Steven Kelly, the Chair was taken by Councillor Michael White

All decisions were taken with no vote against.

No Member declared an interest in any matter under consideration

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

**1 MINUTES**

The Minutes of the meetings of the Committee held on 31 March and 13 May 2004 were approved as correct records and signed by the Chair.

**2 APPOINTMENTS TO OTHER ORGANISATIONS 2004/05**

The Committee considered a schedule of other organisations to which the Council were invited to make appointments. The report submitted included details of specific organisations where there were special considerations to be borne in mind when making appointments.

**RESOLVED:**

- (1) That the various appointments shown in Appendix 1 to these minutes be approved for the Municipal Year 2004/05 (or to such other date as shown).
- (2) That, where the constitution of an organisation permits the casting of proxy votes on behalf of an organisation's representative and the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a relevant meeting, the representative may mandate the Chair of the meeting to exercise a proxy vote on behalf of the Council.
- (3) That the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Michael White (3 votes) and Councillor Barbara Reith (2 votes) (or their respective nominees in the event either is unable to vote in person)
- (4) That the existing members of the Adoption Panel be re-appointed.
- (5) That Councillor Wilf Mills be appointed a Trustee of the Romford Combined Charities for the terms of office expiring in October 2008.
- (6) (a) That the following be appointed the Councillor members of the Council of Management of Havering Theatre Trust:

Councillors Wendy Brice-Thompson, Andrew Curtin, Jean Gower, Bill Harrison, Chris Oliver, Roger Ramsey, Louise Sinclair and Reg Whitney
- (b) That the following individuals be appointed as the non-Councillor members of the Council of Management:

David Burn, Peter Harlock, Vernon Keeble-Watson, Angela Marshall, Roger Newnham, Chris Purnell, Michael Quine, Dennis Roycroft, Pamela Wilkes and Caroline Wood
- (7) That no appointments be made to the Havering Police and Community Consultative Group pending clarification of its future status.
- (8) That Councillors Michael White and Paul Rochford be nominated to the Deputy Prime Minister for appointment to the London Thames Gateway Urban Development Corporation.

### **3 MOBILE TELEPHONES – issue to Members**

The Committee was reminded that the facilities available to support Members included the provision of mobile telephones to the holders of certain appointments. The policy on such provision had evolved over the years on an ad-hoc basis and the Committee was now invited to review which members should be eligible for the provision of a mobile telephone.

So far as could be established, Members have never properly concluded an eligibility policy on mobile phones and this report seeks to place on record eligibility criteria and policies associated with their issue.

#### **RESOLVED:**

- 1 That a mobile telephone be made available to each of the following Members for use for Council business –
  - \* Leader of the Council
  - \* Cabinet Members
  - \* Leaders of Opposition Groups
  - \* The Mayor
- 2 That the Leader of the Council be empowered, after consultation with Group Leaders, to authorise the provision of a mobile telephone to any other Member who can establish a need for such provision.

### **4 PROTOCOL ON MEMBER/OFFICER RELATIONS**

The Chairman agreed that this report be submitted as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972, in order that a report on the matter could be presented to the next meeting of the Council.

During the preparation of the Constitution in 2002, there had been insufficient time to replace and update all of the existing Council procedures and protocols and accordingly the then existing Guidelines for Members in Dealing with staff were incorporated within the Constitution. In November 2003, the Standards Committee noted that the Guidelines for Members in Dealing with Staff were to be updated and that its Chairman would be involved in looking at best practice examples.

The Chairman of that Committee had considered some best practice examples of Member/Officer protocols and had met with the Assistant Chief Executive Legal and Democratic Services to discuss them. This had led to the preparation of a new draft Protocol. The Standards Committee had endorsed the proposed in March and it was now submitted for endorsement in order that Council could be recommended to approve it for inclusion in the constitution.

**RESOLVED:**

That the Protocol on Member/Officer Relations attached as Appendix 2 be agreed and **RECOMMENDED TO COUNCIL** for approval as a replacement within the Constitution for the Guidelines for Members in Dealing with staff.

**5 AMENDMENTS TO THE CONSTITUTION - made by the Monitoring Officer**

The Chairman agreed that this report be submitted as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972, in order to comply with constitutional requirements.

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted the amendments made by her and published in Notification 10 (as set out in Appendix 3 to these minutes).

**6 GOVERNANCE COMMITTEE: FUTURE WORK**

At the request of the Leader of the Council, the Committee briefly discussed issues that he had referred to in his Statement to the Annual Meeting of the Council, concerning some issues that he considered that the Committee's terms of reference should be expanded to cover. He suggested that it would be useful for the Committee to establish some working groups that would examine particular issues, initially:

- The Comprehensive Performance Assessment
- Review of the Members Allowance Scheme
- Review of the Overview & Scrutiny Committees
- Review of the Constitution

It was agreed that, in advance of Council agreeing any required changes to the Constitution, Members of the Committee could begin informally to consider the issues raised.

The Monitoring Officer reminded the Committee that some financial provision had been made for the employment of temporary or locum legal assistance in connection with development of the Constitution, and that it would assist her if all Members could indicate to her areas within the Constitution that they considered to be in need of review.

# AUDIT COMMITTEE (SPECIAL MEETING) Supplementary AGENDA

7.30pm

Tuesday,  
27 September 2005

Havering Town Hall  
Main Road, Romford

**NB:** Owing to a typographical error, Councillor Daryl Williams was shown by mistake as a member of the Committee, the correct membership is as shown below.

Members 6: Quorum 3

## COUNCILLORS:

### Conservative Group (3)

Graham Price (Chairman)  
Eddie Cahill (Vice Chairman)  
Roger Ramsey

### Residents' Group (2)

Gillian Ford  
Malvin Brown

### Labour Group (1)

Wilf Mills

**For information about the meeting please contact:  
Debbie Okutubo (01708) 432432  
E-mail: [deborah.okutubo@haverling.gov.uk](mailto:deborah.okutubo@haverling.gov.uk)**



**Audit Committee, 27 September 2005**