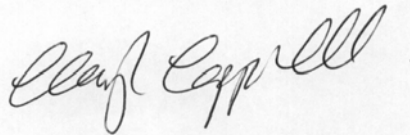


COUNCIL

**7.30pm WEDNESDAY, 3 FEBRUARY 2010
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

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



Chief Executive

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



Please note that this meeting will be webcast.

Members of the public who do not wish to appear on the webcast will be able to sit in the balcony, which is not in camera range.

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

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

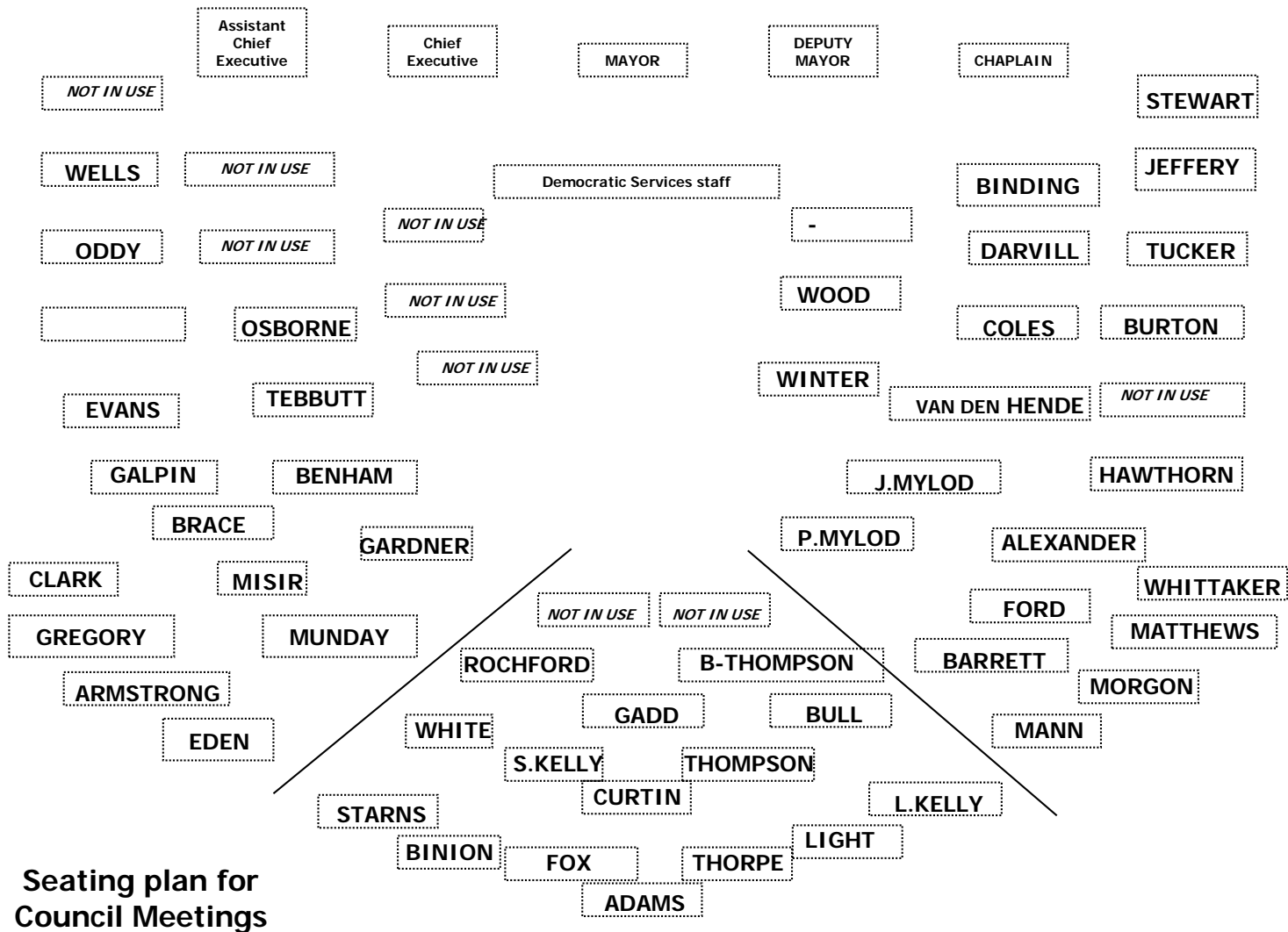
4. WEBCASTING

Council meetings are usually webcast. The webcast may be viewed at www.havering.gov/webcast from 7.30pm on the day of the meeting and a recording will be available afterwards.

Members of the public attending the meeting who do not wish to be seen in the webcast may sit in the balcony, which is not viewable by the webcasting cameras.

If there are any reports to be considered that contain confidential or exempt material that the Council will consider in private, the webcast will be ended before they are discussed.

Council, 3 February 2010 - Agenda



AGENDA

1 PRAYERS

2 To receive apologies for absence (if any)

3 MINUTES

To sign as a true record the minutes of the Meeting of the Council held on 9 December 2009

4 DECLARATION OF INTERESTS

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

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

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (if any)

6 PETITIONS

Councillors Pam Light and Keith Darvill have each given notice of an intention to present a petition.

Council, 3 February 2010

**REPORTS FOR
CONSIDERATION**

NOTE: The deadline for amendments to these reports is midnight, Monday 1 February 2010

7 AMENDMENTS TO THE CONSTITUTION

To consider a report of the Governance Committee (attached)

8 APPOINTMENT OF GOVERNORS OF COMMUNITY SCHOOLS

To consider a report of the Governance Committee (attached)

9 AMENDMENTS TO THE 2009/10 HRA CAPITAL PROGRAMME

To consider a report of the Cabinet (attached)

**MEMBERS'
QUESTIONS**

10 MEMBERS' QUESTIONS (attached)

Council, 3 February 2010

**MOTIONS
FOR DEBATE**

11 AUDIT COMMITTEE: APPOINTMENT OF CHAIRMAN

Motion on behalf of the Administration

That Councillor Eric Munday be appointed Chairman of the Audit Committee in succession to former Councillor David Grantham.¹

12 LAND BETWEEN PETERSFIELD AVENUE, GOOSHAYS DRIVE AND CENTRAL PARK LEISURE CENTRE

Motion on behalf of the Labour Group

This Council urges the Cabinet to reconsider as a matter of urgency its proposal contained in the Harold Hill Ambitions project to sell for housing development the park and sports field land situated between Petersfield Avenue, Gooshays Drive and Central Park Leisure Centre.

12A Amendment on behalf of the Administration

Amend to read:

This Council urges the Cabinet to continue as a matter of urgency its proposal contained in the Harold Hill Ambitions Project.

It also acknowledges the role that the local community has played in developing these proposals.

¹ Note: In accordance with the Members' Allowances Scheme, Councillor Munday, if elected, will be entitled to receive only one Special Responsibility Allowance



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
9 December 2009 (7.30pm – 10.40pm)**

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

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

* for part of the meeting

Some 20 Civic and Members' Guests and members of the public and a representative of the press also attended.

Apologies were received for the absence of Councillors Andrew Curtin, Georgina Galpin and Steve Whittaker. The Mayor asked that the Council's best wishes be recorded and conveyed to Councillor Whittaker.

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

Reverend Stephen Waine, Vicar of the Church of St Edward the Confessor, opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

47 FORMER COUNCILLOR TONY HUNT

The Mayor referred to the recent death of former Councillor Tony Hunt. Members stood in silence as a mark of respect.

Councillors Keith Darvill, Michael White and Barbara Reith paid tribute to former Councillor Hunt, who had been a Member from 1990 to 1998.

49 **MINUTES (agenda item 3)**

It was **RESOLVED**:

That the minutes of the Extraordinary Meeting and ordinary Meeting of the Council held on 21 October 2009 each be signed as a true record.

50 **DECLARATIONS OF INTEREST (agenda item 4)**

Councillor Keith Darvill declared a personal interest during the asking of a supplementary question (agenda item 10; see minute 54 following and the note at Question 10 in Appendix 3).

51 **ANNOUNCEMENTS BY THE MAYOR (agenda item 5)**

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

In the course of his announcements, the Mayor made the following presentations:

Make a Difference Day: To Councillors Barry Tebbutt, Clarence Barrett and Michael White, in recognition of their contributions to the promotion of volunteering at the Queen's Hospital and the Public Advice and Service Centre.

Mayor's Civic Award: To Reverend Stephen Waine of St Edward's Church, Romford in recognition of his officiating at Council and Civic events and ceremonies including Remembrance Sunday and the Queen's visit to the borough.

At the conclusion of his announcements, the Mayor referred to the recent 50th Wedding Anniversary of Councillors Pat and John Mylod and, on behalf of the Council, offered them heartiest congratulations. Councillor John Mylod suitably responded and, with the Mayor's consent, informed the Council that the day of the meeting was also Councillor Pat Mylod's birthday.

52 **PETITIONS (agenda item 6)**

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

Councillor John Mylod, in respect of the high volume of traffic and speeding vehicles in Glanville Drive, Hornchurch; and

Councillor Keith Darvill, concerning the proposed disposal of Community Green Space in Farringdon Avenue to the rear of Appledore Close, Harold Hill.

It was noted that the petitions would be passed to the appropriate Heads of Service for attention or report to members.

53 NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION (agenda item 7/7A)

At its extraordinary meeting on 21 October 2009, the Council had approved new Executive Arrangements, to come into force in May 2010, as required by the Local Government & Public Involvement in Health Act, 2007.

In consequence, the Governance Committee had appointed a working group of Members and officers to undertake a comprehensive review of the Council's Constitution. The Committee had now considered and agreed the first three of a number of reports as to changes required in order to improve the effectiveness of the Constitution, and to reflect legislative, operational and other changes since its inception.

The Committee accordingly now **RECOMMENDED** that the Council approve revised Parts 1, 2 and 3 (Council functions), subject to adjustment where necessary to reflect changes elsewhere in the Constitution.

Amendment by the Residents' Group (agenda item 7A)

That Council agrees to retain the Overview and Scrutiny Liaison Committee, comprising the Chairman and Vice Chairman of each overview and scrutiny committee, to exercise the following functions:

- Oversight of the work programme of each overview & scrutiny committee, including the resources available to service the programme
- Consider the contribution of overview and scrutiny committees to the wider Council agenda
- Ensuring overview and scrutiny committees do not duplicate work
- Co-ordinating contact with the Executive on behalf of overview and scrutiny committees
- Social Inclusion

and authorises the Monitoring Officer to amend the revised section 1.4 of Part 3 of the Constitution as necessary to give effect to this decision.

Following debate, the Residents' Group amendment was **LOST** by 31 votes to 17 (see division 1). The recommendations of the Governance Committee were then **ADOPTED** without division and it was **RESOLVED**:

That the revised Parts 1, 2 and 3 (Council functions) (as set out in Appendix 2 of these minutes) be approved, subject to adjustment where necessary to reflect changes elsewhere in the Constitution.

54 CONTRIBUTION TO THE LONDON COUNCILS GRANTS SCHEME – 2010/11 BUDGET (agenda item 8)

The Group Director, Finance & Commerce reminded the Council of its obligation to make a contribution to the London Councils Grants Committee, the budget for which had to be agreed by two thirds of constituent councils before 1 February 2010, otherwise they would be deemed to have approved the 2010/11 budget at the same level as the 2009/10 budget.

The Council's Current and proposed contributions to the London Councils Grants Committee were as follows:

| | | |
|---------|-----------------|----------|
| 2009/10 | Budget | £795,956 |
| 2010/11 | Proposed Budget | £795,104 |

Havering's contribution had fallen as a result of changes in population relative to other London boroughs. It was therefore financially advantageous for the Council to agree the proposed budget.

It was noted that the overall budget for 2010/11 would be £30,116,000, of which overall borough contributions totalled £26,330,000, the shortfall of £3,786,000 being met from a European Social Fund Grant of £2,070,000 and the balance from reserves and additional interest earnings. As a consequence, there was a risk that future contribution rates would need to increase by more than the rate of inflation in 2011/12 and future years if spending were maintained at current levels.

The Group Director's report was agreed without debate or vote and it was **RESOLVED:**

1. That the proposed total budget of £30,116,000 for the London Councils Grants Committee for 2010/11 be agreed.
2. That the Council's proposed contribution of £795,104 to the London Councils Grants Committee for 2010/11 be agreed.

55 HOUSING FINANCE ANNOUNCEMENTS AND THE DECENT HOMES PROGRAMME (agenda item 9)

The Cabinet reported that, earlier in the year, two important announcements had been made regarding the revenue and capital funding of council housing that, together, would have potentially very significant impacts on the financing of council housing in the borough.

The Government was reviewing the future of the Housing Revenue Account arrangements and the Housing and Community Agency had announced in July that councils whose Arm's Length Management Organisations, ALMOs, had not already attained a two star rating from the Audit Commission would have any promised Decent Homes funding deferred until 2011/12. It was noted that, with three other authorities, the Council was seeking judicial review of the ALMO decision.

Approval was now sought to ameliorate the impact of the decisions to some extent by investigating options for applying up to £2 million of the Council's capital resources to supplement to HRA capital programme in 2009/10. The Cabinet had agreed that the HRA capital programme for 2009/10 be expanded by £2 million to fund priority works in the Decent Homes programme, subject to the Council agreeing the budget expansion, a requirement for any additions to the Council's capital programme. The Cabinet had also agreed that authority be delegated to the Group Director, Finance & Commerce and to the Group Director, Culture & Community to investigate the options for funding the £2 million expansion and report to the Council accordingly.

The Cabinet's report was agreed without debate or vote and it was **RESOLVED:**

- 1 That the expansion of the HRA capital programme for 2009-10 by £2 million to fund priority works in the Decent Homes programme be approved.**
- 2 That a further report be received from the Group Director – Finance and Commerce and Group Director – Culture and Community on the recommended funding route.**

56 MEMBERS' QUESTIONS (agenda item 10)

22 questions were asked under the Council Procedure Rules. The questions and answers, together with a summary of answers to supplementary questions where asked, are set out in **Appendix 3**. Some questions were dealt with following the debate on the motion referred to in minute 56 below.

57 RAINHAM VILLAGE CONSERVATION AREA: HIGH RISE FLATS (agenda item 11)

Motion on behalf of the Independent Local Residents' Group

This Council will support and promote Rainham Village with its unique heritage, historical buildings, character and appearance.

The Council therefore asks Cabinet to reconsider any current Council-supported proposals to build high rise flats in the Rainham Village Conservation Area.

Following debate, the motion was **AGREED** without division and it was **RESOLVED** that:

This Council will support and promote Rainham Village with its unique heritage, historical buildings, character and appearance.

The Council therefore asks Cabinet to reconsider any current Council-supported proposals to build high rise flats in the Rainham Village Conservation Area.

58 **10:10 CLIMATE CAMPAIGN (agenda item 12)**

Motion on behalf of the Labour Group

That this Council agrees to join the 10:10 Climate Campaign and resolves to reduce its carbon emissions by 10% before 31 December 2010.

Following debate, the motion was **LOST** by 30 votes to 15 (see division 2).

Mayor
3 February 2010

Note: the record of voting divisions is attached as **Appendix 4 to these minutes.**

**Appendix 1
(Minute 51)**

MAYOR'S ANNOUNCEMENTS

First, I would like to congratulate everyone involved in the Council's very successful Christmas Party for Older People (staff and members), and in the staging of the many successful festive events that are being held throughout the borough.

Thousands of families attended the switching on of the Christmas lights and fireworks display in Romford Town Centre, along with hundreds of residents enjoying celebrations on their own doorstep, such as the Harold Hill Christmas Tree Switch On, the Hornchurch Family Christmas event, and Illuminating Elm Park.

The Council has also been attracting the spotlight with some great inspection results.

Homes in Havering, working with the Council's Housing services, has been awarded two stars by the Audit Commission. The Council is now engaged in a legal battle with the Government to secure Decent Homes funding for our tenants.

And the Care Quality Commission has told us that we are performing 'well' in the social care we provide for adults. This is the second highest rating that can be awarded and makes us one of the fastest improving Adult Social Care teams in the country.

Havering Inspection and Advisory Service ICT Team and Engayne Primary School have both received Becta Awards in Excellence. These awards identify and reward excellence in ICT.

The Havering Inspection and Advisory Service ICT Team was a joint winner of the Support for schools award. While Engayne Primary School received the Primary runner-up award for Leadership, Management and Collaboration.

Havering's Transport Service is one of only five organisations to pass the rigorous assessment of the Freight Operator Recognition Scheme set up by Transport for London to improve the safety, reliability and efficiency of transporting goods and services around London.

We have also received some great news that we are set to receive tens of millions of pounds through the Government's Building Schools for the Future programme. Partnerships for Schools, the body that delivers the funding, has confirmed the award. This will be the single largest investment ever to be made in our secondary schools and every pupil in Havering will benefit.

Also on a high note, I would like to congratulate the Romford Drum & Trumpet Corps, who, with the help of the public, won £50,000 funding from the People's Millions for a new permanent home in the borough. It's great to see such public support for a true Havering institution.

Speaking of public support – may I share with you the warm welcome we received from the residents of Hesdin during our recent twinning trip. The Town's Mayor, Jean Marie Rousell, invited me to give a speech at a meeting at their 17th Century Town Hall.

On Make a Difference Day, Councillors Barry Tebbutt, Clarence Barrett and Michael White volunteered to promote volunteering at the Queen's Hospital and the Public Advice and Service Centre.

I'm sure colleagues across the chamber will have mixed feelings at the news that Reverend Stephen Waine of St Edward's in Romford is leaving to become the new Archdeacon of Dorset, and will take up his post next year. We are delighted at his much deserved appointment to such a prestigious post, but we will be sad to lose such a good friend.

Reverend Waine is no stranger to this Chamber or the Council. He has said 'many' prayers for us and officiated at Civic events and ceremonies including Remembrance Sunday and the Queen's visit to the borough. I am delighted to recognise the tireless work, compassion and the dedication he has offered this borough during his 16 years service with a Civic Award.

And finally, my congratulations go to Harold Hill Library which celebrated its 50th anniversary this month.

NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION

Note: Certain areas of text in this appendix are high-lighted and in italic font. These areas of text are subject to adjustment, depending on changes made in other parts of the Constitution that have yet to be reviewed and will therefore feature in future reports.

Constitution Part 1 – Summary

Throughout this document, according to context, “The Council” means either:

- the 54 Members of the Council (“Councillors”) meeting together in full Council or
- the statutory body administering local government in the London Borough of Havering

The Council's constitution

The London Borough of Havering has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are properly made and are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been decided by the Council itself.

The constitution is divided into 12 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the constitution?

Article 1 of the constitution commits the Council to deliver its priorities under the community strategy and the corporate development plan, and to provide clear community leadership in partnership with local people, partners, businesses and others with a stake in the well being of the London Borough of Havering. The rest deal with:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council and the Mayor (Article 4)
- The Executive – Leader of the Council and Cabinet (Article 5)
- Overview and scrutiny (Article 6)
- Joint arrangements (Article 7)
- Staff (Article 8)
- Decision making (Article 9)
- Finance, contracts and legal matters (Article 10)
- Review and revision of the constitution (Article 11)
- Suspension, interpretation and publication of the constitution (Article 12).

How the Council operates

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code and standards.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies, and set the budget each year. The Council elects a Leader, who then appoints between two and ten other members who together form the Cabinet. The Leader and Cabinet are responsible for implementing the policies decided by the Council within the budget. The functions of the Cabinet as a body are set by the Council but the functions of individual Cabinet members are decided by the Leader. The Council is required by law also to appoint overview and scrutiny committees to assist in policy formulation and to hold the Cabinet to account for its performance.

How decisions are made

The Executive is accountable for most day-to-day decisions. The Executive is made up of the Leader and the Cabinet. When major decisions are to be discussed or made, these are published in the Leader's Forward Plan. If these major decisions are to be taken at a meeting of the Executive, the meeting will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

While most decisions are taken by the Executive (i.e. by or on behalf of the Cabinet or an individual Cabinet member), important decisions are also taken by the full Council, or by its committees and sub-committees.

Overview and scrutiny

There are eight overview and scrutiny committees which support the work of the Executive and the Council as a whole. They have statutory powers to report and make recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the Executive. They can "call-in" a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The overview and scrutiny committees also deal with Councillor Calls for Action and have power to scrutinise a number of partner agencies in relation to matters concerning the National Health Service, crime and disorder and the Local Area Agreement.

Area committees

There are nine area committees. These provide a platform for local people to express their views regarding important community issues, to review the operation of services locally, to allow representatives and recommendations to be made to the Executive and Council and to take certain important decisions, including some traffic management matters, on a local basis. They involve councillors for each particular area and are held in public.

Other Committees

The Council also appoints a number of other Committees to undertake functions on its behalf that cannot be undertaken by the Executive. These include the Regulatory Services Committee (which deals with planning issues), the Standards Committee and the Audit and Pensions Committees.

The Council's staff

The Council has staff to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the Council.

Citizens' rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Citizens have the right to:

- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- obtain a copy of the constitution
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of Executive
- find out, from the Leader's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or staff, and when
- attend meetings of the Executive where key decisions are being discussed or decided
- see reports and background papers, and any record of decisions made by the Council and Executive
- complain to the Council about any aspect of the borough's services using the Council's formal complaints systems
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints process
- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's code of conduct, and
- inspect the Council's accounts and make their views known to the external auditor.
- Inspect the Register of Members' Interests

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they may have additional rights. These are not covered in this constitution.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend meetings is available.

Part 2: the Articles of the Constitution

Article 1: The constitution

1.01 Purpose of the Constitution

The purpose of the constitution is to set the frameworks within which the Council operates and in particular to:

- 1 enable the Council to provide clear leadership to the community in partnership with citizens, partners, businesses and other organisations
- 2 support the active involvement of citizens in the process of local authority decision-making
- 3 help councillors represent their constituents more effectively
- 4 enable decisions to be taken efficiently and effectively
- 5 create a powerful and effective means of holding decision-makers to public account
- 6 ensure that no person will review or scrutinise a decision in which he or she was directly involved
- 7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
- 8 provide a means of improving the delivery of services to the community.

1.02 Interpretation and review of the constitution

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in Article 11.

1.03 Definitions

For the purposes of this constitution:

- (a) Where appropriate, any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to vote on the committee or sub-committee on which he or she sits).
- (b) The following staff are Chief Officers:
 1. Head of Paid Service (**i.e. the Chief Executive**)
 2. Monitoring Officer (**i.e. the Assistant Chief Executive, Legal & Democratic Services**)
 3. Director of Children's Services (appointed under s.18 Education Act 2004) (**i.e. the Group Director, Social Care & Learning**)
 4. Director of Adult Social Services (appointed under s.6(A1) Local Authority Social Services Act 1970) (**i.e. the Group Director, Social Care & Learning**)
 5. the s.151 Officer (**i.e. the Group Director, Finance & Commerce**)
 6. Any person who for most of their duties (other than clerical or admin) reports directly to the Head of Paid Service or directly to the Council or a

committee or sub-committee of the Council. **(i.e. the Group Director, Culture & Community)**

Those in categories 1 – 5 are statutory chief officers, those in category 6 are non-statutory chief officers.

- (c) The following staff are Deputy Chief Officers (i.e. staff who for all or most of their duties report directly to or are directly accountable to a Chief Officer:
1. Assistant Directors
 2. Heads of Service
- (d) “Policy Framework” means the following plans and strategies (which are statutory, except where shown otherwise):
- Sustainable Community Strategy
 - Children & Young People's Plan
 - Documents that together make up the Development Framework
 - Licensing Authority Policy Statement
 - Local Transport Plan
 - Youth Justice Plan
 - Corporate Plan (non-statutory)
- (e) “Budget” includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirements, the control of its capital expenditure and the setting of virement limits. For the purpose of rules 4 – 8 of the Budget & Policy Framework Procedure Rules the budget shall not include reserves and balances.
- (f) “Housing land transfer” means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Article 2: Members of the Council

2.01 Composition and eligibility

The Council comprises 54 members, otherwise called councillors. Three councillors are elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Only registered voters of the London Borough of Havering or those living or working there are eligible to hold the office of councillor.

The regular election of councillors is held on the first Thursday in May every fourth year from 2002. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

Vacancies in the office of Councillor are filled by a by-election; those elected at a by-election hold office until the fourth day after the date of the next regular election.

2.02 Roles and functions of all councillors

(a) Key roles

All councillors will:

- (i) collectively be the ultimate policy-makers;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making; participate in the governance and management of the Council
- (iii) effectively represent the interests of their constituents, fairly, impartially and without unlawful discrimination;
- (iv) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or member of staff entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this constitution.

(c) Champions

Council has established seven positions to act as and be a

- (i) Champion for Over Fifties
- (ii) Champion for Younger Persons
- (iii) Champion for Diversity
- (iv) Champion for the Historic Environment
- (v) Champion for Standards
- (vi) Champion for the Voluntary Sector Compact
- (vii) Champion for the 14-19 Diploma Scheme

Such appointments are made at Annual Council.

In relation to the issues for which they are responsible, the Champions shall be required to report annually to Council, shall have the right to report to Council or to Cabinet at any ordinary meeting and may be questioned at an ordinary meeting of the Council by any member

2.03 Conduct

Councillors will at all times observe the Members' Code of Conduct, the Protocol on Member/Staff Relations, the Protocol on Probity in Planning matters and the Protocol on Gifts and Hospitality set out in Part 5 of this constitution.

2.04 Allowances

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this constitution.

Article 3: Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this constitution.

(a) **Voting and petitions**

Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected mayor.

(b) **Information**

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and its committees except any part where confidential or exempt information is likely to be disclosed
- (ii) find out from the Forward Plan what key decisions will be taken by the Executive, and when
- (iii) see reports and background papers, and any records of decisions made by the Council and the Executive
- (iv) inspect the Council's accounts and make their views known to the external auditor.

(c) **Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme
- (ii) the Ombudsman
- (iii) the Standards Committee

3.02 Participation

Overview and scrutiny and other committees may invite Citizens to:

- (a) contribute to their investigations
- (b) speak at their meetings .

Article 4: The Council and the Mayor

4.01 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the constitution
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader

- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under **Article 2.04**
- (g) changing the name of the area or conferring freedom of the borough
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (j) all local choice functions set out in Part 3 of this constitution which the Council decides should be undertaken by itself rather than the Executive
- (k) all other matters which, by law, must be reserved to Council.

4.02 Council meetings

There are four types of Council meeting:

- (a) annual meetings
- (b) ordinary meetings
- (c) extraordinary meetings
- (d) council tax and budget setting meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this constitution.

4.03 Role and function of the Mayor

The Mayor is elected at the Annual Meeting of the Council from among its members. The Mayor is the civic and ceremonial head of the Council. The Mayor appoints the Deputy Mayor.

The Mayor and, in his or her absence, the Deputy Mayor will have the following roles and functions:

- To uphold and promote the purposes of the constitution and, when Chairing the Council meeting, to interpret the constitution when necessary.
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. [In the case of an equality of votes, then, as the Chairman of the meeting, the Mayor has a second or casting vote.]
- As Chairman of the meeting, to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account.
- To promote public interest in the Council's activities.
- To be the Returning Officer for the parliamentary constituencies within the Borough.
- To attend civic and ceremonial functions

4.04 Committees of the Council

The Council will appoint committees and sub-committees, with the membership arrangements shown in the Table appended to this Part. The full functions of each are set out in Part 3 of this constitution.

The Council is required – with a few exceptions – to make appointments to Committees in accordance with the principles of political balance. The number of

Members' seats on each Committee shown in the table (except the Area Committees) may be varied by resolution of the Council in order to achieve political balance.

4.05 Responsibility for functions

The Council will maintain the tables in Part 3 of this constitution, which set out the responsibilities for those functions of the Council that are not the responsibility of the Executive.

Article 5: The Executive – Leader of the Council and Cabinet

5.01 Role

The Leader is responsible for arranging for the exercise of all executive functions.

5.02 Leader of the Council

The Council will elect a Councillor to the position of Leader of the Council. The Leader will hold office for a term of four years from the Annual meeting until the day on which the next post-election Annual meeting is held or until:

- he or she resigns from the office, or
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a councillor, or
- he or she is removed from office by resolution of the Council.

5.03 Cabinet

The Leader will appoint a Cabinet, which will consist of between two and ten councillors, one of whom will be Deputy Leader.

5.04 Deputy Leader

The Leader is required to appoint a Deputy Leader who shall hold office until the end of the term of office of the Leader or until

- he or she resigns from office
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a councillor, or
- he or she is removed from office by the Leader

Where a vacancy occurs in the office of Deputy Leader the Leader must appoint another person in his place.

The Deputy Leader must act in the Leader's place if at any time the Leader is unable to act or the office of Leader is vacant.

5.05 Other Cabinet members

Other Cabinet members shall hold office until:

- they resign from office, or

- they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension), or
- they are no longer councillors, or
- they are removed from office by the Leader of the Council.

If for any reason the Leader or Deputy Leader are unable to act or the office(s) is vacant then the Cabinet Members collectively must act in the Leader's place or must arrange for a member of the Cabinet to act in his place.

5.06 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this constitution.

5.07 Allocation of portfolios and executive functions

The portfolios and functions of individual Cabinet members will be allocated by the Leader of the Council.

The Leader will give notice in writing to the proper officer, and maintain a list, setting out which individual members of the Cabinet, committees of the Cabinet, staff or joint arrangements are responsible for the exercise of particular executive functions.

Article 6: Overview & Scrutiny

6.01 Areas of responsibility

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

6.02 Overview & Scrutiny activities

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

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

6.03 Proceedings of overview and scrutiny committees

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

6.04 Joint scrutiny of health service

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

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

Article 7: Joint arrangements

Joint arrangements for the exercise of functions

- (a) The Council may establish joint arrangements with one or more local authorities for the exercise of non-executive functions, or to advise the participating authorities. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader may appoint only Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint non-executive members to a joint committee that has functions for part only of the borough, provided that the part in question is smaller than two-fifths of the borough by area or population. In such cases, the Leader may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

Article 8: Staff

8.01 Management structure

(a) **General**

The Council may engage such staff as it considers necessary to carry out its functions.

(b) **Corporate Management Team**

The Council will engage persons for the following posts which will form the corporate management team:

- Chief Executive
- Group Directors (as necessary)
- Assistant Chief Executive

Their duties and areas of responsibility will be as set out below and in Part 3 of this constitution

(c) **Statutory Officers**

The Council will designate the following statutory posts:

| Post | Statutory Designation |
|---|--|
| Chief Executive | Head of Paid Service |
| Assistant Chief Executive Legal & Democratic Services | Monitoring Officer |
| Group Director Finance & Commerce | Responsible officer under section 151 of the Local Government Act 1972 (Chief Finance Officer) |
| An appropriately qualified Group Director | Director of Adult Social Services |
| An appropriately qualified Group Director | Director of Children's Services |

8.02 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Council will provide the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are in those officers' opinion sufficient to allow their duties to be performed.

8.03 Other staff

- (a) The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of staff. This description is set out in Part 7 of this constitution.
- (b) The recruitment, selection and dismissal of staff will comply with the Staff Employment Procedure Rules set out in Part 4 of this constitution
- (c) Staff will comply with the Staff Code of Conduct and the Protocol on Member/Staff Relations set out in Part 5 of this constitution.

Article 9: Decision making

9.01 Responsibility for decision making

The Council and/or the Leader, as appropriate, will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this constitution.

Principles

9.02 All decisions will be made:

- (a) proportionately (meaning that the action must be proportionate to the desired outcome)
- (b) after due consultation and the taking of professional advice
- (c) with respect for human rights as set out in the Human Rights Act 1998
- (d) with the presumption in favour of openness
- (e) with clarity of aims and desired outcomes, and
- (f) after due consideration for the interests of residents and other stakeholders.

Decisions will be recorded in an appropriate manner. The record of executive decisions will provide an explanation of the options considered in making the decision and will give the reasons for the decision.

9.03 "Executive decisions" are those that are required to be taken by the Leader or in accordance with delegations agreed by the Leader to Cabinet, Area Committee, to individual members of the Cabinet or to specific officers.

9.04 Decisions that are not executive decisions shall be taken by the Council, 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.

- 9.05 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, Cabinet Member, the Leader or by Council as appropriate.

Decision making

- 9.06 Subject to paragraph 9.07 below

- (a) the Council meeting will follow the Council Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (b) the Executive will follow the Executive Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (c) the overview and scrutiny committees will follow the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (d) other Council committees and sub-committees will follow those parts of the Committee Procedure Rules set out in Part 4 of this constitution as apply to them.

9.07 **Decision making by Council bodies acting as tribunals**

Quasi-judicial decisions of the Council, Cabinet, Committee or an officer shall be taken in accordance with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

9.08 **Party Whip**

There shall be no Party Whip at meetings of:

- the Regulatory Services Committee when it is determining planning matters;
- Overview & Scrutiny Committee;
- the Standards Committee when it is conducting initial assessments and reviews, consideration of investigating officers' reports and hearings;
- the Licensing Committee when it is determining licences and conducting hearings; and
- any other committees where the committee meets to determine applications, hearings, appointments or acts in any quasi-judicial matter.

The Party Whip is understood to mean any instructions given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote, or the application or threat to apply any sanctions by the group in respect of that Councillor should he or she speak or vote in any particular manner.

Article 10: Finance, contracts and legal matters

10.01 **Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this constitution.

10.02 **Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this constitution.

10.03 Legal proceedings

The Assistant Chief Executive Legal & Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where she considers that such action is necessary to protect the Council's interests.

10.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Chief Executive Legal & Democratic Services or other person authorised by her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Contracts with a value exceeding £50,000 must be made under the common seal of the Council, in accordance with rule 26 of the Council Procedure Rules set out in Part 4 of this constitution. Contracts under £50,000 may, in most circumstances, be signed by the Chief Executive or the appropriate Group Director, Assistant Chief Executive, Assistant Director or Head of Service, in accordance with the Contracts Procedure Rules set out in Part 4.

10.05 Common seal of the Council

The common seal of the Council may be affixed to any document on the authority of any two individuals, one drawn from each of the list A and list B set out below.

The seal shall be attested by those two individuals and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by a person who has attested the seal.

| List A | List B |
|---------------|---|
| Mayor | Chief Executive |
| Deputy Mayor | A Group Director |
| | Assistant Chief Executive Legal & Democratic Services |
| | Head of Legal Services |
| | A Legal Manager |

Urgent attestations

Where necessary in cases of urgency and where neither of the holders of the offices shown in list A is available, a document may be attested by any two of the members of staff specified in list B. In each such case, the circumstances shall be reported to the Council at its next meeting.

Article 11: Review and revision of the constitution

11.01 Duty to monitor and review the constitution

The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

Protocol for monitoring and review of constitution

A key role for the Governance Committee is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Governance Committee may:

- observe meetings of different parts of the member structure

- undertake an audit trail of a sample of decisions
- record and analyse issues raised by members, staff, the public and other relevant stakeholders, and
- compare practices in this authority with those in other comparable authorities, or national examples of best practice.

11.02 Changes to the constitution

(a) Approval

Changes to the constitution will be approved by the full Council only after consideration of the proposal by the Governance Committee.

(b) Change from a Leader form of executive to alternative arrangements or vice versa

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

(c) Delegated powers of the Monitoring Officer

The Monitoring Officer shall have power to:

- amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure
- insert recommendations made pursuant to a written report agreed by Council
- clarify the Constitution, make non-contentious amendments, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, Standards for England and/or any other government appointed inspection regime (on giving five working days' notice to Group Leaders and the other Members of the Governance Committee).

If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.

Article 12: Suspension, interpretation and publication of the constitution

12.01 Suspension of the constitution

(a) Limit to suspension

The articles of this constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.

(b) Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in Article 1.

(c) **Rules capable of suspension**

The following rules may be suspended:

- (i) all of the Council Procedure Rules set out in Part 4 of this constitution except rules 6, 18, 19 and 20
- (ii) all of the Committee Meeting Procedure Rules set out in Part 4 of this constitution except rule 6.

12.02 Interpretation

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

12.03 Publication

- (a) The Assistant Chief Executive Legal & Democratic Services will make a printed copy of this constitution available for members of the Council.
- (b) The Assistant Chief Executive Legal & Democratic Services will ensure that a copy is available for inspection at the Town Hall, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Appendix

| Committee | Number of Members and any special requirements |
|---|--|
| Adjudication and Review Committee <i>See annex 1</i> | 9 Councillors, of whom no more than one may be an Executive Member; there is also a pool of Independent Persons who may serve on specific Hearings Panels |
| Appointments Committee | 6 Councillors at least one of whom must be an Executive Member |
| Audit Committee | 8 Councillors |
| Governance Committee | 10 Councillors, at least one of whom must be an Executive Member |
| Licensing Committee <i>See annex 2</i> | 10 Councillors |
| Pensions Committee <i>See annex 3</i> | 7 Councillors, one co-opted Member and two non-voting observers |
| Regulatory Services Committee | 10 Councillors, of whom no more than two may be Executive Members |
| Standards Committee <i>See annex 4</i> | 9 Councillors, of whom, only one may be an Executive Member (and may not be the Leader of the Council) 3 Independent Members |
| Adult Services Health Overview and Scrutiny Committee | 6 Councillors |
| Children's Services Overview and Scrutiny Committee <i>See annex 5</i> | 6 Councillors, together with, two statutorily co-opted and three voluntarily co-opted Members with voting rights, and three non-voting staff representatives |

| Committee | Number of Members and any special requirements |
|--|---|
| Corporate Overview and Scrutiny Committee | 6 Councillors |
| Crime & Disorder Committee <i>See annex 6</i> | 6 Councillors; the Committee has statutory authority to co-opt certain individuals as required |
| Culture and Regeneration Overview & Scrutiny Committee | 6 Councillors |
| Environment Overview and Scrutiny Committee | 6 Councillors |
| Health Overview and Scrutiny Committee | 6 Councillors |
| Housing Overview and Scrutiny Committee | 6 Councillors |
| Elm Park and Hylands Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Emerson Park and Harold Wood Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Gidea Park Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Harold Hill Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Hornchurch Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| North Romford Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Romford Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| South Hornchurch and Rainham Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |
| Upminster Area Committee | 6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements) |

Annexes

1: Adjudication and Review Committee

- 1.1 The major part of the work of this Committee is carried out through Hearings Panels. The composition of Hearings Panels varies according to the nature of the issue adjudicated – as indicated in the following table:

| Type of hearing | Membership of Panel |
|--|---|
| Corporate complaints procedure (including housing tenants' complaints) | Three Members and a non-voting independent person |

| Type of hearing | Membership of Panel |
|-------------------------|--|
| Children Act complaints | Three independent persons (one as chairman) with voting rights (<i>to accord with legal requirements, elected Members may not serve on this type of Panel</i>) |
| Adult Care complaints | One independent person (as chairman) with voting rights and two Members |
| Housing tenancy appeals | Three Members |

- 1.2 The independent persons used for such hearings are taken from a pool of such people appointed on behalf the Adjudication & Review Committee, managed by Democratic Services, who have received training appropriate to that role.
- 1.3 The substitute rule does not apply to Hearings Panels, which are not required to be politically balanced.

2: Licensing Committee

- 2.1 Most of the work of this Committee is carried out through Licensing Sub-Committees comprising a Chairman and two other Members, all drawn from the main Committee. In general, Sub-Committees will be chaired either by the Chairman of the main Committee, or one of the three Vice-Chairmen.
- 2.2 The substitute rule does not apply to Licensing Sub-Committees which are not required to be politically balanced.

3: Pensions Committee

- 3.1 The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.
- 3.2 The Admitted and Scheduled Bodies who are members of the pension fund jointly appoint a representative as a non-voting, co-opted Member of the Committee.
- 3.3 Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during the discussion of any exempt business.
- 3.4 The membership of the Pension Committee is expected to remain static for the life of the Council in order that members are fully trained in matters relating to investment, unless exceptional circumstances require a change. Each Group is entitled to nominate named substitutes for their committee in order that they may receive appropriate training.

4: Standards Committee

- 4.1 There are three Independent Members on this Committee, one of whom is Chairman and another Vice-Chairman, as required by law.
- 4.2 In accordance with legal provisions for the work of Standards Committees, the Committee has established four Sub-Committees that consider individual complaints:

- The Assessment Sub-Committee: to carry out an initial assessment of a complaint and to determine the response to it;
- The Review Sub-Committee: to review decisions of the Assessment Sub-Committee if so requested by a complainant
- The Consideration Sub-Committee: to consider the outcome of investigations into complaints and determine whether a hearing is required
- The Hearings Sub-Committee: to conduct hearings into complaints and the outcome of investigation of them

4.3 The substitute rule does not apply to these Sub-Committees which are not required to be politically balanced.

5: Children's Services Overview & Scrutiny Committee

5.1 The law requires that the Council co-opt to this Overview & Scrutiny Committee one representative of each of the Anglican and Roman Catholic Churches, with voting rights, to attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. In practice, they are also able to contribute to other discussions.

5.2 In addition, there are three voting co-opted members representing governors of schools in the three sectors of education, primary, secondary and special. Again, they may attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. They are also able to contribute to other discussions.

5.3 Finally, there are three non-voting representatives of local teacher unions and professional associations, nominated by those organisations.

5.4 The Councillor Members of the Committee are also automatically Members of the Council's Corporate Parenting Panel.

6: Crime & Disorder Committee

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 confer on the Committee the ability to co-opt certain members or employees of crime and disorder partner bodies. It is for the Committee to determine whether such co-optees are to have voting rights and the issues in respect of which they may attend meetings as co-optees.

Part 3: Responsibility for Functions

This part sets out which body or individual is responsible for exercising each of the functions assigned to the Council by law. Under the Local Government Act 2000, each of the Council's functions falls into one of the following categories:

- Council functions, which are the responsibility of the full Council and/or its committees and sub-committees
- executive functions, which are the responsibility of the Executive, meaning the Cabinet or individual Cabinet members.
- local choice functions, where the Council determines whether the function is the responsibility of the Council or of the Executive.

Both Council functions and executive functions may (with some exceptions) be delegated to staff.

This part sets out responsibility for functions as follows:

1 Council functions

- 1.1 Functions exercised by full Council alone
- 1.2 Functions delegated to general council committees
- 1.3 Statutory and non-statutory bodies
- 1.4 Functions delegated to overview and scrutiny committees
- 1.5 Functions delegated to area committees

2 Executive functions

- 2.1 Functions exercised by Cabinet alone
- 2.2 Functions delegated to individual Cabinet members
- 2.3 Functions exercised by another authority on behalf of this authority
- 2.4 Functions exercised by joint arrangements with another authority or other authorities

3 Functions delegated to staff

- 3.1 General provisions and limitations
- 3.2 Powers of Chief Executive
- 3.3 Powers of Group Directors
- 3.4 Powers of Assistant Chief Executive, Assistant Directors and Heads of Service
- 3.5 Social Care and Learning
- 3.6 Culture and Community
- 3.7 Finance & Commerce
- 3.8 Chief Executive

4 Functions not to be the responsibility of an authority's Executive

5 Local choice functions

6 Proper officer functions

7 Appendices

Appendix A: Names, addresses and wards of individual Cabinet members

Appendix B: Functions delegated to staff: specified sums of expenditure

Appendices C to F to be amalgamated

Appendix C: Enactments enforceable by Head Housing & Public Protection

Appendix D: Enactments enforceable by Head of Housing & Public Protection: licensing and registration of premises and persons

Appendix E: Enactments enforceable by Head of Housing & Public Protection: licensing and registration of premises or persons

Appendix F: Enactments enforceable by Head of Housing & Public Protection

Appendix G: Code of practice: disposal of surplus property

1 Council functions

1.1 Functions exercised by full Council alone

The functions listed in Article 4.02 of Part 2 are reserved to Council.

The Council undertakes those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group D, E, F, G and I functions).

1.2 Functions delegated to general council committees

The following functions are delegated to the general council committees. Any reference to "the regulations" is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2002, as subsequently amended. Reference is made to the following functions:

- functions not to be the responsibility of an authority's Executive, set out in Part 3, section 4 (delegated in accordance with schedule 1 of the regulations)
- local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

| Council committee | Functions |
|-------------------------|---|
| Adjudication and Review | <p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) - see Hearings Panels below</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none"> • To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals) • To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies</p> <p>Governor removal</p> <p>To remove LA governors from governing bodies where appropriate</p> |
| Appointments | <p>Appointments and dismissals</p> <ul style="list-style-type: none"> • To make recommendations to Council about appointing and dismissing the Head of Paid Service • To appoint and dismiss Group Directors and Heads of Service, in accordance with the procedures set out in the Staff Employment Procedure Rules in Part 4 of this constitution <p>Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service</p> |

| Council committee | Functions |
|-------------------|---|
| Audit | <p>Internal control</p> <ul style="list-style-type: none"> • To consider and monitor the adequacy and effectiveness of the authority's risk management and internal control environment and to make recommendations to full Council where necessary <p>External audit</p> <ul style="list-style-type: none"> • To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings <p>Internal audit</p> <ul style="list-style-type: none"> • To support the Group Director Finance & Commerce with his or her delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit • To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager • To receive and approve the Annual Statement of Accounts • To monitor proactive fraud and corruption arrangements |
| Governance | <p>Monitoring constitution</p> <p>In accordance with Part 2, Article 15 of this constitution:</p> <ul style="list-style-type: none"> • To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect • To make recommendations to the Council about amending the constitution • To monitor and review the Members' Allowance Scheme and make recommendations to Council • To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of Overview and Scrutiny Committees and their terms of reference and make recommendations • To monitor and review all aspects of Corporate Governance • To approve the Annual Governance Statement <p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> • Where necessary, to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service and, where necessary, to establish a second panel to hear an appeal by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service from the decision of the first panel • Where necessary, to establish a panel to hear a grievance submission made by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff. |

| Council committee | Functions |
|---------------------|--|
| | <p>Appointments</p> <ul style="list-style-type: none"> • To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> (a) to any office (other than an office in which he is employed by the authority) in the authority's gift (b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body and to revoke any such appointment (see Part 3, section 5: local choice functions) • To approve delegated arrangements for such appointments • To interview candidates for the independent member positions on the Standards Committee and to make recommendations to Council about the appointment of the independent members <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group I functions)</p> |
| Pensions | <p>Pension fund</p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p>Advisers and investment managers</p> <p>Where appropriate and above staff delegation levels to recommend staff to invite tenders and award contracts for actuaries, advisers and fund managers or other related investment matters</p> <p>To appoint and review the performance of advisers and investment managers for Council and pension fund investments</p> <p>Non-executive matters</p> <p>To take decisions on those matters not to be the responsibility of the Cabinet under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning pensions made under Regulations set out in Sections 7, 12 or 24 of the Superannuation Act 1972</p> |
| Regulatory Services | <p>Health and safety</p> <p>To carry out functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p> <p>Highways use and regulation</p> <p>To exercise powers relating to the regulation of the use of highways as set out in Part 3, section 4: functions not to be the responsibility of an authority's Executive and that are not delegated to the area committees (see Part 3, section 1.4) or to staff</p> <p>Planning and conservation</p> <p>To carry out functions relating to town and country planning and Planning</p> |

| Council committee | Functions |
|-------------------|---|
| | <p>Control as specified in:</p> <ul style="list-style-type: none"> • Part 3, section 4: functions not to be the responsibility of an authority's Executive • Part 3, section 5: local choice functions <p>that are not delegated to staff</p> <p>Urban Development Corporation</p> <p>To form planning views on behalf of the Council in its role as consultee on applications to be decided by the Board of the Urban Development Corporation</p> |
| Standards | <p>General</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority • To assist members and co-opted members of the authority to observe the authority's code of conduct • To monitor, advise on, and educate members in matters relating to Council guidelines on conduct and/or probity • To hear, determine and report upon any local matters including the application of relevant and permitted sanctions • To make any report to the Council and to take any appropriate action arising from the terms of reference, legislation and regulations • hearing, determining and reporting upon any matters relating to breach of the Rules regarding the Party Whip set out in Article 13.09 including the application of relevant and permitted sanctions. <p>Members' code of conduct</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of a code of conduct • To monitor the operation and effectiveness of the authority's code of conduct • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's code of conduct • To assess and review complaints about Members • To conduct determination's hearings • To grant dispensations to Members with prejudicial interests • To grant exemptions for politically restricted posts <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Guidelines on members dealing with staff • To monitor the operation of the authority's Guidelines on members dealing with staff • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Guidelines on members dealing with staff <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Protocol on |

| Council committee | Functions |
|-------------------|--|
| | <p>Probity in Planning</p> <ul style="list-style-type: none"> • To monitor the operation of the authority's Protocol on Probity in Planning • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Protocol on Probity in Planning <p>Whistleblowing Policy and Procedure</p> <p>To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet</p> <p>Adjudication</p> <ul style="list-style-type: none"> • To consider a notice from a case tribunal or interim case tribunal of the Adjudication Panel for England and prepare a report on the notice as required by the Local Government Act 2000 • To prepare a report responding to any recommendations made to the authority by a case tribunal of the Adjudication Panel for England, and to take any appropriate action as a result of those recommendations <p>Standards for England</p> <ul style="list-style-type: none"> • To consider any matters as may be referred by Standards for England • To consider any initial complaints against the Assessment Framework • To review any matters requested • To consider any report and recommendations made by the monitoring officer to the committee • To take any action prescribed by the regulations, including censuring a member or suspending or partially suspending a person from being a member <p>Register of members' interests</p> <ul style="list-style-type: none"> • To issue guidelines to members about how to make a declaration of interest • To grant a dispensation to a member participating in a business which is prohibited under the members' code of conduct, in accordance with any regulations made by the Secretary of State |
| Licensing | <ul style="list-style-type: none"> • To exercise the functions required by the Licensing Act 2003 and the Gambling Act 2005. • To determine applications for licences and registration under Schedule 1 to the regulations not otherwise dealt with |

Sub-Committees

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

| Committee establishing sub-committee | Name of sub-committee | Functions |
|--------------------------------------|-----------------------|---|
| Adjudication and Review Committee | Hearings Panel | <p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant Head of Service and Cabinet Member for consideration and possible review.</p> <p><u>General hearings</u></p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><u>Hearings under the Children Act 1989 Representations Procedure (England) Regulations 2006</u></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><u>Secure accommodation hearings</u></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><u>Housing Service appeals</u></p> <ul style="list-style-type: none"> • To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985) • To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> (a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and (b) the tenant has failed to comply with the terms on which the court suspended that order, and (c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and (d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of possession to be executed, so that the panel may have opportunity to consider the circumstances • To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> (a) section 164 (applicants' right to request review of decisions |

| Committee establishing sub-committee | Name of sub-committee | Functions |
|--------------------------------------|------------------------------------|---|
| | | <p>in respect of inclusion etc. on the housing register)</p> <p>(b) section 202 (review of decisions in respect of people who are homeless)</p> <p>Access to files</p> <ul style="list-style-type: none"> To review decisions made pursuant to the: <ul style="list-style-type: none"> (a) Access to Personal Files (Housing) Regulations 1989 (b) Access to Personal Files (Social Services) Regulations 1989 <p>where the applicant is aggrieved</p> |
| Licensing | Licensing Sub-Committee | To carry out functions relating to licensing and registration as set out in Schedule 1 to the regulations |
| Standards | Assessment Sub-Committee | To assess complaints referred for attention by the Standards Committee |
| | Review Sub-Committee | To review decisions of an Assessment Sub-Committee where the complainant is aggrieved |
| | Consideration Sub-Committee | To consider the outcome of investigations and determine whether to proceed to a hearing, to refer the matter to an Adjudication Panel of Standards for England, or that there is no case to answer. |
| | Hearings Sub-Committee | To consider findings that there is a case to answer following formal investigations into complaints alleging breached of the Members' Code of Conduct |

1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

| Name of body | Functions |
|--|---|
| Admissions Forum | To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 |
| Adoption Panel | To undertake the functions assigned by the Adoption Agencies Regulations |
| Corporate Parenting Panel | To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents |
| Standing Advisory Council on Religious Education (SACRE) | To advise the Council as Local Education Authority on matters relating to Religious Education. |
| Children's Trust | To uphold and champ the vision, principles and commitments for children and young people in Havering. |

1.4 Functions delegated to overview and scrutiny committees

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

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

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

| Overview and Scrutiny Committee | Area of responsibility |
|--|--|
| Corporate | <ul style="list-style-type: none"> • Community safety • Customer access • E-government and information communications technology • Finance (although each committee is responsible for budget process that affect its area of oversight) • Human resources • Oversight of best value functions (although each committee is responsible for best value functions in its area of oversight) • Property resources • Social inclusion • Diversity |
| Housing | <ul style="list-style-type: none"> • The contractual relationship with the ALMO • Housing Retained Services • Social Inclusion |
| Environment | <ul style="list-style-type: none"> • Environment • Transport • Social inclusion • Regulatory Services • Environmental Strategy • Planning & Building Control |
| Children’s Services | <ul style="list-style-type: none"> • School Improvement • Pupil and Student Services (including the Youth Service) • Strategy and Commissioning |

| Overview and Scrutiny Committee | Area of responsibility |
|---------------------------------|--|
| | <ul style="list-style-type: none"> • Children's Social Services • Children's Health Services • Social Inclusion |
| Culture and Regeneration | <ul style="list-style-type: none"> • Leisure, art, culture • Social and economic regeneration • Social inclusion • Adult Education |
| Adult Services | <ul style="list-style-type: none"> • Adult Services • Social inclusion |
| Health | <ul style="list-style-type: none"> • Scrutiny of NHS Bodies under the Council's Health Scrutiny function |
| Crime and Disorder | <ul style="list-style-type: none"> • Exercise of the functions conferred on the Committee by the Police & Justice Act |

1.5 Functions delegated to area committees

The Council will appoint the area committees set out below, composed of members of the authority representing the wards included in each area. The committees are not required to be politically balanced.

| Area Committee | Wards included |
|----------------------------|--|
| Elm Park & Hylands | <ul style="list-style-type: none"> • Elm Park • Hylands |
| Emerson Park & Harold Wood | <ul style="list-style-type: none"> • Emerson Park • Harold Wood |
| Gidea Park | <ul style="list-style-type: none"> • Pettits • Squirrels Heath |
| Harold Hill | <ul style="list-style-type: none"> • Gooshays • Heaton |
| Hornchurch | <ul style="list-style-type: none"> • Hacton • St Andrews |
| North Romford | <ul style="list-style-type: none"> • Havering Park • Mawneys |
| Romford | <ul style="list-style-type: none"> • Brooklands • Romford Town |
| South Hornchurch & Rainham | <ul style="list-style-type: none"> • Rainham & Wennington • South Hornchurch |
| Upminster | <ul style="list-style-type: none"> • Cranham • Upminster |

Area committees are empowered to undertake the following functions relating to their areas:

1. To consider local issues, consult with local people, and make recommendations to the Council or Cabinet;
2. To decide local highway management schemes, subject to certain limitations within the policies and practices set by the Regulatory Services Committee and in accordance with the agreed process for such decisions appended below; and

3. To be responsible for any budgets allocated to them and that these responsibilities be exercised in accordance with the principles of the Rules and Conventions for Area Committees (set out in the Appendix to the Committee Procedure Rules in **Part 4**)

Process for approving highway schemes:

1. Where only one Area is concerned, the Area Committee shall receive a report on initial design of scheme and
 - (a) approve it in principle for public consultation or, if changes are required to the scheme before it goes to consultation, delegate approval of them to the Head of Streetcare in consultation with the Chairman of the Area Committee; and
 - (b) delegate approval of the final scheme in the light of the results of the public consultation to the Head of Streetcare in consultation with the Chairman of the Area Committee.
2. Where a scheme is set within more than one Area:
 - (a) the views of the relevant Area Committees shall be sought on the initial design for public consultation;
 - (b) the Head of Streetcare in consultation with the Chairman of the Regulatory Services Committee and in the light of the views of the Area Committees may approve the scheme for public consultation; and
 - (c) the Head of Streetcare shall approve the final scheme in the light of results of the consultation and in consultation with the Chairman of the Regulatory Services Committee and the Chairmen of the relevant Area Committees.

MEMBERS' QUESTIONS AND ANSWERS

Note: Council agreed that questions remaining to be dealt with at the end of the usual 30 minute period would be dealt with, if time permitted, after the debates on motions but before the conclusion of the meeting.

Questions 1-16 were accordingly answered during the normal question time period and questions 17- 22 were answered before the conclusion of the meeting. The remainder were treated as questions for answer in writing.

1. LIABILITY ORDERS: COUNCIL TAX DEBT

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

By Councillor Clarence Barrett

Given that residential council tax debt stood at £13.8 million at 31st March 2009 and that £2.8 million has been written off over the last three years, would the Cabinet Member state how many liability orders have been issued over each of the last three years?

Answer:

The figures are:

2006/7 - 9,461

2007/8 - 10,500

2008/9 - 10,413

and to date for 2009/10 - 6,081

Supplementary question and answer

In response to enquiry, the Cabinet Member agreed to arrange for the supply of a breakdown by the type of liability order granted.

2. DEPARTMENTAL RESPONSIBILITY FOR LAND ADJOINING PETERSFIELD AVENUE AND GOOSHAYS DRIVE HAROLD HILL

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

By Councillor Keith Darvill

Which Council Department has responsibility for the land between Petersfield Avenue, Ingrebourne Brook, Gooshays Drive and the Health Centre Gooshays Drive?

Answer:

The Council Departments with responsibility for the land between Petersfield Avenue, Ingrebourne Brook, Gooshays Drive and the Health Centre on Gooshays Drive are Youth

& Education Services (Social Care & Learning) and Property Services (Asset Management)

Supplementary question and answer

In response to enquiry, the Cabinet Member agreed to arrange for officers to confirm whether ministerial consent would be required to dispose of any of the land in question.

3. VEHICLE CLAMPING, PARKWAY, RAINHAM

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

By Councillor Jeffrey Tucker

Local residents are concerned to know whether the vehicle clamping firm working in Parkway, Upminster Road South, Rainham are operating legitimately? Any assistance given to local residents who are being fined many hundreds of pounds would be very much appreciated.

Answer:

Yes they are registered as operating legally, but if there are any specific issues, then officers are available to investigate and they will do so.

Supplementary question and answer

In response to enquiry, the Cabinet Member agreed to arrange for officers to investigate further, given that police had apparently advised that the company in question did not have authority to act as it had been.

4. SALE TO EAST THAMES HOUSING ASSOCIATION

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

By Councillor Mark Logan

How much was the bungalow sold for at Heaton Avenue, to East Thames housing association?

Answer:

The one-bedroom bungalow in disrepair on Heaton Avenue is being disposed of to East Thames Housing Association for £60,000 in return for its demolition and the building of two much-needed four-bedroom houses to which the Council will nominate applicants from Havering's Housing Register.

Supplementary question and answer

Although the questioner appeared to believe differently, the Cabinet Member confirmed that the information contained in the answer was the latest available information.

5. FUNDING OF FREEDOM PASS

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

By Councillor Andy Mann

Would the Leader state 'yes' or 'no' as to whether the Government have withheld £1.8m of future funding for the Freedom Pass from Havering?

Answer:

I refer Councillor Mann to the answer given to the similar question he asked at the last meeting, as set out in the minutes approved at the beginning of this meeting.

Supplementary question and answer

The Leader declined to respond to suggestions that misleading information had been circulated to residents. He confirmed that recent government decisions might affect the Council's budget for Freedom Passes but that a final decision had yet to be made.

6. FIRE RISK ASSESSMENTS ON HIGH RISE DWELLINGS

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

By Councillor Keith Darvill

Have Annual Fire Risk Assessments been carried out on all of the Borough's High Rise Dwelling during the past 4 years?

Answer:

Yes

Supplementary question and answer

The Cabinet Member confirmed that tower blocks had been assessed in 2007 and 2009. He would ask officer to provide to the Cabinet Member the detailed action plans arising out of the assessments.

7. CLEANING OF ST HELEN'S & ST GILES' CHURCH, RAINHAM

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

By Councillor Jeffrey Tucker

I have been approached by Rev. Henry Pradella if assistance could be given by a way of a grant to clean the outside walls of St Helen's and St Giles' Church, Rainham Village. Could the Council please work with Rev. Henry Pradella to find a solution or a sponsor that could assist in this matter?

Answer:

The Council's commitment to Rainham Village is set out in *Rainham Compass* where we state that we want to preserve the attractive heritage of Rainham Village. The Council is pleased to continue to work with Rev Henry Pradella on St Helen's and St Giles' Church to identify funding and solutions where possible, to enhance the fabric and setting of this exceptional Grade I listed building.

Supplementary question and answer

The Cabinet Member concurred that cleaning building would be most welcome, although care would be needed to ensure that its fabric was not damaged.

8. ELDERLY PERSONS' BUNGALOWS, BRIDGEWATER ROAD/CHIPPENHAM ROAD

To the Cabinet Member for Housing, Public Protection and Regeneration

(Councillor Michael Armstrong)

By Councillor Mark Logan

Why did cabinet decide to remove the OAP's from their beloved complex of bungalows at Bridgwater Road and Chippenham Road?

Answer:

Of the 89 properties across the two schemes, 43% were empty, with the 51 occupied properties already below the decent homes standard. It would have cost £973,415 to bring the properties up to the standard and this would not have been cost effective. The Council consulted all the residents affected and their families; all those decanted moved to larger accommodation in an area and/or at the sheltered scheme of their choice. The Council is currently seeking a partner to develop around 200 new homes. The majority of these will be family houses with gardens, let at affordable rents or sold on a shared ownership basis to Havering residents.

Supplementary question and answer

In response to enquiry, the Cabinet Member confirmed that no expenditure had been incurred on the properties in question, other than on essential maintenance, in the past year.

9. OFFICERS' REPLIES TO MEMBERS' ENQUIRIES – RESPONSE TIME

To the Leader of the Council

(Councillor Michael White)

By Councillor Andy Mann

Would the Leader please set out what he considers an acceptable timescale for officer responses to Member enquiries?

Answer:

Thank you for an opportunity to deal with this important issue. Members will know that the Council has a Complaints Commitment that, among other things, has deadlines within

which staff have to deal with complaints and that there is a mechanism for dealing with instances when those deadlines are not met. For example a full reply to any complaint is expected within 10 days.

Inquiries from members to staff would normally be expected to be dealt with, at the very least, on similar deadlines. As the questioner will know there was a recent incident when a response to one of his inquiries was dealt with less speedily than was desirable.

I hope all members will be pleased to know that formal arrangements are being made to make dealing with members inquiries accord to a set of deadlines with reference up the managerial chain should the inquiries not meet those standards. It is likely to be necessary for members to direct their inquiries to certain named members of staff so as to ensure this all works to everyone's benefit. Information to this end will be issued shortly.

Supplementary question and answer

The Leader confirmed that the new arrangements would apply to staff of all levels.

10. FIRE SAFETY IMPROVEMENTS

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

By Councillor Keith Darvill

What improvements for Fire Safety are to be carried out to the Councils High Rise Dwellings as a result of Fire Risk Assessment carried out in the past 12 months?

Answer:

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

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

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

Improvements in Homes in Havering current upgrade programme include:

- minor repairs and replacements to intumescent strips
- replacement of non-fire retardant doors
- installation of appropriate signage for directional escape to guide people out of the building where required
- emergency lighting system upgrades
- making good fire protective foaming around services.

Supplementary question and answer

The Cabinet Member gave assurance that, in the light of recent tragic events in South London, urgent attention would be paid to the improvements in question.

11. ASTRO TURF PITCH: BRITTONS PARK

To the Cabinet Member for Skills and Young People
(Councillor Paul Rochford [in the absence of Councillor Andrew Curtin])

By Councillor Michael Deon Burton

To whom is the new astro turf football pitch, located at Brittons Park, specifically of benefit, given that its creation cost the existence of two full size fields of play which were not only available for clubs to hire and the general public to use, but, by virtue of being grass, they were acceptable for the playing of league matches?

Answer:

The astro turf pitches (ATP) at Brittons Playing Fields comprising a full size sand filled ATP suitable for football and hockey, a 5-a-side 3G pitch suitable for football and separate cricket nets. Brittons School have responsibility for the pitches under a Management Agreement. As such the school has use of the pitches for curriculum and extra curricular sporting activities.

Out of school hours, the pitches are available for hire by the community, whether through individual or sports club bookings. There are also set hours that the pitches can be used by local young people free of charge. This time has to be booked through the school.

To date, the pitches have been used by a range of organisations offering local people the opportunity to participate in sporting activity. Leyton Orient Youth Programme and West Ham United Football in the Community have run activities on the pitches that have been very well attended. The Council's Sports Development team have run holiday activities free of charge that have attracted large numbers of local young people.

The pitches are available throughout the year, and in the winter months floodlights enable the use of the pitch in hours of darkness. As the pitches are made of artificial turf, they can be used in almost all weather conditions. These facilities offer a valuable resource for training and skill development. Through observation, and the fact that the ATP can be used for longer hours and in most weather conditions, the level of usage of facilities at Brittons Playing Fields has increased since the provision of the ATP.

Should there be an adult team that is looking to book a football pitch for a league match, there is a pitch available at Brittons.

Supplementary question and answer

In response to enquiry, the Cabinet Member confirmed that action was being taken to address vandalism and damage of the ATP site.

12. NEW-BUILDING OF COUNCIL HOUSING

The question was withdrawn.

13. REFERENCES TO MEMBERS IN *LIVING*

To the Leader of the Council (Councillor Michael White)

By Councillor Clarence Barrett

With the exception of the Leader, Cabinet, Mayor and Deputy Mayor would the Leader state how many articles in the 'Living' newspaper (excluding the ward by ward pull-out) include, by name and appearance, any of the other 43 elected members of the Council?

Answer:

All Council communications, including press releases and Living, quote Cabinet Members, the Mayor and Deputy Mayor, as official spokespeople for the Council. This is in keeping with the Code of Practice on local Government publicity and officers ensure that no party political statements are made in council publications. Backbenchers of any political party are not quoted in Living, but as Cllr Barrett points out, they are listed in regular 'know your councillor' spreads to help residents identify their local representatives."

Supplementary question and answer

In response to enquiry, the Leader re-iterated that the Council abided by the Code of Practice.

14. BUILDING SCHOOLS FOR THE FUTURE PROGRAMME: PROGRESS

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

By Councillor Keith Darvill

Note: in the course of asking the supplementary question, Councillor Darvill declared a personal interest when referring to the Havering Sixth Form College, of which he was a governor.

Will the Lead Member make a statement about progress with the Borough's application to Government for inclusion in the next wave of the Building Schools for the Future?

Answer:

I would like to thank Councillor Darvill for giving me the opportunity to inform Council of our successful bid.

As the Mayor has already announced, the Council has successfully entered the Building Schools for the Future programme, following the Partnership for Schools' assessment of our readiness to deliver, and this will result in the single biggest investment ever made in our secondary schools. Incidentally, we will be joining this programme before the end of this financial year.

This will be in addition to our primary capital programme, which is also the largest such investment this Council has ever made in the primary sector.

I would like to commend our officers for their sterling efforts in navigating their way through what is widely accepted as an overly complex and cumbersome bidding process, as their

hard work has resulted in Havering jumping the queue and entering the programme early. The real significance of that may well be revealed in the next financial year.

Supplementary question and answer

In response to enquiry, the Cabinet Member indicated that it was not yet clear whether the Havering Sixth Form College would be included in the BSF Programme. The Council remainder committed to securing the future of all its schools, whether included within the BSF or not.

15. SPENDING ON TAXI SERVICES, 2007/08

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

By Councillor Mark Logan

In the statement of accounts for 2006 – 2007 it shows that £88,000 was spent with minicab companies, Romford Mini Cab Limited and Spencer Cab's. How much has Havering spent with the aforementioned during the 2007 – 2008 period?

Answer:

During 2007 – 2008, the Council spent £11,871.06 with Romford Mini Cab Limited and nothing on Spencer Cabs Limited.

Supplementary question and answer

In response to enquiry, the Cabinet Member stated that he was unable to confirm details of the ownership of either company as that was not within his knowledge.

16. BUDGET CONSULTATION MEETINGS

To the Leader of the Council
(Councillor Michael White)

By Councillor Andy Mann

In respect of the 2009/10 Budget Consultation Public Meetings, would the Leader state:

- a) how many members of the public attended each meeting?
- b) how many councillors attended each meeting?
- c) how many officers attended each meeting?

Answer:

Around fifty people attended the public meetings and I would have liked to see a higher turnout. However, it is right that we continue to give local people a range of opportunities to comment on the future of the borough. When we launched the Let's Talk campaign earlier this year, we said we were determined to listen to residents and these meetings are just one of the ways we do that. Our discussion with residents about the future of Havering is ongoing through the Let's Talk campaign, through Living, through my tours of the borough and the Leader's blog and through every letter that is sent to colleagues in this chamber.

Supplementary question and answer

The Leader confirmed that:

- 13 people attended the Rainham meeting, including two Members
- a Member had attended the Harold Hill meeting
- a Member had attended the Collier Row meeting
- at each meeting, a leading Member of the Administration had given the presentation, accompanied by a member of the Corporate Management Team and of the Media & Communications staff
- staff from the Media & Communications team had also been on hand with displays and to help the public

17. SALE OF PROPERTIES: LEAMINGTON ROAD AREA

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

By Councillor Mark Logan

Thirteen homes were sold in and around Leamington Road on a very below market value around £8,500. How has this benefited the resident's of Havering?

Answer:

East Thames Housing Association purchased thirteen properties which had severe structural problems from the Council for £100,000, in return they invested £1.25m which meant we could then let six of them at affordable rents and sell the other seven on a shared ownership basis to give struggling families a chance to get onto the housing ladder.

Supplementary question and answer

In response to enquiry, the Cabinet Member confirmed that all of the properties developed at the site had been let to people previously resident in the borough.

18. ENCOURAGING CIVIC PARTICIPATION: SPENDING

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

By Councillor Clarence Barrett

Would the Leader set out how much the Council spent on encouraging civic participation last year (2008/09) and 2009/10 to date?

Answer:

That depends on how you define 'civic participation'. Most of our campaigns ask residents to get involved in improving the quality of life in the borough - whether that is our Better Together drive to encourage residents to help make the borough safer, cleaner and greener; the Haveringcard to encourage residents to shop locally, or the Let's Talk campaign urging local people to help us shape the services they receive. The budget consultation meetings that his colleague just raised are an exercise in civic participation, as is the work of our electoral services team to ensure that our residents are able to vote

in May. It's very difficult to answer Cllr Barret's question, without a better understanding of how he defines civic participation.

Supplementary question and answer

In response to enquiry, the Leader reiterated that the Council ought to take every opportunity to engage with the public.

19. ST. BERNARD'S DAY CENTRE

To the Cabinet Member for Social Care & Learning (Councillor Steven Kelly)

By Councillor Mark Logan

Has St Bernard's day centre for disabled adult in the London Borough of Havering been earmarked for closure?

Answer:

There are no plans to earmark the St Bernard's Day Centre for closure.

Supplementary question and answer

The Cabinet Member declined to discuss a matter relating to staff discipline.

20. CABINET MEMBERS' EXPENSES

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

By Councillor Ray Morgon

Would the Cabinet Member confirm the expenses claimed by Cabinet Members over each of the last three financial years?

Answer:

| Cabinet Members' Expenses | | | |
|----------------------------------|----------------|----------------|----------------|
| Cabinet Member | 2008/09 | 2007/08 | 2006/07 |
| ARMSTRONG, Cllr M | | | |
| CURTIN, Cllr A | | | |
| GARDNER, Cllr P C | 85.50 | 143.89 | 28.83 |
| KELLY, Cllr S J | 114.92 | 27.60 | 146.58 |
| MUNDAY, Cllr E A | 200.13 | 1,789.62 | 120.40 |
| RAMSEY, Cllr R E | 259.57 | | 24.80 |
| ROCHFORD, Cllr P N | | | |
| STARNS, Cllr G D | 44.00 | | |
| TEBBUTT, Cllr H A | 413.75 | 258.59 | 150.19 |
| WHITE, Cllr M J | 1037.94 | 1,381.90 | 9.80 |

21. REVISED TENANCY AGREEMENT

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

By Councillor Mark Logan

As part of the revised tenancy agreement 2001 implemented by Labour for the benefit of asylum seekers and refugees, the landlord must furnish them with a new twenty inch coloured television with licence, how many have benefited from this legislation in Havering? What has been the financial cost?

Answer:

There have been no asylum seeker families moving to Havering since 2001, the year in which the National Asylum Seeker Service began to disperse asylum seekers throughout the country.

Supplementary question and answer

The Cabinet Member confirmed that his answer was accurate and not affected by other constraints.

22. DECISION-MAKING: SKILLS AND YOUNG PEOPLE

To the Cabinet Member for Skills & Young People (Councillor Paul Rochford)

By Councillor Andy Mann

Would the Cabinet Member for Skills and Young People state:

- a) How many reports he has brought to Cabinet in 2008/09 and 2009/10 to date?
- b) How many Executive Decisions he has signed over the same period?

Answer:

The questioner will know that Lead members have a varied and detailed range of important responsibilities which go well beyond the presentation of reports to Cabinet and consideration of Form As. Cabinet briefs differ in the content of their workloads.

The plain answer is that in 08/09 I took one report to Cabinet and signed one executive decision. In 09/10 to date there has been one cabinet report and no executive decisions.

The 14-19 Partnership places the Cabinet member for Skills and Young People in the role as Chair of the 14-19 Forum. This is the most senior role in the partnership and leads the development of the massive change to learning pathways post 14 and the transfer of post 16 responsibilities from the LSC to the local authority. Because of my 14-19 role I am also a member of the Building Learning Futures Board.

The Cabinet report of 15 December deals with the post 16 transfer of responsibility and reports on the 14-19 issues quite extensively.

To carry out this role I have undertaken a great deal of work attending briefings, networking, conference attendance etc and have visited many post 16 learning institutions, of which there are far more than you might imagine. Every month I receive a full briefing from officers on activity to supplement other forms of accountability.

Also individual Cabinet members contribute to the overall strategic direction of the Administration as a whole.

Supplementary question and answer

In response to enquiry, the Cabinet Member reiterated that there was more to his role than making decisions or presenting reports.

23. ACTION ON PETITIONS

To the Cabinet Member for Corporate Services

(Councillor Peter Gardner)

By Councillor John Mylod

Where petitions are presented to the Council by members, could an open record be made available as to the content of the petition, the progress and conclusion of the matter/s raised in the petition?

Answer:

Yes it could and I have put such arrangements in place.

24. ADVERTISING INCOME: INCREASE

To the Leader of the Council

(Councillor Eric Munday)

By Councillor Clarence Barrett

Further to the Administration's decision to increase advertising income by £500,000 (to £550,000) in 2008/09, would the Leader state how much income has been generated to date in 2009/10, and projected to the year end against budget, from advertising on Council assets?

Answer:

£14,000 has been received to date with a projected £50,000 at year end. The main reasons why projected income is lower than previously envisaged are:

- Tendering of the advertising contracts has taken longer than originally expected;
- Only one out of the four main contracts that were tendered has been finalised: one of the contracts is still being negotiated and the other two were not finalised due to bankruptcy and company pull-out due to changed market conditions.
- Levels of advertising income across the country have dropped significantly due to the recession.

25. PARKING TICKETS: CCTV CAR

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

By Councillor Andy Mann

Would the Cabinet Member state how many CCTV parking tickets have been issued to date this year (2009/10)?

Answer:

From 1/4/09 to 29/11/09 the number of PCNs issued via CCTV was 10,797.

26. STAFF VACANCIES

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

By Councillor Clarence Barrett

Would the Cabinet Member state the number of FTE (Full Time Equivalents) vacancies in the Council (excluding schools) exceeding six months in duration?

Answer:

From the information supplied to Human Resources by managers we are reporting 114.87 FTE net vacancies in the Council (excluding schools) exceeding six months in duration.

27. RAPHAEL PARK: SPENDING

**To the Cabinet Member for Skills and Young People
(Councillor Paul Rochford [in the absence of Councillor Andrew Curtin])**

By Councillor Andy Mann

Would the Cabinet Member state how much money has been spent and is due to spent (including capital, revenue and grant funding) at Raphael Park since May 2006 to date?

Answer:

The average revenue spend at Raphael Park per annum, for the period from 1 April 2006 to 31 March 2010 (i.e. projected to the end of the current financial year) is approximately £31,000. The total spend over the 4 year period is expected to be approximately £124,000.

The total capital programme spend by the Council at Raphael Park, over the four year period, is £415,000.

The total level of expenditure relating to external grants at Raphael Park, over the four year period, is £260,000.

28. PARKING CHARGES: VAT

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

By Councillor Linda Van Den Hende

Since the temporary reduction of VAT to 15 per cent from 17.5 per cent in December last year, would the Cabinet Member state how much the Council has gained by not passing on the benefit to those paying car park charges?

Answer:

To the end of November 2009, the Council had collected approx £20,500 additional income as a result of not passing on the VAT decrease in December 2008.

29. MAYLANDS CAR WASH: ENFORCEMENT ACTION

**To the Chairman of the Regulatory Services Committee
(Councillor Barry Oddy)**

By Councillor Clarence Barrett

Would the Chairman of the Regulatory Services Committee advise in full the latest position with regard to enforcement action relating to the Maylands Car Wash on the A12?

Answer:

The car wash continues to operate, in breach of a planning enforcement notice. However, this is not a usual planning enforcement matter where breach of the Enforcement Notice results in the Council seeking prosecution of the owners of the land for non-compliance with the notice. In February 2009, the Regulatory Services Committee resolved to seek an injunction to require the unauthorised use to cease. If an injunction is granted by the Courts, anyone in breach of the injunction would be in contempt of court, an arrestable offence.

In order to have the best possible chance of convincing a judge to grant the injunction, detailed advice has been sought from Counsel resulting in a significant amount of additional detailed preparatory work having to be undertaken.

The papers are now ready to serve and a court hearing date is being sought.

30. CENTRAL LIBRARY CAPITAL PROJECT

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

By Councillor Clarence Barrett

In respect of the Central Library Capital Project, would the Cabinet Member provide an update as follows:

- a) Original budget for project
- b) Expenditure to date
- c) Projected expenditure upon completion
- d) Source and extent of any additional funding

Answer:

- a) The original budget for the project was £4,087,175.

This includes a Cabinet approval from 14 November 2007 allocating £3.65million. A Form A report contributing £282k from Capital Contingency and Property Strategy funding, an allocation £130,175 of revenue funding to the project and £25k of health and safety funding to help fund the Fire Evacuation Lift.

The above agreed funding was reported to Cabinet at its meeting on 17 December 2008 (apart from precise details of the health and safety monies which were agreed at a later time).

- b) Expenditure to date, as at 3 December 2009, is £3,213,285
- c) It is not possible to give a definitive figure on projected expenditure at this point. However, it is anticipated that there will be a degree of overspend against the agreed budget of £4,087m; primarily because of extra costs associated with removing additional hidden asbestos from the building and dealing with latent defects in the building structure that emerged once the asbestos had been removed. It is also the case that the amount of space within the building that has been set aside for office accommodation has increased, which has resulted in a financial benefit to the Council linked to the delivery of the Property Strategy. An estimate of the projected costs will be established and will be reported to Members in due course
- d) A decision will be made on how the overspend will be funded by Members once it is clear what the projected level of overspend is likely to be.

VOTING RECORD

| <i>DIVISION NUMBER:</i> | 1 | 2 |
|--|----|----|
| | | |
| The Mayor [Cllr. Roger Ramsey] | X | X |
| The Deputy Mayor [Cllr. Melvin Wallace] | X | X |
| | | |
| <u>CONSERVATIVE GROUP</u> | | |
| Cllr. Michael White | X | X |
| Cllr. Gary Adams | X | X |
| Cllr. Michael Armstrong | X | X |
| Cllr. Robert Benham | X | X |
| Cllr. Sandra Binion | X | X |
| Cllr. Jeff Brace | X | X |
| Cllr. Wendy Brice-Thompson | X | X |
| Cllr. Dennis Bull | X | X |
| Cllr. John Clark | X | X |
| Cllr. Andrew Curtin | A | A |
| Cllr. Ted Eden | X | X |
| Cllr. Roger Evans | X | X |
| Cllr. Christine Fox | X | X |
| Cllr. Mark Gadd | X | X |
| Cllr. Georgina Galpin | A | A |
| Cllr. Peter Gardner | X | X |
| Cllr. David Grantham | X | X |
| Cllr. Kevin Gregory | X | X |
| Cllr. Lesley Kelly | X | X |
| Cllr. Steven Kelly | X | X |
| Cllr. Pam Light | X | X |
| Cllr. Robby Misir | X | X |
| Cllr. Eric Munday | X | X |
| Cllr. Barry Oddy | X | X |
| Cllr. Frederick Osborne | X | X |
| Cllr. Paul Rochford | X | X |
| Cllr. Geoffrey Starns | X | X |
| Cllr. Barry Tebbutt | X | X |
| Cllr. Frederick Thompson | X | X |
| Cllr. Lynden Thorpe | X | O |
| Cllr. Keith Wells | X | X |
| | | |
| <u>RESIDENTS' GROUP</u> | | |
| Cllr. Clarence Barrett | ✓ | ✓ |
| Cllr. June Alexander | ✓ | ✓ |
| Cllr. Gillian Ford | A | ✓ |
| Cllr. Linda Hawthorn | ✓ | ✓ |
| Cllr. Andrew Mann | ✓ | O |
| Cllr. Barbara Matthews | ✓ | O |
| Cllr. Raymond Morgon | ✓ | O |
| Cllr. John Mylod | ✓ | ✓ |
| Cllr. Patricia Mylod | ✓ | ✓ |
| Cllr. Linda van den Hende | ✓ | ✓ |
| Cllr. Steve Whittaker | A | A |
| Cllr. Mike Winter | ✓ | ✓ |
| Cllr. John Wood | ✓ | ✓ |
| | | |
| <u>INDEPENDENT LOCAL RESIDENTS' GROUP</u> | | |
| Cllr. Jeffery Tucker | O | O |
| Cllr. Michael Deon Burton | O | O |
| | | |
| <u>LABOUR GROUP</u> | | |
| Cllr. Keith Darvill | ✓ | ✓ |
| Cllr. Tom Binding | ✓ | ✓ |
| | | |
| <u>RAINHAM RESIDENTS' GROUP</u> | | |
| Cllr. Mark Stewart | ✓ | ✓ |
| Cllr. Coral Jeffrey | ✓ | ✓ |
| | | |
| <u>Liberal Democrat Member</u> | | |
| Cllr. Jonathan Coles | ✓ | ✓ |
| | | |
| <u>British National Party Member</u> | | |
| Cllr. Mark Logan | ✓ | ✓ |
| | | |
| TOTALS | | |
| YES | 17 | 15 |
| NO | 31 | 30 |
| ABSTAIN/NO VOTE | 2 | 6 |
| DECLARATION OF INTEREST/NO VOTE | 0 | 0 |
| ABSENT FROM MEETING | 4 | 3 |
| | 54 | 54 |

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

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GOVERNANCE COMMITTEE

7

SUBJECT: NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION – further report

This is the second report of the Governance Committee to Council about changes required in the Council's Constitution in consequence of the revised executive governance arrangements that must apply from 9 May 2010, and is the result of a comprehensive review by a working group of Members and officers established by the Committee.

The Committee now invites the Council to approve the changes to the following:

Part 4: Rules of Procedure for Committee Meetings

Part 4: Rules of Procedure for Council Meetings

Part 5: Member/ Officer Relations

Part 5: Gifts and Hospitality protocol

which are appended.

In the course of considering the revised Rules for Council and Committee meetings, the Committee discussed several changes from current practice:

For Council meetings, the Committee considered:

- 1 Whether specific times should be set aside at meetings for particular business; and
- 2 The use of a tabular form of timetable for the submission of business for inclusion in the agenda for a meeting, rather than the present narrative format.

Following discussion, the Committee concluded, without division, that no useful purpose would be served by pursuing the first proposal but agreed to the second one.

For Committee meetings, the Committee considered:

- 1 Whether the Chairman of a Committee should be obliged to consult its Members before agreeing to a change of date etc for a meeting (Rule 1(b));
- 2 A requirement to record votes at meetings of the Appointments Committee (Rule 7(b));

Council, 3 February 2010

- 3 The introduction of an expectation that Members who requisition an Executive Decision will attend the Overview & Scrutiny Committee meeting at which that requisition is considered; and
- 4 The introduction of an expectation that Members who are appointed to certain Committees will undertake relevant training within six months of, if not before, being appointed.

Proposals 2, 3 and 4 were agreed. On proposal 1, following discussion, it was agreed by that Chairmen should not be required to consult on changes of date etc.

It was noted that, so far as possible and practicable when making alternative arrangements for meetings, Committee staff would continue to offer Members opportunity to express a preference but the Chairman's decision would be final.

These changes are incorporated in the text now before the Council.

The revisions to the two Protocols have been approved by the Standards Committee.

Certain areas of text are high-lighted and in italic font. These areas of text are subject to adjustment, depending on changes made in other parts of the Constitution that have yet to be reviewed and will therefore feature in future reports.

These changes will take effect on 9 May 2010, immediately following the election of Councillors.

Recommendation

That the Council approve the revised Parts appended to this report, subject to adjustment where necessary to reflect changes elsewhere in the Constitution.

PART 4: COMMITTEE PROCEDURE RULES

1 Ordinary meetings of committees

- (a) An ordinary meeting of a committee shall begin at 7.30pm (or such other time as the Chairman may agree shall be specified in the agenda) on the date specified for that meeting in the schedule of meetings published annually, and shall be held at Havering Town Hall or such other place as may be specified.
- (b) The Chairman of a committee may agree to a variation of the date, time or place of meeting or its cancellation, as appropriate.
- (c) The Committee Administration Manager 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.

2 Conduct of meeting

- (a) The Chairman of a meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council.
- (b) The Chairman may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the Chairman is of the opinion that there is insufficient information available to the committee to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.
- (c) The Chairman's ruling in relation to any aspect of the conduct of the meeting shall not be questioned.

3 Special meetings of committees

- (a) The Chairman of a committee may direct the Chief Executive to summon a special meeting of the committee at any time.
- (b) A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee, delivered to the Chief Executive not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting.
- (c) No business other than that specified by the Chairman or in the requisition when the meeting is convened shall be considered at that meeting, which shall be held before the next ordinary meeting of the committee on a date and time, and at a place, to be fixed by the Chairman.

4 Quorum of committees

- (a) No business shall be done at any committee meeting unless a quorum is present, or there is authority by law to continue or the Council or, in the case of a Sub-Committee, the parent committee have so ordered.
- (b) Subject to any provision in law, or unless these rules provide, or the Council agree, otherwise in any particular case, the quorum is one third of the whole number of the committee or sub-committee or other body, but must not be less than three members in the case of a committee, nor less than two members in the case of a sub-committee or other body.

5 Appointment of Chairman and Vice-Chairman of committees

- (a) The Chairman and Vice-Chairman of committees and sub-committees (other than the area committees) shall be appointed by the Council, and shall hold office until the next annual meeting of the Council
- (b)
 - (i) The Chairman of each area committee shall be elected by that committee 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 election of Chairman shall be the first item of business to be transacted at the meeting. If present and eligible, the Member who was Chairman for the preceding municipal year shall take the Chair during that election. In the absence of the out-going Chairman, the election shall be conducted by the *senior Committee Officer present at the meeting*.
 - (iii) *The Vice-Chairman of each area committee shall be elected by that committee and shall hold office until the first meeting of the area committee after the next annual meeting of the Council .*
- (c) If the Chairman is unable to preside at a particular meeting of the committee, the Vice-Chairman will preside; if neither Chairman nor Vice-Chairman is able to be present, the committee shall elect another member to preside.
- (d) In the event of the appointed member becoming unable to act, or of a casual vacancy arising, then until either that member is able to resume the appointment, or a successor is appointed by the Council (or, as the case may be, by the Area Committee):
 - (i) in the absence of a Chairman, the Vice-Chairman shall act as Chairman
 - (ii) in the absence of both Chairman and Vice-Chairman, the leader of the group of which the Chairman is or was a member shall nominate a member of the Committee to act as Chairman.
- (e) Where two more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.

6 Voting in committee

- (a) All questions in committee shall be determined by a majority of members present and entitled to vote. Voting shall be by use of the voting equipment (if available), or by show of hands.
- (b) With the exception of voting at meetings of the Appointments Committee, all votes shall be recorded.
- (c) Where two or more Committees meet jointly:
 - (i) A separate vote shall be taken by each Committee and recorded accordingly

- (ii) Any Member who is a Member of more than one Committee (whether as an appointed Member or as substitute for an appointed Member) shall be entitled to participate in the voting by each of the Committees of which he is a Member.
- (d) If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Chairman may exercise a casting vote.

This rule shall not be suspended.

7 Attendance at committees

(a) Mover of motion referred to committee

A member who has moved a motion at a meeting of the Council which has been referred to any committee shall have notice of the meeting at which it is proposed to consider the motion and, if the member attends, shall have an opportunity of introducing it.

(b) Requisition of Executive Decision to Overview & Scrutiny Committee

Members who have signed a requisition of an Executive Decision to an Overview & Scrutiny Committee shall have notice of the meeting at which it is proposed to consider the requisition and shall be expected to attend the meeting to explain the reasons for the requisition.

(c) Member not appointed to Committee

A member of the Council who has not been appointed to a particular committee may nevertheless attend its meetings and, with the agreement of the Chairman, speak. The Chairman's agreement shall not, however, be required in the case of a Group Leader.

This rule shall not apply to meetings of Hearings Panels, Sub-Committees of the Licensing or Standards Committees or where the rules of natural justice, human rights, compliance with the Members' Code of Conduct or similar legal principles prevent a Member from attending.

(c) Substitute members

- (i) Where a council member of a committee is listed as a member of a political group for the purpose of allocation of seats, all other listed eligible members of that group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. Only the first eligible substitute so to declare at the meeting may replace an absent member. The identities of the substitute and of the substituted members shall be declared at the outset of the meeting and recorded in the minutes.
- (ii) For the purposes of this rule, a meeting which has commenced on one date and re-convenes following adjournment on a different date shall be treated as two separate meetings so as to allow for the possibility of different attendance on the different dates.

(d) **Members of the public wishing to address the Committee**

The Chairman has discretion to permit one or more members of the public to address the Committee on a matter before it, provided he is satisfied that to do so will assist the Committee in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions (including as to the time permitted for that address) as he thinks fit.

This rule shall not apply to the Standards Committee when hearing a complaint or to Hearings Panels, Sub-Committees of the Licensing and Standards Committees or where the rules of natural justice, human rights or similar legal principles prevent such an address.

8 Conclusion of meetings

- (a) Meetings of the Appointments Committee when interviewing applicants prior to making an appointment to a post, Standards Committee when hearing a complaint, Hearings Panels, and Sub-Committees of the Licensing Committee shall finish at such time as the committee or panel shall agree. The remainder of this rule shall not apply to those meetings.
- (b) As soon as two and a half hours (including any time spent in adjournment) have elapsed from the beginning of any other meeting:
- (i) the business of the meeting will continue only until the end of the item being considered.
 - (ii) at that point the Chairman will propose a procedural motion to suspend this rule and extend the finishing time of the meeting.
 - (iii) if the procedural motion is lost the Chairman will then 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.
- (c) 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.

9 Definitions

In these rules, unless the context indicates otherwise, the term "committee" includes any committee, sub-committee, panel or working party of Councillors or predominately of Councillors appointed by the Council (other than the Cabinet and any committee of the Cabinet).

This rule shall not be suspended.

10 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.

Rules for specific meetings

These Rules may not be suspended

1 Sub-Committees of the Licensing Committee and Hearings Panels of the Adjudication & Review Committee:

(a) **Membership**

Membership of Sub-Committees and Hearings Panels is open only to members of the respective Committees. Rule 8(c) (attendance of substitute members) shall not apply to such Sub-Committees or to Hearings Panels.

In constituting the membership of a Sub-Committee or Hearings Panel for a particular hearing, regard shall be had to the following principles:

- (i) each hearing shall be Chaired by either the Chairman or a Vice-Chairman of the appointing Committee (unless none of them is available)
- (ii) a Sub-Committee or Panel shall comprise members who neither represent, nor have a connection with, the appellant or complainant, the ward in which the appellant or complainant resides or in which any premises concerned are located
- (iii) so far as practicable, the members shall include one male member and one female member
- (iv) the political balance rules shall not apply to the composition of a Sub-Committee or Hearings Panel.

(b) Independent persons

Where an independent person is included in the membership of a Sub-Committee or Hearings Panel, that independent person shall have no connection with the appellant or complainant, the ward in which the complainant or appellant resides or in which any premises concerned are located.

Except where required otherwise by law, the quorum for a meeting shall not include an independent person, and a hearing may proceed even though the independent person is absent.

2 Area committees

(a) Nature of business

Only business concerning the whole or part of the area shall be discussed at a meeting of an area committee, unless the Council directs, or the Chairman agrees, that a specific matter shall be considered.

This shall not preclude discussion of matters that relate to the whole or a substantial area of the borough that are to be discussed by all affected Area Committees, nor that relate to a neighbouring Area Committee where the matter in question may also affect the Area Committee.

(b) Executive business

Where business discussed at a meeting of an area committee arises from the delegation of functions by the Leader, the written report to, and minutes of, the meeting shall indicate that fact.

3 Pensions Committee

The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee in a non-voting capacity.

The trade unions representing staff who are members of the Council's pension fund may between them appoint two representatives who shall be entitled to attend and speak at meetings of the Pension Committee, but not to vote. The representatives shall be entitled

to remain should the public be excluded on the grounds that exempt information is to be considered.

4 Regulatory Services Committee

- (a) Where one or more objections have been received to an application, the objector(s) shall have an opportunity to address the committee before the application is determined. Any objector wishing to make an address must notify the Head of Development and Building Control not less than three days before the meeting at which the objection is to be held.
- (b) If there is more than one objector, they shall be invited to agree among themselves before the meeting who shall speak for them all; in the event that no agreement can be reached, the Chairman shall draw lots to determine who shall speak.
- (c) If an objector speaks against an application, the applicant or their designated representative shall be entitled to respond.
- (d) Addresses by both objector and applicant shall not exceed four minutes or such lesser time as the Committee by resolution, either generally or in relation to a specific application, may agree.
- (e) Any request for call in by a Member must be received by the Head of Development and Building Control in writing (to include e-mail and facsimile) and setting out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.
- (f) A Councillor calling in a planning matter should attend the Regulatory Services Committee or appoint a substitute to explain the reasons for the call in.
- (g) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Regulatory Committee.
- (h) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

5 Standards Committee

- (a) The Committee and any Sub-Committee shall be inquorate unless at least one Independent Person who has been appointed to the Committee is present. The chair at every meeting of the Committee or of any Sub-Committee shall be taken by an Independent Member.
- (b) The following specific rules shall apply to meetings at which the Committee or one of its Sub-Committees is considering a complaint against a particular Member ("complaints meetings"). For the avoidance of doubt, the general rules of committee procedure shall apply to meetings of the Committee at which general business is conducted.
 - (i) Rule 8(c) (attendance of substitute members) shall not apply to complaints meetings.
 - (ii) Complaints meetings shall be conducted in accordance with procedures from time to time adopted by the Standards Committee for the hearing of complaints.

6 Training and continuity of membership of certain committees

In the interests of business continuity, each Group and Group Leader shall ensure that any Member appointed to a place allocated to that Group on the each of the Committees referred to in the following table shall have received, or shall within six months of appointment receive, training appropriate to its membership.

Each Group and Group Leaders shall strive to avoid making changes to their representation on the Committees referred to in the table for as long as possible and shall accordingly seek to ensure that their members remain on the particular committee for the period indicated:

| <u>Committee</u> | <u>Period</u> |
|-------------------------|----------------------|
| Adjudication and Review | At least two years |
| Audit | Full four year term |
| Licensing | At least two years |
| Pensions | Full four year term |
| Regulatory Services | At least two years |
| Standards | At least two years |

For the Audit, Pensions, Regulatory Services 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 participate in 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.

APPENDIX

RULES AND CONVENTIONS FOR AREA COMMITTEES

1. Area Committee meetings be treated as just one element of community engagement and be used as a means by which community engagement can be promoted.
2. Area Committees will be constituted under the Local Government Act 1972 and will have the purpose set out in Article 10 of Part 2 of the Constitution (as revised).
3. There will be nine Area Committees, each covering two electoral wards as set out in Article 10 of Part 2 of the Constitution (as revised).
4. Each Area Committee will decide where its meetings will be held. The venue may be fixed, or the Committee may decide to meet at different locations within the Area for successive meetings.
5. Ordinary Area Committee meetings will start at 7.30pm.
6. Area Committees will meet four times a year, but will have the facility for holding special meetings. The Chairman may also arrange informal meetings of the Area Committee, alone or jointly with others, where to do so is conducive to dealing with particular items of business.
7. Area Committees should and can –
 - (a) consult the public to inform the decision makers;
 - (b) be used for the Council to inform the public;
 - (c) be used for non-Council agencies to inform or consult;

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- (d) be entitled to specifically invite appropriate people or organisations to meetings.
8. Area Committee Chairmen –
- (a) operate under the Job Description, as agreed from time to time by the Governance Committee;
 - (b) take the role of steering committee and collective Member activity, and
 - (c) be required to report to each area committee meeting on their activities since the last meeting as well as an annual report to be submitted to the last ordinary meeting of the Committee of the Municipal Year.
9. In respect of Public Question Time -
- (a) 30 minutes be allocated for questions from the public at each ordinary meeting, with the Chairman having discretion to modify that length of time, as the first part of the Agenda;
 - (b) Area Committee Chairman be responsible for dealing with questions and co-ordinate their replies.
10. Area Committee Members appointed to area-specific bodies on behalf of the Area Committee by the Governance Committee be required to report to the Area Committee at least once a year on their activities.
11. Area Committees shall –
- (a) make decisions in respect of traffic matters or (the parameters to be defined) from time to time by the Governance Committee to be recommendation-makers to those taking the decisions;
 - (b) be allocated a budget of £5,000 and be delegated authority to spend on minor locally-focused environmental initiatives (on the basis of criteria established by the Governance Committee from time to time).
 - (c) be entitled to bid for an allocation from a £45,000 budget held on behalf of Cabinet, such bid to be accompanied by a business case

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will normally take place in May but may, if the Council so agrees, take place in March or April.

The annual meeting will:

- (i) choose a Member to preside if the Mayor is not present and to receive apologies for absence;
- (ii) elect the Mayor of the Borough and receive notice of the appointment of the Deputy Mayor;
- (iii) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (iv) receive any announcements from the Mayor and/or Chief Executive;
- (v) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
- (vi) other than in a year when there is an ordinary election of Councillors, consider whether to confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (vii) appoint the overview and scrutiny committees, the Standards Committee and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint (other than for area committees) their Chairmen and Vice Chairmen and appoint the following seven Champions:
 - for Diversity
 - for the Historic Environment
 - for the 14-19 Diploma Scheme
 - for the Over Fifties
 - for Standards
 - for the Voluntary Sector Compact
 - for Younger Persons
- (viii) deal with any consequential or other amendments to Rules, delegations or powers and duties, financial regulations, or the scheme for the payment of allowances to members that may only be determined by the Council;
- (ix) consider any business set out in the notice convening the meeting relating to policy or budgetary matters;
- (x) receive a statement by (or on behalf of) the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

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The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (i) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (ii) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (iii) receive any declarations of interest from members;
- (iv) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
 - (a) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
 - (b) to present to any other Member a certificate of service; and
 - (c) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (v) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (vi) receive any petitions pursuant to rule 24;
- (vii) receive and consider the following business, in the order indicated:
 - (a) recommendations from the Cabinet and the Council's committees;
 - (b) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
 - (c) proposals from the Cabinet in relation to the Council's budget and policy framework;
 - (d) reports of the overview and scrutiny committees and/or the Member Champions;
 - (e) any statutory or other plans submitted for the Council's approval;
 - (f) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
 - (g) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (viii) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee, the Standards Committee and the Pensions Committee:

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- (a) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
- (b) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (ix) at the second ordinary meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (x) consider questions from members submitted in accordance with Rule 10;
- (xi) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (xii) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

3. COUNCIL TAX SETTING MEETING

At the meeting at which the Council Tax for any year is to be set, the order of business shall be:

- (i) to choose a Member to preside if the Mayor is absent and to receive any other apologies for absence;
- (ii) to approve the minutes of the last ordinary meeting of the Council and of any subsequent extraordinary meeting that may have been held;
- (iii) to receive any announcements by the Mayor and/or the Leader of the Council;
- (iv) to consider proposals from the Cabinet in relation to the Council's budget and any reports of the overview and scrutiny committees in respect of those proposals;
- (v) to agree the Council's budget; and
- (vi) to set the council tax.

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer;
- (iv) pursuant to statute, any five members of the Council if they have signed a requisition presented to the Mayor and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

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The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

4.2 Business

The extraordinary meeting will:

- (i) choose a Member to preside if the Mayor is absent and receive any other apologies for absence; and
- (ii) consider the business specified in the summons for the meeting.

5. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at Havering 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.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons signed by the Chief Executive by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by electronic means (and the sending of such documents by electronic means on request shall be deemed to be due delivery). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

The Chief Executive shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Chief Executive may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

7. CHAIRMAN OF MEETING

- (i) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (ii) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (iii) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (iv) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any debate, keep order,

alter the order of business, amalgamate debates and in general organise the business of the meeting.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will be adjourned immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETINGS

9.1 Conclusion of ordinary and special meetings

(i) Once two and a half hours have elapsed from the beginning of any 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 at his absolute discretion 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 at his absolute discretion 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 convening that meeting) no further papers shall be issued and three hours have elapsed from the beginning of the meeting, the meeting will continue 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 but (other than notice of the time and date) no further business may be added to the agenda.

(iv) **Motions and recommendations not dealt with**

If there are other motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover, with the consent of the Council) by 10.30 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

(v) **Motions which may be moved**

The only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

(vi) **Close of the meeting**

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

9.3 Conclusion of the Annual Meeting and of the Council Tax Setting meeting

The Annual Meeting and the Council Tax Setting Meeting shall continue until all motions and recommendations have been dealt with, whereupon the Mayor will declare the meeting closed.

10. QUESTIONS BY MEMBERS

10.1 Questions on notice at full Council

Subject to Rule 10.2, a member of the Council may ask:

- (i) The Leader of the Council
- (ii) A member of the Cabinet
- (iii) Any Committee Chairman who is a Member of the Council
- (iv) A Champion

a question on any matter relating to the business of the Council.

In the absence of the Chairman of a Committee, the Chairman shall arrange for another Member to respond on the Chairman's behalf.

10.2 Notice of questions

Members may only ask questions under Rule 10.1 if either:

- (i) they have given at least 6 clear days notice in writing of the question to the Proper Officer signed by the member or by the Group Leader on behalf of the member; or
- (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.

10.3 The Chief Executive shall refer to the Mayor any question that appears improper. If the Mayor agrees that the question is vexatious, scurrilous, frivolous or derogatory, is contrary to any provision of any Code, protocol or convention of the Council, does not relate to the business of the Council, or is otherwise improper or inappropriate it shall not be asked and the Chief Executive shall inform the questioner accordingly.

10.4 Order of questions

10.5 Subject to the following provisions, questions shall be dealt with in order of receipt.

10.6 Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- round two shall comprise the second such question;
- subsequent rounds shall comprise successive questions in such order

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- once every Group's Members or unattached Member have had to the opportunity to ask one question in the rounds, any questions remaining shall be dealt with in order of receipt

10.7 Where appropriate in the public interest or to facilitate the business of the meeting, the Mayor may give priority to answering one or more questions.

10.8 Response

An answer may take the form of:

- (i) a direct oral answer;
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (iii) where the reply cannot conveniently be given orally, a written answer shall be provided later to the questioner and included in the minutes of the meeting.

10.9 Supplementary question

A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. If that member does not wish to ask a supplementary question then one other member only may do so.

There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

A summary of the supplementary question and answer shall be included in the minutes of the meeting.

10.10 Time for questions

- (i) No more than 30 minutes ordinarily shall be allowed for questions at a Council meeting. At the end of that period, the question being dealt with shall be answered (including any supplementary questions and answers, if the Mayor so wishes) and the Council will pass to the next business. Any question then remaining to be asked shall be dealt with as if it had been put for written answer.
- (ii) The Mayor may extend this period if he thinks fit.

10.11 Absence of questioner

Where a member has given notice of a question but is absent from the meeting, the Group Leader may ask the question on the Member's behalf, otherwise the question shall be dealt with as if it had been put for written answer.

10.12 Alteration of question

A member asking a question, or the Leader of the Group on behalf of that member, may at any time prior to the publication of that question in the final agenda for the meeting require the Chief Executive to alter the wording of that question in order to correct factual or typographical error. No alteration shall affect the sense of any such question, and where the Chief Executive doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on the matter shall not be questioned.

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10.13 Withdrawal of question

A question may be withdrawn at any time by the person who submitted the question or by the Leader of a member's Group (with that member's consent).

10.14 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (i) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (ii) a summary of any supplementary question and answer
- (iii) the text of the question and answer of every question dealt with by written reply.

11. MOTIONS OF WHICH NOTICE IS GIVEN

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection.

11.2 If a member satisfies the Mayor that:

- (i) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (ii) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

the Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

11.3 Scope

- (i) Motions must be about matters for which the Council has a responsibility, which affect the borough or relate to an issue of general importance or interest to the people of the borough
- (ii) The Proper Officer shall refer to the Mayor any notice of motion which appears to be improper, vexatious, frivolous, derogatory, contrary to any code, protocol, guidelines, convention, which does not comply with paragraph (i) above or which is otherwise improper or inappropriate. If the Mayor agrees, it shall not be included in the summons and the Proper Officer shall inform the mover accordingly.
- (iii) The Proper Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer and Monitoring Officer prior to the meeting to

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clarify, correct, or make sense of the particular wording. The Proper Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

- (iv) Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.

11.4 Reports to Council

Reports of Cabinet, Committees or officers to Council to which an amendment is 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. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) applies to that motion).

11.5 Motion set out in agenda

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that where more than one motion is submitted by a group at the same time, in the order in which the group submitting the motions expresses a preference.

11.6 Amendments to motions and reports

Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.

An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.

- 11.7 An amendment shall not be debated unless it has been moved and seconded. The mover or seconder of an amendment may not move or second any other amendment on the same motion without the consent of the Mayor.

- 11.8 An amendment to a motion must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

provided that the effect of (b) to (d) is not to negate the motion.

If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) require the amended motion to be read out before a accepting any further amendments, or if there is none, put it to the vote is taken on the substantive motion.

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11.9 Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (i) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (ii) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded.
- (iii) An amendment to a motion/report on the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer¹ enable a robust budget to be set.

Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test:

(a) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.

(b) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, he shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.

(c) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, he shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(4)(ii).

¹ **As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Chief Finance Officer.**

11.10 Alteration of motion and/or amendment

- (i) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity;
- (ii) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, may seek the consent of the Council to alter that motion or amendment.

No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.

The meeting's consent will be signified without discussion.

- (iii) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and

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amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

11.11 Withdrawal of motion or amendment

The member moving a motion or amendment may withdraw it at any time before the motion is called. No member may speak on the motion or amendment after the mover has withdrawn it.

12. MOTIONS WITHOUT NOTICE

12.1 The following procedural motions may be moved at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (i) in relation to the accuracy of the minutes
- (ii) to change the order of business in the agenda
- (iii) to refer something to an appropriate body or individual;
- (iv) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (v) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vi) to withdraw a motion;
- (vii) to clarify a motion or amendment;
- (viii) to adjourn a debate to a time specified;;
- (ix) that the meeting continue beyond 10.30 p.m.;
- (x) to suspend a particular council procedure rule in accordance with Rule 21
- (xi) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (xii) not to hear further a member named or to exclude them from the meeting under Rule 19; or
- (xiii) that the time limit for speeches or addresses be altered.

12.2 A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (i) "That the question be put", or
- (ii) "That the Council proceed to the next business", or
- (iii) "That the Council adjourn".

If the special procedural motion is seconded, it shall be put to the vote forthwith and, if it is carried, then:

- in case (i): the rights of reply given by Rule 13.12 may be exercised. The motion before the meeting shall then be put to the vote, or

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- in case (ii): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- in case (iii): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (iii)

13 RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed and may require it to be made available to all members.

The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve the right to speak until later in the debate.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, clarification, point of order or point of information. No speech may exceed the time limits below without consent of the Mayor.

- (i) ten minutes for a mover of a motion or an amendment
- (ii) eight minutes for a seconder of a motion or amendment (irrespective of whether that speech follows that of the mover or, pursuant to Rule 13.3, takes place later in the debate)
- (iii) five minutes for other speeches in any debate
- (iv) at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

13.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (i) in exercise of a right of reply;
- (ii) on a point of order;
- (iii) by way of personal explanation;
- (iv) by way of clarification; or
- (v) on a point of information.

13.6 Rights of reply

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), or, if the mover is not a member of a Group, that Member.

Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

- (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.

- 13.7 A member may raise a point of order at any time. The Mayor will hear this immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

13.8 Personal explanation

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of the speech. A personal explanation may only relate to the statement made by the other member in his speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

13.9 Clarification

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

13.10 Point of Information

A member may seek to make a point of information at any time **but may not pursue it if the member speaking declines to give way**. It shall be a simple question to clarify factual statements made during the course of a speech. It may not be a long or rhetorical question or become a cross-examination of the speaker. The ruling of the Mayor on the admissibility of a point of information will be final.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months shall not be moved unless the notice of motion is signed by at least 25 per cent of the members.

A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

14.2 Motion similar to one previously rejected

- (i) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months shall not be moved unless the notice of motion or amendment is signed by at least 25 percent of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (ii) This rule shall not apply to motions moved in respect of a report or recommendation of a committee but shall apply to amendments to such a recommendation.

15. VOTING

15.1 Majority

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

15.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

15.3 Recording of Votes

All votes shall be recorded.

15.4 Voting on appointments

If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Mayor shall exercise a casting vote.

16. MINUTES

16.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.

Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended

16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

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16.3 Form of minutes

Subject to Rule 16.4, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

- 16.4 For the purpose of ensuring the accuracy of minutes, the Proper Officer is authorised to adjust the text of the substantive motion as finally carried to reflect the sense of the meeting where, in consequence of more than one amendment being carried, the meaning is not otherwise clear.

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the provisions of s100B of the Local Government Act 1972 or Rule 20 (Disturbance by Public).

18. MEMBERS' CONDUCT

18.1 Standing to speak

When a member speaks at full Council they must stand (unless prevented from doing so by illness or disability) and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, clarification, a point of personal explanation or information.

- 18.2 A member shall confine a speech to the matter under discussion or to an explanation, clarification, to a point of order or upon a point of information.

18.3 Defamatory and unparliamentarily language

- (i) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (ii) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 19.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

18.4 Member not to be heard further

- (i) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

18.5 Member to leave the meeting

If the member continues to behave improperly after a motion under Rule 19.4 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting

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be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

19. DISTURBANCE BY THE PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

19.2 Clearance of part of meeting room

If there is a disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

19.3 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may issue a warning and if the disturbance continues adjourn the meeting for as long as he thinks necessary. Such action shall be at the Mayor's discretion and may be taken without putting the matter to the vote.

19.4 Rules 19.1 to 19.3 shall not be suspended.

20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

Except as noted in 21.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.

20.2 The following Rules may not be suspended:

15.1 – question to determined by majority vote

16.1 - signing of minutes - procedure

16.2 – minutes to be signed only at ordinary meetings

18 - Members' conduct

19 - Disturbance by the public

20.3 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the Governance Committee.

21. AUDIO-VISUAL AIDS

21.1 A member may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when

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required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

- 21.2 The Mayor may, however, direct that, in the circumstances of a particular meeting, such aids may not be used.

22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS

- 22.1 A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

- 22.2 The Mayor may consent to the making an audio-visual or photographic record (including a radio or television broadcast) of any particular meeting (but not so as to permit the recording or broadcast of any confidential or exempt information).

Such consent may be given for a specific meeting or for meetings generally.

- 22.3 An audio recording will ordinarily be made of each meeting of the Council so as to facilitate the transcribing of any part of the meeting where necessary.

23. PETITIONS

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

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

- 23.3 Any petitions received by the Mayor at Council or at any other time will be referred to the appropriate Head of Service for action, reply or report.

24. CONFERMENT OF AWARDS FOR EMINENT SERVICE

- 24.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

- 24.2 In a year in which there is an ordinary election of Councillors, Council shall consider at 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.

- 24.3 Notwithstanding rules 24.1 and 24.2, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.

- 24.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the "eminent service", or the reason for "distinction" for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

25. INTERPRETATION

For the purposes of the Council Procedure Rules:

- (a) the term "clear days" means a normal working day, excluding:
 - the day on which a document is first made available
 - the day of the meeting
 - Saturday and Sunday
 - Public or bank holidays
 - Other days when the Council's offices are closed
- (b) "Proper Officer" shall include, if the Chief Executive is absent or unable to act, reference to any Group Director or the Assistant Chief Executive Legal & Democratic Services who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) "Group" means any Group of members constituted under the statutory rules for political balance
- (d) "Group Leader" means the member notified to the Proper Officer as leader of a Group
- (e) "Deputy Group Leader" means "the other authorised representative" of the group
- (f) "Group Secretary" means the member notified to the Proper Officer as holding that office within the Group
- (g) "Leader of the Council" means the Member elected to hold that office
- (h) "Leader of the Opposition" means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
 - (a) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is from an address recognisably that of the person giving notice or known to be associated with him or her.
 - (b) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Democratic Services Manager or a member of his staff.
 - (c) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Democratic Services Manager or a member of his staff on behalf of the Mayor.
 - (d) Any document handed to the Proper Officer, Chief Executive, Democratic Services Manager or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
 - (e) Where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature..

APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

1 Annual Meeting Timetable

| | | Day, week, and “clear days” before meeting |
|---|---|---|
| 1 | Publication of INITIAL Agenda | Thursday: three weeks before 13 |
| 2 | Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting | Tuesday: two weeks before 10 |
| 3 | Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough | Tuesday: two weeks before 10 |
| 4 | Publication of REVISED Agenda | Thursday: two weeks before 8 |
| 5 | Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda | Monday: one week before 6 |
| 6 | Publication of FINAL AGENDA incorporating all agenda papers | Tuesday: one week before 5 |
| 7 | Last date for receipt of notice of amendment to any report published with the Final Agenda | Monday: same week 1 |

2 Ordinary Meeting Timetable

| | | Day, week, and “clear days” before meeting |
|---|---|---|
| 1 | Publication of INITIAL Agenda | Thursday: three weeks before 13 |
| 2 | Last date for receipt of notices of motion | Tuesday: two weeks before 10 |
| 3 | Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council | Tuesday: two weeks before 10 |

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| | | |
|---|--|--|
| 4 | Publication of REVISED Agenda | Thursday: two weeks before 8 |
| 5 | Last date for receipt of questions | Monday: one week before 6 |
| 6 | Last date for receipt of notice of amendments to motions published in the Revised Agenda | Monday: one week before 6 |
| 7 | Last date for receipt of notice of intention to present a petition | Monday: one week before 6 |
| 8 | Issue of FINAL AGENDA incorporating all agenda papers | Tuesday: one week before 5 |
| 9 | Last date for receipt of notice of amendments to reports issued with the Final Agenda | Monday: same week 1 |

3 Council Tax Setting Meeting Timetable

| | | Day, week, and "clear days" before meeting |
|---|---|---|
| 1 | Publication of INITIAL Agenda | Tuesday: three weeks before 13 |
| 2 | <i>Cabinet meeting at which budget recommendations will be determined</i> | <i>Wednesday: two weeks before 9</i> |
| 3 | Publication of REVISED Agenda | Thursday: two weeks before 8 |
| 4 | Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published) | Tuesday: one week before 5 |
| 5 | Last date for receipt of any amendment to the Council Budget | Thursday: one week before 3 |

PART 5: PROTOCOL ON MEMBER/OFFICER RELATIONS

Introduction

1. Given the variety and complexity of Member and Officer relations, this Protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern.
2. This Protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any Member is unsure about any matter, s/he should contact the Monitoring Officer for appropriate advice and assistance. If any Officer is unsure about any matter, s/he should contact the relevant Group Director and/or the Monitoring Officer.
3. The Standards Committee and the Monitoring Officer may issue general guidance on the Code of Conduct for Members, this Protocol on Member/Officer relations and the Protocol on Probity in Planning. Where appropriate, the Monitoring Officer will also consult the Chief Financial Officer and the Chief Executive on any further general guidance.

General Member/Officer Issues

4. The opportunity is taken to reinforce the following points:-
 - (i) In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principle for Members and Officers has to be one of "engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect";
 - (ii) Officers, being employees of the Council, must act in the best interests of the Council, as a whole, and must not give politically partisan advice. Anyone breaching this requirement, will face disciplinary action and may, ultimately, be dismissed by the Council;
 - (iii) Political Group meetings, whilst they perform an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that Members and Officers understand and interpret such decisions accordingly;
 - (iv) Officer support to Political Groups must not extend beyond providing information and advice in relation to Council business;
 - (v) it is good practice for Party political debates and decision-making to take place in the absence of Officers, in order to avoid any suspicion of impropriety or misunderstanding;
 - (vi) Officers must respect the confidentiality of any Political Group discussions at which they are present; and
 - (vii) any breach of this part of the Protocol by an Officer must be brought to the attention of the Chief Executive and / or the Monitoring Officer for consideration.

Legal and Audit Commission Considerations

5. Members of the Council do not, as elected members, have any special immunity from civil or criminal wrongs that they may commit against fellow Members, Officers or members of the public. Members must abide by the Code of Conduct for Members and ensure they

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do not, for example, slander or libel another person. During the course of their normal duties for the Council, Members will, therefore, only have a qualified (not absolute) protection against prosecution or civil action. This requires that there must of necessity be an absence of malice.

6. Members must also not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for, or on behalf of the Council. It is also imperative that Members are clear about their roles and the roles of Officers, so as to avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, as the actions of the Member(s) may be held to be the actions of the Council, as an "employer".

Standards Issues

7. Any member of the public (including Officers and other members) can complain to the Standards Committee of the Council about a Member's breach of the Code of Conduct for Members and/or bring private civil litigation proceedings against an elected member. The District Auditor can also take legal action against an elected member and the Council, as a whole, for any breaches of the law.

Public Relations Issues

8. The Council's Communications Section are responsible for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official communication relating to the Council (but not party political or private matters) is dealt with by this section, so as to ensure the proactive, effective and efficient management of the Council's public image, relations and interface. The Council will have regard to the Code of Recommended Practice on Publicity.

Specific Points on Member/Officer Relations

9. The relationship between Members and Officers generally is characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy.
10. Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided, therefore, that could give rise to suspicion and/or appearance of improper conduct or behaviour.

Employer/Employee Issues

11. Members should recognise and pay due regard to their role as an employer in their dealings with Officers, as Officers could use inappropriate behaviour and conduct of Members in bringing employment cases against the Council.
12. Members must guard against putting inappropriate pressure, in particular, on junior officers and must ensure that all communication between them (including written communication) does not bring the Council into disrepute or cause any embarrassment to them.
13. In seeking advice and support, Members should have due regard to the seniority of the Officer with whom they are dealing and recognise that, whilst those Officers owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and the Chief Executive and not to any individual Member. For this reason, Members should not give direct instructions to staff, and where possible should ensure their communications are with staff at an appropriate managerial level within the Council.

Equality Issues

14. The Council has statutory duties with regard to equality issues and in accordance with the Code of Conduct for Members, Members must also promote equality by not discriminating against others. Members and Officers shall not, therefore, by their behaviour or speech act in a discriminatory manner with regard to, for example, a person's gender, race, disability, religion, ethnicity, nationality, sexual orientation or age. Such principles will apply to the implementation of personnel policies, recruitment and promotion as they apply to day to day dealings.

Officer Conduct or Capability Issues

15. Members should not raise matters relating to the conduct or capability of an Officer (or of Officers, collectively) at meetings held in public or before the Press, as Officers have no means of responding to the same in public. Neither should members display any inappropriate behaviour or language to Officers at such meetings or at any other meetings to which they are invited or are represented. Inappropriate behaviour or language is considered to be as described in paragraph 26. If any Member feels that s/he has not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an Officer, s/he should raise the matter, in private, with the Group Director of the directorate concerned. Any concerns with regard to a Group Director should be discussed, in private, with the Chief Executive and/or the Leader of the relevant Political Group. Whispering campaigns against Members and Officers do not project a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy and should be avoided.
16. It is legitimate for Members to appropriately challenge Officers' advice but there is a potential breach of the Code of Conduct for Members if they require any Officer to:
- (a) change his/her professional advice; or
 - (b) take any action which the Officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct (including professional codes of conduct).

Havering's Code of Conduct states that a Member must not bully any person which would include staff

Monitoring Officer/Chief Financial Officer Consultations

17. Members are required to consult with the Monitoring Officer and the Chief Financial Officer over any legality, maladministration, financial impropriety, or probity issues or where they have any doubt as to whether particular decisions are or were likely to be contrary to the Council's Budget and Policy Framework Rules or the law. Inappropriate or late consultation will not satisfy the need to consult those Officers at the relevant time.

Political Impartiality

18. Members shall, at all times, respect the political impartiality of Officers and must not expect or encourage Officers to give a political view on any matter.
19. For the avoidance of doubt, it must be recognised by all that, in discharging their duties, Officers serve the Council, as a whole, and not exclusively any Political Group, combination of groups, or any individual Members.
20. Officers may properly be called upon to support and contribute to the deliberations of Political Groups but they must, at all times, maintain political neutrality. This applies, in particular, to Politically Restricted Officers, who are governed by the Local Government

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and Housing Act 1989. All Officers must, in their dealings with Political Groups and individual Members, treat them in a fair and even handed manner.

21. Any request for advice given to a Political Group or Member will be treated with the strictest of confidence by the Officers concerned and will not be accessible to any other Political Group(s). Factual information upon which any advice is based will, if requested, be available to all Political Groups.
22. When attendance is requested for Political Group meetings:
 - (a) The request to attend a Political Group meeting must normally be made through the relevant Group Director;
 - (b) Such a request can only be made in relation to Council business; and
 - (c) Officers will:-
 - (i) provide relevant factual advice and assistance;
 - (ii) leave during the deliberations of the Political Group on the issue;
 - (iii) respect the confidentiality of any Political Group decision at which they are present; and
 - (iv) not champion, defend, action or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the Political Group(s), unless and until such decisions have become the formal decisions of the Council.

Specific Points on Overview and Scrutiny Arrangements

23. **The Council's Overview and Scrutiny Committees will seek the advice of:-**
 - (a) The Monitoring Officer, where they consider there is doubt about the legality of any Executive decision(s); or
 - (b) The Monitoring Officer, Chief Financial Officer and other relevant Group Directors, where they consider a decision (or decisions) of the Executive might be contrary to the Council's Budget and Policy framework.
24. When asking Officers to give evidence before any Overview and Scrutiny Committee, questions should be confined, so far as is possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Officers must respond to questions from Members in an open, constructive and helpful manner. Officers must not mislead or be economical with the truth.
25. Where they consider it appropriate, the Chairman of the relevant Overview and Scrutiny Committee may ask Group Directors to explain any advice given by them to Members of the Executive and explain any decision(s) the Group Director may have taken under the Scheme of Delegations to Officers. For the avoidance of doubt, this will not apply to any private or confidential matters.

Unacceptable or Inappropriate Behaviour

26. The relevant Chairman of the Overview and Scrutiny Committee shall ensure that Members of the Executive and Officers who appear before the Committee are not questioned by Members of the Committee (whether through the nature, tone or language used), in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimising, discriminatory or otherwise unacceptable or inappropriate.

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27. Any allegation of unacceptable or inappropriate behaviour by a Member will be reported to the Leader of the relevant Political Group for consideration and/or the Standards Committee of the Council, if there has been a breach of the Code of Conduct for Members. The relevant Leader may also refer the matter to the Standards Committee for consideration, guidance or sanction, if the matter is a breach of other Protocols.

Use of Local Authority Resources

28. The only basis on which the Council can lawfully provide support services to Members (e.g. computers, telephone, mobile phones, blackberries, stationery, typing, printing, photo-copying, transport etc.) is to assist them in the effective and efficient discharge of their duties and role as Members of the Council. Such support services must, therefore (as set out in paragraph 6 of the Code of Conduct for Members), be only used for Council business save for under the Council's IT Protocol, limited personal use of telephones only is permissible upon payment of the bill relating to personal use. In all other circumstances the same should never be used for or in connection with Political, Party Political or campaigning activities or for private purposes.

Access to Information – 'Need To Know'

Statutory provisions

29. The Local Government (Access to Information) Act 1985 (which is Section 100F of the Local Government Act 1972) was introduced to give additional rights to Elected Members. The Act was at pains to stress that these rights were in addition to those at common law.
30. Section 100F makes it clear that any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee of the Council will be open to inspection by a Member of the Council, unless it contains confidential/exempt information as defined within the section. A non-committee member's right to information is therefore enhanced by Section 100F subject to the Proper Officer withholding confidential/exempt information within those paragraphs.
31. Section 100F does not, however, go as far as the common law, vis-à-vis, the Committee Member. For non-Committee Members, their position is enhanced by section 100F. In both cases, however, if there appears to be confidential/ exempt information, by virtue of the other parts of the Act, there is still the discretion for the relevant Proper Officer to withhold the confidential/exempt information.
32. It is also a matter of fact as to whether or not the information is 'in the possession or under the control of the Council'. The key issue to be determined is whether or not the information belongs to the Council or to another person. If it belongs to another person, Officers will only release any confidential information after an appropriate consent to release such information has been obtained from the relevant person. Officers will not, therefore, "hand over" their files to a Member, without the Officer being clear about the reasonableness of the request and the Officer's ability to share confidential information with a Member. If any Officer is unsure about a request for information, s/he must discuss the same with his/her line manager and/or the Monitoring Officer.
33. Under the Local Government Act 2000 Executive arrangements and subject to important exceptions (see paragraph 35 below), any relevant document which:
- (a) is in the possession, or under the control, of the Executive; and
 - (b) contains material relating to any business to be transacted at a public meeting of the Council, will be available for inspection by Members of the Council.

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34. The exceptions, to the above general requirement of paragraph 34, are that exempt information in respect of Schedule 12A of the Local Government Act 1972 – see paragraph 36 below) would be disclosed
35. In addition to the above and subject to important exceptions (see paragraph 37 below), an Overview and Scrutiny Committee Member will be entitled to a copy of the relevant document which:
- (a) is in the possession or under the control of the Executive;
 - (b) contains material relating to:-
 - (i) any business carried out at a private or public meeting of the Council;
 - (ii) any decision taken by a relevant Cabinet Member; or
 - (iii) any key decision of the Cabinet.
36. The exceptions to the above general requirements of paragraph 36 are that such a document (or part of it) contains exempt or confidential information, unless it is relevant to any action or decision being reviewed or scrutinised under the overview and scrutiny arrangements
37. For the purposes of completeness, Appendix A provides an extract of the statutory exempt information paragraphs, which permit reports to be considered in private. As a guiding principle and in keeping with good open government, Executive Members, Chairmen of relevant Committees and Officers will ensure that, so far as is possible and permitted by law, reports are considered in public. If any Member or Officer has any concerns over whether a private report ought to be (or should have been) considered in public, s/he should raise the matter, at the earliest opportunity, with the relevant Group Director, Chairman of the Committee or the Monitoring Officer for a decision.

Common law principles

38. In addition to the statutory provisions, the common law right of Members to access information is based on the principle that any Member has a *prima facie* right to inspect Council documents *so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council*. This principle is commonly referred to as the “need to know” principle.
39. This principle applies equally to leaders of the Political Groups and, under common law principles; the courts have not determined that any leader has an ‘automatic’ right to information. Accordingly, for the purpose of legal considerations, leaders fall to be considered as ordinary Members, if they wish to see Council documents; although they will, in most situations, be able to readily satisfy the ‘need to know’ requirements on the submission of reasonable information or by reasonable implication to substantiate the same. Leaders of Political Groups will, therefore, still have to demonstrate that their request is a proper and reasonable one and give adequate reasons for requiring the information.
40. In addition, it should be remembered that the access to information right will vary from Member to Member, will arise at different times and, as such, a Member’s ‘need to know’ will be considered on a case by case basis and will not last indefinitely.

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41. The above statements on the common law position are subject to additional safeguards to protect Council information; namely, if the motive of a Member requesting to see documents is indirect, improper or ulterior, this may be raised by the Council as a bar to the Member's entitlement to inspect documents that are addressed to the Council. The entitlement of a relevant Committee Member to inspect documents of the Committee is a strong one and certainly stronger than that of a non-Member of the Committee. However, as indicated earlier, the rights of the former are not absolute, as it would still be open to the Committee/ Council to raise a bar to the exercise of such a right on the grounds of the Member's motives being improper, indirect or ulterior.
42. Furthermore, the law does not entitle a Councillor to go on a "roving or a fishing expedition" or to receive every working document that Officers have access to or may have had access to in the past. As a Councillor, s/he will only be entitled to see those documents that are relevant background papers mentioned in any report received by the (Sub-) Committee or other reasonable requests for relevant papers in order to comply with his/her 'right to know'. Clearly, any confidentiality attached to the same remains and the same must be kept confidential and not released to any other person. This includes, of course, members of the press. A breach of confidence by a Member is actionable by way of a complaint to the Council's Standards Committee. If the breach is serious enough, the person whose confidence has been betrayed may also bring a civil action against the Member (and/or the Council) for damages.
43. By equal token, any unreasonable requests for information can and will be declined. A balance has therefore to be struck between a Member's right to know and an individual's/ business'/ organisation's need for confidentiality, especially where the individual/ business/ organisation has requested confidentiality of the information provided to Council Officers.
44. If any confidential information is contained in public documents then it will, of course, lose its confidentiality. Equally, draft-working documents are subject to change and it is reasonable for those documents to be withheld until the matter is formally reported to the relevant committee / decision-maker.

Election Period and Special Responsibility Posts

45. During the election period, special rules apply with regard to local authority publicity and these can be found in "The Code of Recommended Practice on Local Authority Publicity",.
46. In terms of any serving Councillor who may be standing for re-election, it is imperative that s/he maintains a clear distinction between his/her private wish to stand for re-election and his/her official duties as a serving Councillor. S/he should, therefore, be particularly careful to guard against giving any impression that Council resources are being or could have been used for his/her re-election and/or private purposes. To do so, could amount, in serious cases, to a breach of the Code of Conduct for Members and a written complaint could be made to the Council's Standards Committee.
47. The fact that the Councillor is a serving Councillor can, of course, be stated on any elections material. However, the Council address and/or his/her Council e-mail address facilities should not be used or allowed to be used on any elections material produced by him/her or produced on his/her behalf by another person.
48. Members are provided with officer support to assist them with the discharge of their duties for the Council. Such staff should never be asked or used to carry out Party political purposes or private purposes.

Sanctions for Breach of the Code of Conduct for Members and this General Guidance

49. Complaints against any breach of the Code of Conduct for Members must be referred to the Council's Standards Committee, which could lead, ultimately, in the most serious of

cases and a referral to the Standards for England, to the disqualification of a Member. Complaints against any breach of this Protocol by a Member may be referred to the Standards Committee. Complaints against any breach of this Protocol by an Officer may be referred to the relevant Group Director, the Chief Executive or the Monitoring Officer.

APPENDIX A

Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition):

| Category | Notes |
|----------|---|
| 1 | Information relating to any individual |
| 2 | Information which is likely to reveal the identity of an individual |
| 3 | Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
| 4 | Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. |
| 5 | Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. |
| 6 | Information which reveals that the authority proposes: <ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment |
| 7 | Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime. |

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current activities;

“labour relations matter” means:

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office holder”, in relation to the authority, means the holder of any paid officer appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

Any reference in Parts 1 and 2 of this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference:

| | Category | Notes |
|----|---|---|
| 8 | <p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) [the Companies Acts (as defined in Section 2 of the Companies Act 2006]; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) The Charities Act 1993 | <ul style="list-style-type: none"> (a) in the case of a principal council, to any committee or sub-committee of the council; and (b) in the case of a committee, to: <ul style="list-style-type: none"> (i) any constituent principal council; (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and (c) in the case of a sub-committee, to: <ul style="list-style-type: none"> (i) the committee, or any of the committees, of which it is a sub-committee and (ii) any principal council which falls within paragraph (b) above in relation to that committee |
| 9 | <p>Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> | |
| 10 | <p>Information which:</p> <ul style="list-style-type: none"> (a) falls within any of paragraphs 1 to 7; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above <p>is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> | |

PART 5: PROTOCOL ON GIFTS AND HOSPITALITY

1. Meaning of gifts and hospitality

- 1.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:
- (a) The gift of any goods or services;
 - (b) The opportunity to acquire any goods or services freely or at a discount or at terms not available to the general public;
 - (c) The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.
- 1.2 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.
- 1.3 Common hospitality includes lunches, dinners or refreshments.

2. General Caution

- 2.1 The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care. Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties. Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.2 You should consider carefully all the circumstances surrounding the offer of a gift or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors as are personal relationships with those making the offer. Also be sensitive to the timing of the offer in relation to decisions which the Council may be taking, affecting those making the offer.
- 2.3 You should avoid hospitality in situations where you would be the sole guest.
- 2.4 You may have to estimate the value of the gift or hospitality.
- 2.5 The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. In any case of doubt, advice should be sought from the Monitoring Officer.

To refuse may cause misunderstanding or offence; however to accept may give rise to questions of impropriety or conflict of interest.

Where the decision whether to accept hospitality is left to your judgement, you must ask yourself some commonsense questions: for instance, whether there is a benefit to the Council in your accepting the invitation; whether the entertainment is lavish, on a scale which you could not personally afford; whether you are accepting too much hospitality from the same source; and, if your position is prominent, whether just your attendance at an event might be open to interpretation as a signal of support.

3. Code of Conduct requirements

- 3.1 The Member Code of Conduct requires that you register in your Register of Personal Interests (maintained by the Monitoring Officer), any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you, in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Council. You must also register the source of the gift or hospitality.
- 3.2 You must register the gift or hospitality as soon as possible but in any event within 28 days of its receipt/ acceptance.
- 3.3 The Member Code of Conduct provides that you automatically have a personal interest in a matter under consideration at a Council meeting, if it is likely to affect the person who gave you the gift or hospitality which you have registered. In practical terms, this means that, although you have registered the gift or hospitality and its source in your Register of Personal Interests, you must still orally, at the meeting, disclose as a personal interest, the existence and nature of the gift and hospitality, the person who gave it to you and how the business under consideration relates to that person and then decide whether your interest is also prejudicial. If the interest is prejudicial, then you must declare you have a prejudicial interest and comply with the rules on prejudicial interests.
- 3.4 You must continue to disclose the existence and nature of the gift or hospitality etc at relevant Council meetings, for 3 years from the date you first registered the gift or hospitality. This disclosure requirement ceases for gifts and hospitality interests registered more than 3 years ago.
- 3.5 Where any gift (no matter the value) is accepted, the donor should always be advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

4. Series of gifts or hospitality adding up to £25 or more in value

The registration requirement in the Code is limited to gifts or hospitality worth £25 or more. If you receive a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered on your Register of Personal Interests as an accumulation. You may have to estimate the value of the gifts or hospitality. Occasionally there are frequent offers of hospitality from the same source e.g. Queens Theatre. This should be registered if tickets exceed the limit and are accepted and should be registered cumulatively if more than one offer is received. Any donation to the Queens Theatre in lieu of the ticket price or part thereof should be deducted from the hospitality.

5. What to avoid

- 5.1 In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles:
 - (a) do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee.
 - (b) do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (c) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - (d) do not solicit any gift or hospitality and avoid giving any perception of doing so.

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- (e) do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
- (i) from parties involved with the Council in a competitive tendering or other procurement process.
 - (ii) from applicants for planning permission and other applications for licences, consents and approvals.
 - (iii) from applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - (iv) from applicants for benefits, claims and dispensations.
 - (v) from parties in legal proceedings with the Council.

5.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove corruption in relation to the receipt of a gift or hospitality from a person holding or seeking to obtain a contract from the Council.

5.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation. If you are in doubt about what is proper, there are three particular things you should bear in mind;

- **DO** err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept;
- **DO** consult the Monitoring Officer or a Deputy Monitoring Officer if you are still unsure;
- **DO** consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with this Protocol.

6. Gifts and hospitality which need not be registered

There are some circumstances where you may accept gifts and hospitality without the need to register the gift or hospitality. Some situations will require the exercise of your personal judgement. You should always be cautious, when additional services, privileges or advantages are offered, which might be related to your position as a Member. Remember - always register a gift or hospitality if it could be perceived as something given to you because of your position.

- (i) Official hospitality such as a civic reception or a working/business lunch in Council owned premises or hosted elsewhere, by a partner organisation of the Council.
- (ii) Civic hospitality provided by another public authority.
- (iii) Refreshment in connection with any meeting in the course of your work as a member e.g. tea, coffee and other normal beverages and refreshments.
- (iv) Meals or refreshments funded by other public sector partners, as part of joint working/collaboration.
- (v) Meals or refreshments provided as part of a ceremony or event to promote/or launch a project or initiative.

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- (vi) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or advisor who is already appointed by the Council for that project, scheme or initiative.
- (vii) Drinks or other refreshment in the normal course of socialising arising consequentially from Council business e.g. inclusion in a round of drinks after a meeting.
- (viii) Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens.
- (ix) Gifts and hospitality arranged and paid for wholly by your own political party.
- (x) Gifts and hospitality not related or connected with your membership of the Council i.e. received by you outside the performance of your functions as a Member.
- (xi) Gifts and hospitality you may receive from family and friends e.g. birthday presents that are not related to your position as a Member.
- (xii) Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally e.g. a commemorative goblet for display in the Mayor's parlour.
- (xiii) Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
- (xiv) Gifts and hospitality which you do not accept (refer to the guidance in paragraph 7 of this Protocol).
- (xv) Gifts which you donate to the Mayor's charity, subject to you indicating this intention to the donor of the gift.
- (xvi) Gifts known to be available to all members of the Council e.g. badges and ties bearing the Council's coat of arms.
- (xvii) Souvenirs and gifts from other public bodies intended as personal gifts e.g. arising from town-twinning and other civic events.
- (xviii) Hospitality known to be available to all members of the Council e.g. Annual Meeting/Mayor making refreshments
- (xix) Hospitality ancillary to the Council business being conducted, such as an overnight stay for an 'away – day with a partner organisation of the Council'.
- (xx) Hospitality ancillary to attendance at conferences, seminars and courses where the hospitality is corporate, rather than personal.
- (xxi) Hospitality ancillary to attendance at functions where you represent the Council (opening ceremonies, public speaking events, conferences).
- (xxii) Hospitality ancillary to attendance as Mayor or Deputy Mayor, at charity events, garden parties, fetes, schools, concerts etc.
- (xxiii) Trips in the UK or abroad which are paid for by the Council or which involve reciprocity of payment with other local authorities, government bodies/ departments or outside bodies/organisations, together with any hospitality associated with such visits and available to all participants.

7. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined.

When gifts or hospitality are declined, the offeror should be courteously but firmly informed of the procedures and standards operating within the Council.

8. Reporting of inappropriate gifts and hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an

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inappropriate gift or hospitality has been offered to you including repeated or persistent offers (even if declined). You may thereafter be required to assist the Police in providing evidence.

9. Overseeing this Protocol

The Standards Committee has responsibility for overseeing compliance with this guidance and allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

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GOVERNANCE COMMITTEE

8

SUBJECT: APPOINTMENT OF GOVERNORS OF COMMUNITY SCHOOLS

Arising from the review of the Council's Constitution, the Governance Committee has identified a procedure that is now superfluous and accordingly recommends that it be discontinued.

The Council, as local authority for education, makes appointments to the governing bodies of community schools. The individuals nominated for such appointment are identified by a process culminating in consideration by the Governor Panel, on which serve three Members (currently, Councillors Wendy Brice-Thompson, Gillian Ford and Geoff Starns). The majority of those approved for appointment are then formally appointed by the Group Director, Social Care & Learning; but a few – Members and employees of the Council – are appointed by the Committee.

Over the course of a year, a dozen or so appointments are referred in this way to the Governance Committee: none has ever been refused. The Committee considers that no useful purpose is served by continuing its involvement in making such appointments and, accordingly, now invites the Council to agree that it should cease.

RECOMMENDATIONS

- (1) That the involvement of the Governance Committee in appointing certain governors of community schools cease forthwith and that such appointments be made in future by the Group Director, Social Care & Learning.
- (2) That the Assistant Chief Executive Legal & Democratic Services be authorised to make all necessary consequential amendments to the Council's Constitution.

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CABINET

9

SUBJECT: AMENDMENTS TO THE 2009/10 HRA CAPITAL PROGRAMME

Briar Road Estate Project

The Briar Road Estate forms a sizeable proportion of the western half of the Harold Hill area. It consists of around 1,200 homes, roughly equally split between council rented and privately owned.

Most homes on the estate are of non-traditional construction, incurring relatively high on-going maintenance costs both for the Council and the properties' owners. In addition, the was built using the once-fashionable practice of building the homes away from roads and parking areas and is riddled with alleys and paths without natural surveillance and residents have often to park their cars some distance from home. The estate also includes a parade of shops which serve the estate and two community centres.

Given that Estate has a problematic design, consists of large but relatively poor quality homes, has anti-social behaviour problems and is visually different from the rest of Harold Hill, consultation has commenced with residents, both tenants and owners, about how best to improve the area as part of the Harold Hill Ambitions programme. There are many ways in which this could be achieved, ranging from improving the Council's stock on the estate up to the Decent Homes Standard using existing resources to a regeneration option which could lever in additional inward investment to improve the estate and properties beyond the Decent Homes Standard.

In November 2008, Cabinet had approved the Harold Hill Ambitions programme, an element of which was improvement of the Briar Road Estate, and in March 2009, Cabinet agreed the HRA Capital Programme level of resources for 2009/10. However, that programme did not include the Briar Road Estate Renewal project as funding for the development of the scheme was dependent on securing resources from the Mayor's Targeted Funding Stream, to which a bid had been submitted. Cabinet agreed that the work on Briar Road should be progressed by exploring with residents of the Briar Road estate the range of possibilities for improving their area, and adopting an approach to improvement in line with the residents' preferences and aspirations.

Capital funding of £567,000 has been secured for the project from the Mayor's Targeted Funding Stream for the development of an estate improvement and renewal scheme, spread over three financial years: 2009/10, 20010/11 and 2011/12, in accordance with the Council's bid.

In order for capital expenditure to be incurred the Briar Road Estate Renewal project needs to be added to the HRA capital programme for 2009/10. Expenditure for 2009/10 is estimated to be £150,000.

Leaseholder Income

The Cabinet Report on 18 March 2009 which approved resources for the 2009/10 HRA Capital Programme did not include any provision for resources from leaseholder income. Resources totalling £138,000 are now available and so it is proposed to apply these to the programme to bolster the level of Decent Homes work carried out in the year.

Cabinet accordingly RECOMMENDS

- 1 That the 2009/10 Capital Programme be amended to include expenditure of £150,000 on the Briar Road Estate Renewal Project within the Housing Revenue Account Capital Programme funded from the Mayor of London's Targeted Funding Stream.
- 2 That the 2009/10 Capital Programme be amended to include additional expenditure of £138,000 within the Housing Revenue Account Capital Programme funded from leaseholder income.



COUNCIL, 3 FEBRUARY 2010

10

QUESTIONS

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

1 DOG CONTROL – ENFORCEMENT

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon

As the Council's Dog Control Order has been in place for over 18 months, would the Cabinet Member confirm how many members of staff are engaged in carrying out enforcement action and how many dog owners have been fined for allowing their dog to foul the footpath in each year since the order was introduced?

2 DIFFERENCES IN GOVERNMENT GRANT ACROSS LONDON

To the Leader of the Council (Councillor Michael White)

By Councillor Jeffrey Tucker

Council Leader, Councillor Michael White is also Deputy Leader of London Councils.

He said in Recorder article 'Crisis talks on grant increase' dated 15/12/09, "the Local Government finance system short-changes Havering and London and we will continue to lobby the Government for a fairer deal".

His statement reveals how Councillor White is compromised by holding these two posts, because there are vast differences in grant between London Councils! How can he represent the interests of (low-grant) Havering and (high grant) London Councils at the same time!

Or does he really believe that outer-London and inner-London Councils are all being treated unfairly by the Local Government finance system?

3 **SOCIAL FUND COLD WEATHER PAYMENTS**

To the Leader of the Council (Councillor Michael White)

By Councillor Keith Darvill

What representations have the Council made to the relevant Government Departments about the inconsistency of Cold Weather Payments in the RM Post Code areas?

4 **MONITORING DECEPTION CRIME**

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

By Councillor Ray Morgon

The introduction of "no cold calling zones" was hailed by the Administration as a major weapon against deception crimes. Would the Cabinet Member confirm how the scheme has been monitored and by who?

5 **RAINHAM VILLAGE CONSERVATION AREA: BUILDINGS OVER THREE STOREYS HIGH**

To the Leader of the Council (Councillor Michael White)

By Councillor Jeffrey Tucker

Councillor White has previously promised to oppose buildings over three storeys high in the Rainham Village conservation area.

At the last full Council meeting I submitted a motion opposing high rise buildings in the Rainham Village conservation area. I made clear I was referring to buildings over three storeys high. This motion was passed unanimously.

A few days later at a Cabinet meeting, Councillor White said high rise meant over five storeys high.

High rise is not a technical term. It is open to interpretation.

Can Councillor White explain whether he was consciously renegeing on his promise when he supported my motion?

6 **SNOW AND ICE CLEARANCE, AND SALTING AND GRITTING OF HIGHWAYS AND FOOTPATHS IN HAVERING**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Keith Darvill

What steps are being taken to review the Council's policies and contingency plans to deal with the impact of snow and ice and, in particular, the adverse affect on the Borough's highways and footpaths during the recent severe weather conditions?

7 **LIVING NEWSPAPER – GROSS COST, 2009/10**

To the Leader of the Council (Councillor Michael White)

By Councillor Clarence Barrett

Would the Leader set out the full 2009/10 gross cost (broken down by staff, support, materials, distribution and other) in respect of the *Living* newspaper?

8 **REFUSE COLLECTION – DISRUPTION IN RECENT BAD WEATHER**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Linda Hawthorn

While refuse collections were understandably disrupted during the recent spell of bad weather, would the Cabinet Member state why the collections schedule was brought forward in early January (superseding the Xmas/new year schedule) and what measures were taken to inform residents of the late changes?

9 **COMPLAINTS ABOUT STREETCARE SERVICES**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member confirm the number of complaints/service requests received from the public by StreetCare on a year-by-year basis since 2002?

10 **FIXED PENALTY NOTICES**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Clarence Barrett

Would the Cabinet Member state how many Fixed Penalty Notices have been issued in each of the last two years, and 2009/10 to date for each of the following offences?

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- a) Depositing materials on a public highway
- b) Skips on Highway without permit
- c) Erecting scaffolding without permit

11 TOWN TWINNING COSTS

To the Leader of the Council (Councillor Michael White)

By Councillor Ray Morgon

Would the Cabinet Member confirm the cost of the twinning arrangements with Ludwigshafen and Hesdin over each of the past 4 years?

12 POTHoles IN ROADS FOLLOWING THE RECENT BAD WEATHER

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Linda Hawthorn

In view of the recent 'freeze and thaw' and the subsequent increase in potholes on the borough's carriageways, would the Cabinet Member confirm the current level of funding and the estimated cost of repair at year-end?

13 PRUDENTIAL BORROWING – INTEREST CHARGES

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

By Councillor Ray Morgon

Would the Cabinet Member confirm the interest charges payable for Prudential borrowing since May 2006?

14 PAYMENT OF COUNCIL TAX BY DIRECT DEBIT – new arrangements

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

By Councillor Clarence Barrett

In respect of council tax payments made by Direct Debit, would the Cabinet Member state when the new direct debit arrangements were set up and when residents were informed of this change?

Council, 3 February 2010

15 **PARKING TICKETS SINCE 2002**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member confirm the number of parking tickets issued in each year since 2002 and the number that have actually been paid?

16 **FIXED PENALTY NOTICES ISSUED BY CCTV CARS**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Andy Mann

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

17 **STAFF ATTENDANCE DURING RECENT BAD WEATHER**

To the Leader of the Council (Councillor Michael White)

By Councillor Linda Hawthorn

During the recent spell of bad weather, would the Leader state how many staff were unable to attend their place of work and what measures are in place to assist with unavoidable non-attendance?

18 **PAYMENT OF COUNCIL INVOICES - small/medium businesses**

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

By Councillor Clarence Barrett

Would the Cabinet Member state the turnaround period (in days) of invoices paid to small/medium businesses by Havering Council for 2009/10?

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