

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Thursday 3 October 2007	Havering Town Hall Main Road, Romford
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Members 10: Quorum 4

COUNCILLORS:

**Conservative Group
(6)**

Frederick Thompson
(Chairman)
Kevin Gregory (Vice-
Chairman)
Steven Kelly
Eric Munday
Roger Ramsey
Michael White

**Residents' Group
(2)**

Gillian Ford
Barbara Matthews

**Rainham &
Wennington
Independent
Residents' Group
(1)**

Jeffery Tucker

**Labour Group
(1)**

Keith Darvill

*Note: the Membership is shown subject to any variation following
the Annual Meeting of Council on 23 May 2007*

For information about the meeting please contact:

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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

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

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

AGENDA ITEMS

1 **CHAIRMAN'S ANNOUNCEMENTS**

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

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

3 **DECLARATION OF INTERESTS**

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

4 **MINUTES**

To approve as correct records the minutes of the meeting of the Committee held on 5 July 2007, and to authorise the Chairman to sign them

5 **TENTH LONDON LOCAL AUTHORITIES BILL**

6 **APPOINTMENT OF SCHOOL GOVERNORS**

7 **APPOINTMENTS TO OTHER ORGANISATIONS, 2007/08 - further report**

8 **REVIEW OF POLLING DISTRICTS AND POLLING PLACES** (to follow, if not attached)

9 **URGENT BUSINESS**

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

10 EXCLUSION OF THE PUBLIC

To consider whether the public should now be excluded from the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during the following item there would be disclosure to them of exempt information within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972 which it is not in the public interest to publish; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

11 GOVERNANCE (APPEALS) SUB-COMMITTEE

To receive the minutes of the Sub-Committee meeting on 4 September 2007

Cheryl Coppel
Chief Executive

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
5 July 2007 (7.30pm – 8.50pm)**

Present:

COUNCILLORS:

Conservative Group +Chris Fox, Kevin Gregory, Steven Kelly, Eric Munday, Roger Ramsey and Michael White

Residents' Group +Clarence Barrett and Gillian Ford

Rainham & Wennington Independent Residents' Group Jeffrey Tucker

Labour Group Keith Darvill

+ Substitute Members: Councillors Clarence Barrett (for Barbara Matthews) and Chris Fox (for Frederick Thompson)

An apology was received for the absence of Councillors Barbara Matthews and Frederick Thompson

In the absence of the Committee Chairman, Councillor Frederick Thompson, the Chair was taken by Councillor Kevin Gregory

All decisions were taken with no vote against

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

6 MINUTES

The Minutes of the meeting of the Committee held on 30 May 2007 were approved as a correct record and were signed by the Chairman.

7 COUNCIL CHAMBER AND COMMITTEE ROOMS – availability and bookings policy – further report

At its meeting on 9 May, the Committee had reviewed the policy on the availability of the Council Chamber and Committee Rooms at the Town Hall for use for meetings, both internal and external, and to consider new

guidelines for the letting of those rooms. In the course of discussion then, issues had arisen about certain uses referred to in the report and the Committee had decided to defer consideration of the issues to enable Members to give further thought to implications arising from the proposals before them.

The report now submitted included some suggested revisions to the original proposals and invited Members to consider whether, among other things, the Council should continue to charge external organisations for their use of the Council Chamber and Committee Rooms.

RESOLVED:

- 1 That Council be **RECOMMENDED** to add to section 3.9.2 of the Constitution a new paragraph 30 (duties of the Manager of Committee and Overview & Scrutiny Support):

To manage day to day the letting of the Council Chamber and Committee Rooms at the Town Hall in accordance with guidelines agreed by the Governance Committee.

- 2 That, other than formal meetings of Council, Cabinet or Committees to which the relevant Procedural Rules apply, all lettings of the Council Chamber and Committee Rooms terminate at 10pm.
- 3 That, for the avoidance of uncertainty, no meeting accommodation at the Town Hall shall be available:
 - For “surgery” purposes by a Member, Member of Parliament, Member of the European Parliament or Member of the Greater London Authority
 - For use by any candidate for election to the Council, Parliament, the European Parliament, the Greater London Authority
- 4 That use of the Council Chamber and Committee Rooms at the Town Hall by external organisations continue to be charged for (with concessions allowed in appropriate instances).
- 5 (a) That, bearing in mind the limited availability of parking spaces and the demand for use of the accommodation for Council purposes, external bookings of the Council Chamber and Committee Rooms normally be restricted to local organisations that work with the Council;

- (b) That such lettings be charged for in accordance with the agreed lettings charges, but that the Manager of Committee and Overview & Scrutiny Support have discretion to charge at a concessionary rate or to decide that no charge be made for them;
 - (c) That concessionary lettings to new external organisations be restricted to voluntary or non-commercial organisations that:
 - (i) have a connection with the work of the Council, either as service provider or as community leader and
 - (ii) are supported by one or more Members who have a continuing interest in their work and
 - (iii) are unable to access alternative meeting facilities.
- 6 That the guidelines for lettings set out in Appendix 1 to these minutes be approved in place of the existing arrangements for letting meeting accommodation at the Town Hall.

8 UNPARLIAMENTARY LANGUAGE

At its meeting on 9 May, the Committee had agreed an amendment to Council Procedure Rules prohibiting the use of “unparliamentary” language in the course of debate at Council. The Committee was now invited to consider guidelines as to what might constitute unparliamentary language.

RESOLVED:

That the following guidelines be commended to the Mayor and to Committee etc Chairmen when dealing with unparliamentary language:

Debate at meetings of the Council, Cabinet or a Committee is expected to be good natured and moderate. Fair comment is acceptable. The Mayor or Chairman should, however, intervene when a Member speaking in debate uses a word or expression that, in the context in which it is used, is offensive.

While it is accepted that the permissibility of some words or expressions depends on the sense and temper in which they are used, it is unacceptable in general for Members to use words or expressions that:

- Are not in polite usage (e.g. swear words)
- Cast aspersions upon others (e.g. suggest improper conduct or motivation)
- Would be illegal if uttered outside the Council Chamber (e.g. unlawfully discriminatory or racist comment or intolerance of another's religious persuasion)
- Accuse others of misconduct or of lying
- Are abusive or insulting

The Mayor or Chairman should intervene if necessary to protect the rights of Members generally not to be subjected to unparliamentary language or other offensive behaviour. A Member who uses such language or behaviour may be required to desist and, if he or she persists, can be removed from the meeting if necessary.

9 **AREA COMMITTEES – review of arrangements**

When the new Area Committee structure was agreed in early 2006, the Committee had recommended that it be reviewed after a year's operation. The report was submitted accordingly.

Although it had been the intention of Council that Area Committee meetings should for consistency be held at the same location in each area, in practice some Area Committee Members had expressed preference for meetings to be held successively in different locations in order to ensure that all residents had a chance to attend an Area Committee meeting at a venue near where they lived.

No other specific issues had been raised by Area Committees or their Members.

The Committee accordingly reviewed the Rules for Area Committees that were recommended to Council in 2005.

RESOLVED to RECOMMEND to Council:

That paragraph 4 of the 'Rules and Conventions for Area Committees' be amended to read:

"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."

10 **USE OF WEBLOG ADDRESS ON THE HAVERING WEBSITE**

The Committee was reminded that Havering's website contained information on how residents can contact Council Members, including telephone numbers and email addresses. A suggestion had been made that weblog addresses be included in the contact details for Councillors shown on the Havering website, and in the Council Diary. A weblog would allow fast and easy access to a Councillor at any time of the day. The report explained that they were increasingly popular: the I&DeA had recommended that weblog addresses be promoted widely.

Members were, however, concerned that including a private weblog could lead to difficulties, both for individual Members and for the Council corporately, particularly as there was scope for internet users with malicious intent to misuse the weblog facility, thereby embarrassing both the Member and the Council.

The Committee noted that Leader of the Council would have an official weblog, supported by Strategy and Communications, as part of the Council's strategy to improve communication links with residents.

RESOLVED:

That the inclusion of links to private weblogs from the Council's website be not permitted.

11 **AMENDMENTS TO THE CONSTITUTION**

The Committee was invited to consider suggested amendments to the Constitution, as follows:

Environmental issues - StreetCare

Increases in the powers available to the Council to combat various environmental issues required the amendment of the Constitution to enable the Head of StreetCare to exercise those powers without further recourse to Members.

Budget and Policy Framework Procedure Rules

New arrangements were proposed for consultation with the Overview & Scrutiny and Area Committees in January each year, prior to the budget setting process moving to Cabinet and thence to the Council meeting at which the Council Tax is set; and alterations to the Rules were also proposed, to clarify arrangements, bring them into line with national advice and fit with the Audit Commission expectations as part of the Use

of Resources judgement for the Comprehensive Performance Assessment.

In considering the revised Rules, Members asked that the provisions of paragraph 9 be considered further, in order to provide more flexibility when Members consider alternative budget proposals in the run up to the Council Tax setting.

RESOLVED to RECOMMEND to the Council:

- 1 That Part 3 section 3.6.3 (Head of StreetCare) of the Constitution be amended as follows:

Paragraph 6 to read: To exercise the Council's powers and duties relating to litter and shopping trolleys arising from the Environmental Protection Act 1990 and the Refuse Disposal (Amenity) Act 1978.

Paragraph 13 to read: To exercise all powers and duties arising under Section 2 and Parts 3, 4, 5 and 6 of the Clean Neighbourhoods and Environment Act 2005

New paragraph 14: To exercise the Council's powers and duties relating to graffiti and flyposting in Part 6 of the Anti-Social Behaviour Act 2003 and in Part 8 Chapter 3 of the Town & Country Planning Act 1990. (Informative, the power under the Town & Country Planning Act is also held by the Head of Development & Building Control)

New paragraph 15: To exercise the Council's powers and duties relating to builders skips, scaffolding, builders materials and excavations in Part 5 of the Traffic Management Act 2004

New paragraph 16: To exercise the Council's powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport of London Act 2003.

New paragraph 17: To exercise the Council's powers to require information under s.16 Local Authorities (Miscellaneous Provisions) Act 1976 (Informative, this power is also held by a number of other Heads of Service)

- 2 That the revised Budget and Policy Framework Procedure Rules (set out in Appendix 2) be approved, subject to further consideration by the Committee and the Council at their respective next meetings of the provisions of paragraph 9.

12 AMENDMENTS TO THE CONSTITUTION – made by the Monitoring Officer

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted amendments made by her and published in Notification 28 (as set out in Appendix 3 to these minutes).

13 APPOINTMENTS TO OTHER ORGANISATIONS, 2007/08 – further issues

The Chairman accepted the following item as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972, in order to enable the appointment in question to be made forthwith

Need had arisen formally to appoint the Representative of the Council as sole “member” (shareholder) of Homes in Havering, for various statutory purposes including voting at the company’s Annual General Meeting.

RESOLVED:

- 1 That the Group Director, Sustainable Communities be appointed the Council’s Representative in order to exercise its voting and all other rights as the sole member of Homes in Havering.
- 2 That the Group Director, Finance & Business, be appointed alternate Representative, to attend company meetings as Representative should the Group Director, Sustainable Communities be unable to do so.
- 3 That the Representative be mandated to vote in such a way as he considers fit to protect the Council’s interests.

14 APPOINTMENT OF SCHOOL GOVERNORS – Council Member for appointment

The Chairman accepted the following item as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972, in order to enable the appointments in question to be made forthwith

Councillor Gillian Ford informed the Committee that she was a member

of the panel by which the recommendation now being considered had been made.

The Committee noted that the panel established to make recommendations as to the appointment of school governors by the Council as LEA had recently met. The name of a prospective governor identified by the panel who was a Member of the Council was now submitted for approval.

RESOLVED:

That Councillor Sandra Binion be appointed as a school governor, to:

- (a) the Governing Body of Clockhouse Infants School;
- (b) the temporary Governing Body of the proposed amalgamated school comprising the Clockhouse Infant and Clockhouse Junior Schools; and
- (c) the permanent Governing Body of the new Clockhouse Primary School, subject to the amalgamation proposal being approved and implemented.

Havering Town Hall: meeting accommodation usage guidelines

The meeting accommodation at Havering Town Hall comprises the Council Chamber and four Committee Rooms. The primary use of the accommodation is for formal business meetings involving Members of the Council meeting in Council, Cabinet or Committee. All other uses are subordinate to that primary use.

The Council has obligations to make accommodation available for non-meeting purposes such as school appeals and public inquiries, which thus need to have priority over most other uses.

When available, it is convenient and appropriate for Members and/or staff to meet in the Town Hall for meetings that facilitate the proper conduct of the Council's business. Such meetings would include internal management meetings (such the Strategic Management Team, Leader's Briefing and departmental management teams), meetings with strategic partners (for example, the Havering Strategic Partnership, or the Community Safety Partnership) and *ad hoc* meetings.

Bookings are dealt with by Democratic Services at the Town Hall.

Meeting accommodation is available for use as follows:

Type of meeting	Priority for accommodation
Scheduled Council, Cabinet and Committee meetings	1
Non-scheduled Council, Cabinet and Committee meetings	2
Meetings arising from statutory obligations	3
Member/SMT-level internal meetings	4
Pre-booked external organisations' meetings	5
Partnership meetings at Member/SMT/HoS-level	6
Partnership meetings below Member/SMT/HoS-level	7
Other Council business meetings	8
Staff training sessions (<i>but only if suitable accommodation is not available at CEME</i>)	9
External organisations' meetings	10

Accommodation will generally be booked on a "first come, first served" basis except that, where rooms have been fully allocated or a specific room has already been booked, the order of priority above will be used to determine whether:

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- (a) the booking can be accepted; and
- (b) an already booked meeting can (or should) be moved to another room, time and/or date and, if so, which.

Where necessary, meetings of a higher priority shall have precedence over those of a lower priority.

The Manager of Committee and Overview & Scrutiny Support shall have authority, in the event of demand exceeding availability, to determine which booking shall be accepted or to re-arrange a booking if one of greater priority cannot be accommodated at another time or in another room.

Other than scheduled meetings of Council, Cabinet or Committees, no booking may be made more than six months in advance, nor may more than two meetings of a series be booked (although other meetings in a series may be booked on a provisional basis subject to confirmation at a later date).

Bookings by staff must be made by, or with the clear authority of, a manager of third tier status or above.

Other than Council, Cabinet or Committee meetings (to which specific procedure rules apply), all lettings shall cease at 10pm.

Concessionary bookings

Letting charges for the following bookings are waived:

(Staff) Christian Fellowship
Havering Arts Council
Havering Museums Trust
Havering Theatre Trust
Metropolitan Police Borough Command Unit (when needed for operational purposes)
National Union Teachers Branch Committee
Pensioners' Forum
Rotary Club Youth Speaks
UNISON Branch Committee

Other external lettings may apply to the Manager of Committee and Overview & Scrutiny Support for a concessionary letting. In considering the application, regard shall be had to the following points:

- The extent to which the organisation has operational links to the Council
- Whether the organisation is commercial, public service or charitable in nature
- Whether the persons likely to attend the event have special requirements – e.g. because of age, disability or other vulnerability – that would justify a concessionary letting
- The nature of the event, e.g. whether it is commercial or offered as a public service

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- Whether the event is taking place on a single occasion or as part of a series

If such a concession is agreed, the Manager of Committee and Overview & Scrutiny Support shall be authorised to determine what level of charge, if any, is to be made for the letting.

The fact that a user has a concessionary letting does not confer any priority for its letting.

Political meetings

There are constraints on the extent to which Council-owned accommodation may be used for political purposes. While Council business has an inevitable political element to it, there is a distinction between what is properly Council business, and that which is party political: the Council cannot do anything that tends to suggest support for any particular political party.

In order to avoid any possibility of confusion, since the meeting accommodation at the Town Hall is not suitable for large public gatherings, no room at the Town Hall shall be available for use by any candidate in any election.

No room at the Town Hall shall be available for Members' constituency "surgeries", nor shall any room be made available to Members of Parliament, Members of the European Parliament or Members of the Greater London Authority for similar purposes. This does not preclude the holding of Group Meetings by the Groups of Members having statutory recognition as such, nor the holding of meetings with groups of constituents or with organisations about issues of local importance.

Budget and Policy Framework Procedure Rules

1 Framework for executive decisions

The Council will be responsible for the adoption of its budget and policy framework. Once the budget and policy framework is in place it will be the responsibility of the Executive to implement it.

2 Process for developing policy framework

The process for developing and approving the policy framework is:

- (a) An appropriate period of time before a policy needs to be adopted; the Cabinet will publish initial proposals having first canvassed the views of local stakeholders where it considers such consultation to be appropriate.

The Cabinet's proposals shall be referred to the overview and scrutiny committees for advice and consideration. The overview and scrutiny committees shall respond to the initial proposals of the Cabinet within four weeks unless the Cabinet specifies an alternative time limit.

- (b) Having considered the comments from the overview and scrutiny committees and local stakeholders, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to Council. The Cabinet will also report on how it has taken into account any recommendations from the overview and scrutiny committees and local stakeholders.
- (c) The Council will consider the proposals of the Cabinet and may adopt them or refer them back to the Cabinet.
- (d) Before the Council amends the policy it must inform the leader of any objections which it has and give him or her instructions requiring the Cabinet to reconsider the policy in the light of those objections.
- (e) The Council must give the leader a minimum of five working days within which either to submit a revised policy or to advise the Council as to why the Cabinet disagrees with the Council.
- (f) Upon the expiry of the period referred to in (e) above, the Council will make a final decision on the policy, taking into account the

views of the Cabinet.

3. Process for developing and approving the budget framework

The process for developing and approving the budget framework is set out in the indicative table appended to these Rules.

- (a) The Cabinet's initial report on its budgetary strategy is available to the Overview and Scrutiny Committees, Havering Strategic Partnership and other stakeholders who wish to express a view.
- (b) In the light of views expressed, the Government's financial announcements and after liaising with senior officers, Cabinet will issue detailed proposals for consultation. There will be one joint briefing of the Overview and Scrutiny Committees. Key local stakeholders, including members of the Havering Strategic Partnership, will also be consulted on the proposals. Area Committees will also be consulted.
- (c) At any time when a report is submitted to Council on the budget the Council will consider the proposals of Cabinet and may adopt them, refer them back to Cabinet or substitute its own proposals in their place.

4 Decisions outside the approved budget or policy framework

- (a) The Cabinet, staff, area committees or joint arrangements discharging executive functions, may only make decisions which are in line with the approved budget or policy framework. A decision that is not relevant to or covered by the policy framework but which is in line with a Cabinet-approved plan or strategy is not contrary to the policy framework.
- (b) Subject to 5 below, if the Cabinet, staff, area committees or joint arrangements discharging executive functions wish to make a decision which is contrary to the policy framework, then that decision can only be made by the Council.
- (c) If the Cabinet or staff want to make a decision which potentially is contrary to or not wholly in accordance with the policy framework, they must take advice from the Chief Finance Officer and the Monitoring Officer. If the advice is that the decision is contrary to or not wholly in accordance with the policy framework then the decision must be referred to Council for decision, unless the decision is a matter of urgency, in which case paragraph 5 shall apply (urgent decisions outside the budget or policy framework).

5 Urgent decisions outside the budget and policy framework

- (a) Having consulted with the Chief Finance Officer and the Monitoring

Officer, the Cabinet or staff may take a decision which is contrary to or not wholly in accordance with the budget or policy framework if the decision is a matter of urgency.

However, the decision may only be taken if:

- (i) it is not practical to convene a quorate meeting of the Council, and
 - (ii) the Chair (or in his or her absence the Deputy Chair) of a relevant overview and scrutiny committee accepts that the decision is a matter of urgency.
- (b) The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the relevant Chair of overview and scrutiny committee must be noted on the record of the decision and reported to the next available Council meeting along with a full report explaining:
- the decision
 - the reasons for the decision
 - why the decision was treated as a matter of urgency.

6 Call-in decisions outside the budget and policy framework

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to or not wholly in accordance with the Council's policy framework, then it shall seek advice from the Chief Finance Officer and Monitoring Officer who in appropriate cases will consult with the Head of Paid Service.
- (b) In respect of functions which are the responsibility of the Cabinet, the Chief Finance and/or Monitoring Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Chief Finance Officer and/or Monitoring Officer concludes that the decision was a departure, and to the overview and scrutiny committee if the Chief Finance Officer and/or Monitoring Officer concludes that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Chief Finance Officer and/or Monitoring Officer is that the decision is contrary to or not wholly in accordance with the budget or policy framework, the overview and

scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting, the Council will receive a report of the decision or proposals and the advice of the Chief Finance Officer and/or Monitoring Officer. The Council may either:

- (i) endorse a decision or proposal of the Cabinet as falling within the existing policy framework. In this case no further action is required, save that the decision of the Council must be minuted and circulated to all members in the normal way, or
- (ii) amend the Council's policy framework to encompass the decision or proposal and agree to the decision or proposal with immediate effect. In this case, no further action is required save that the decision of the Council must be minuted and circulated to all members in the normal way, or
- (iii) where the Council accepts that the decision or proposal is contrary to or not wholly in accordance with the policy framework, and does not amend the existing budget or policy framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the Chief Finance Officer and/or Monitoring Officer.
- (iv) in taking decision on the budget the advice of the Chief Finance Officer shall be paramount and on the policy framework the Monitoring Officer shall be paramount but in both circumstances the statutory officers will undertake any necessary consultation with each other.

Budgetary Matters

7 Virement

Detailed procedures for the exercise of virement are set out below and refer to permanent virements. The key relating points are:

- (a) There are no delegated powers to members to change budgets.
- (b) No member of staff has the authority to enter into expenditure commitments above the approved budget.
- (c) If, at any stage, there appears to be a significant (above £25,000) difference between anticipated actual expenditure or income and the budget, virement should be exercised within the service to resolve the issue.

- (d) Where the apparent overspend cannot be resolved within the service, the Head of Financial Services must be consulted immediately in order to consider what actions are necessary.

Revenue Virements

- (e) Individual virements within a Directorate will be permissible over £250,000 and up to and including £999,999 subject to the written confirmation of the relevant Group Director, the Group Director Finance & Commercial and the Lead Member Resources and the appropriate Lead Member
- (f) Virements between Directorates over £250,000 and up to and including £999,999 will require a Cabinet decision
- (g) Any virement in excess of £1 million will require a Cabinet decision and will be a key decision requiring notification in the Forward Plan
- (h) All other virements within and between Directorates will be undertaken by staff and those in excess of £100,000 and up to £250,000 will be reported in the Revenue Monitoring Report to Members.
- (i) Virements within and between Directorates under £100,000 require compliance with the Financial Framework and Financial Procedure Rules and the approval of the Group Director Finance & Commercial
- (j) Virements cannot be used for releasing any money out of the revenue contingency fund.

Capital virements

- (k) Individual virements between capital schemes are permitted as long as there are no policy issues involved in accordance with the procedures as set out in the Financial Framework and Financial Procedural Rules. Where funding can be found within a services own resources but there are policy issues involved then the virement is subject to the written confirmation of the Group Director Finance & Commercial and relevant Lead Member
- (l) Where virements cannot be identified within the Service and the sum required is below 10% of the overall scheme value or £100,000 whichever is the higher the Group Director Finance & Commercial be authorised to approve the sum subject to the capital resources being identified and her being satisfied that there are no alternatives. In addition, the relevant Lead Member can by Lead Member Protocol authorise the virement if there are any policy issues involved.

- (m) Where virements cannot be identified within the Service and the sum required is above 10% of the overall scheme value or £100,000 whichever is the higher, the approval of Cabinet is required.

Both Capital and Revenue virements

- (n) The cumulative value of virements for the year should be considered when deciding whether the various thresholds have been reached. The Group Director Finance & Commercial will take the final decision as to whether a number of smaller virements need to be grouped together for threshold calculation purposes.

8 (a) In year changes to budget

Decisions by the Cabinet, staff, area committees or joint arrangements exercising executive functions can discharge only those executive functions that are within the approved budget. No changes to the approved budget, except within the scheme of virement set out at 7 above, can be made unless approved by the Council.

(b) Use of contingency funds

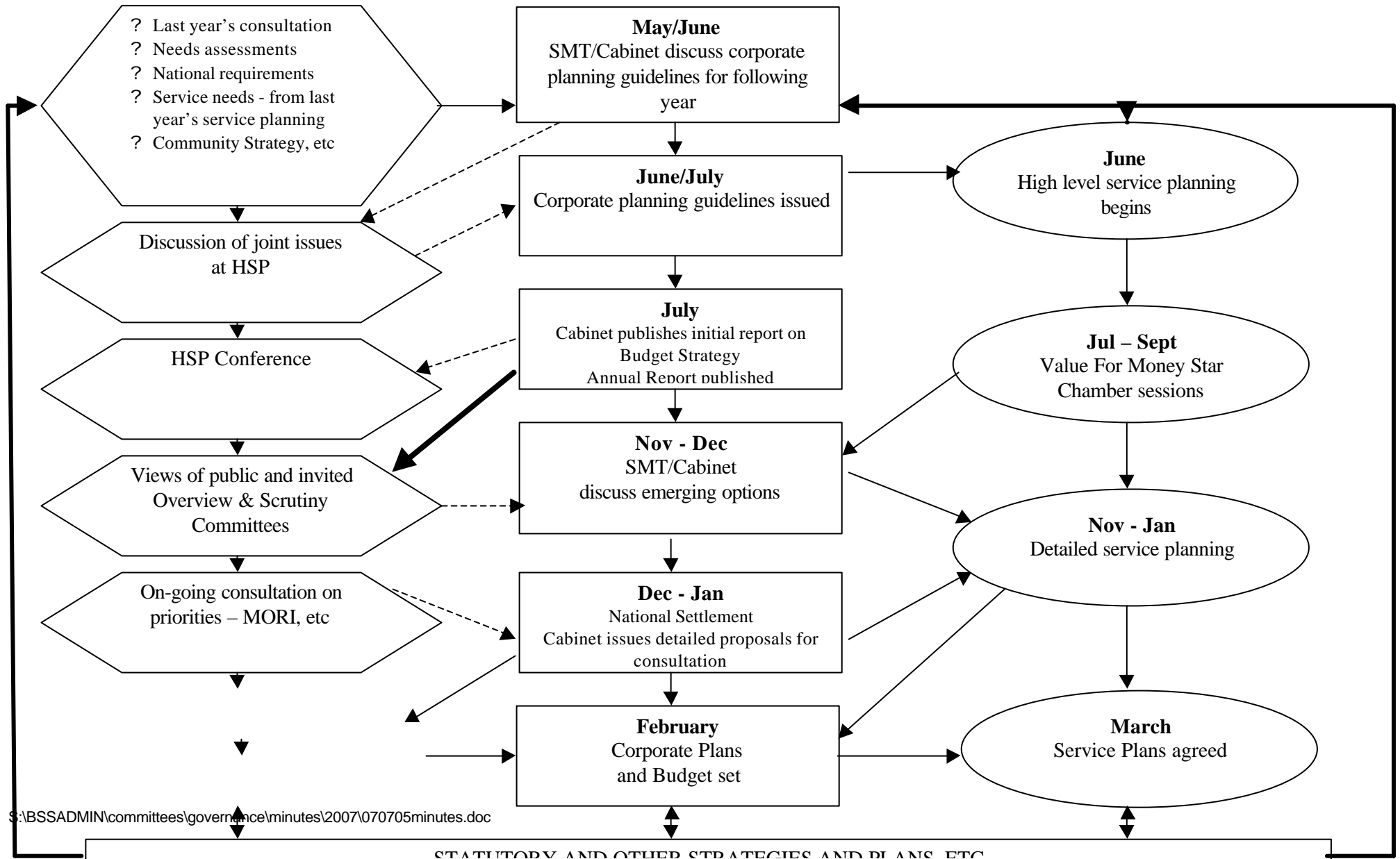
- (i) The Group Director Finance & Commercial may set up a central revenue contingency fund. There will only be one such fund for the entire Council.
- (ii) The Group Director Finance & Commercial is authorised to release sums from the contingency if
- the amounts are not greater than £25,000 and the item is deemed by her as unforeseen and a relevant use of the contingency
 - where an item of expenditure has been approved by members subject to confirmation of the amounts involved
 - if the item is urgent (e.g. an emergency or threat to life) and there is insufficient time to consult with the Lead Member Resources
- (iii) The Lead Member Resources on a Lead Member Protocol can release all other sums from the contingency if
- the item is deemed by the Group Director Finance & Commercial as unforeseen and a relevant use of the contingency

- in consultation with the Group Director Finance & Commercial if the item is urgent (e.g. an emergency or threat to life)
- (i) The Chief Executive has power to incur expenditure from the Contingency fund without any further approval in exercise of his powers under paragraph 3.2 of part 3 of the Constitution to incur expenditure in connection with an emergency or disaster within the borough.
- (ii) The Group Director Finance & Commercial will also provide for a level of contingency for capital projects and sums will be released in accordance with the capital virement rules.
- (c) Future year's commitments to budget**
- (i) Cabinet has delegated authority to make individual future years' commitments not provided for within the budget up to a total of £500,000 per financial year subject:
- to information being included within the first available monthly Member Information pack following the decision which will show a cumulative review of decisions on future spending commitments made by Cabinet and Council respectively.
 - to a report to Council each year as part of the budget process setting out the individual sums
- (ii) Once the limit specified in (i) above is reached each and every item relating to commitments for future years needs the approval of Council
- (iii) Additional commitments that have been individually approved by the Council do not count towards the £500,000 limit for future year commitments but will be included in the yearly report referred to in (i) above.
- (d) Closedown of Accounts**
- (i) The Group Director Finance & Commercial will make arrangements to close the accounts in accordance with legislative arrangements, the overall strategy and her duties/powers as Chief Financial Officer
- (ii) The Lead Member Resources will consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use.

9 Advice to Group Leaders in Budget preparation

- (a) During preparation of the budget or alternative budgets prepared by the opposition leading to the Council Tax Setting meeting, the Council's Group Director Finance & Commercial and/or relevant finance staff designated by her will give group leaders and/or their nominated Members such advice and assistance as the Group Director Finance & Commercial deems appropriate in connection with the preparation of the budget or alternative budget.
- (b) This information will be given in strictest confidence and staff will not copy other Members into the information. Members shall not share the paperwork or information provided outside the political group or outside the organisation.
- (c) The advice will specifically cover whether the proposals would allow the Chief Finance Officer to consider the budget to be balanced and the impact any proposals would have on Council balances in subsequent years.
- (d) The information will be treated as provided in the preparation of alternative budgets if provided with effect from 1st February up to and including the date of the Council Tax Setting Meeting, in any given year.

Governance Committee, 30 May 2007



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Governance Committee, 5 July 2007

14M

Notification No. 28**Date 15th June 2007****Notification of amendments to the constitution****Amendments made by the Monitoring Officer**

Part 2, Article 15.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution:

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 7 Appendix C	168	Add new point at end of Building Act 1984 <ul style="list-style-type: none"> • Section 79 (relating to ruinous and dilapidated buildings) 	Correction
Part 3 Section 7 Appendix C	168	Add Dangerous Dogs Acts 1871 & 1991	Correction
Part 6	365	Insert "Member" after "Cabinet" in the last sentence	Correction
Part 2 Articles	23	Page 23 Licensing Committee Amend purpose (1) "To exercise the functions required by the Licensing Act 2003 and the Gambling Act 2005."	Correction
Part 3 Section 1	63	Amend "(1)To exercise the functions required by the Licensing Act 2003 and the Gambling Act 2005." (remove para (3))	Correction
Part 3 Section 3.7.3 Paragraph 46	120	Amended para 46 "To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary event notices, regulated entertainment, late night refreshments, permits and the setting of fees and charges."	Correction

Governance Committee, 5 July 2007

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.7.3 Paragraph 50	121	Add to para 50 Until 24.00 31 st August 2007.	Legislation
Part 4 Section 5 Paragraph 1 (ix)	245	Alter three Champions to four and add the Champion for the Historic Environment	Error
Part 3 Section 7	169	Add Food Hygiene (England) Regulations 2006 after Food Act 1984	Legislation
Part 3 Section 7	170	Add Official Feed and Food Controls (England) Regulations 2006 after Offices, Shops and Railway Premises Act 1963	Legislation



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	3 OCTOBER 2007	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: TENTH LONDON LOCAL AUTHORITIES BILL

SUMMARY

This report sets out details of London Councils' proposal to promote a tenth London Local Authorities Bill (known as the Joint London Authority and Transport for London Bill). These details include the provisionally included proposals, the action needed by Havering to be included in the Bill (which includes a resolution from full Council), and the financial implications and risks.

RECOMMENDATIONS

- (1) That Council be recommended that the resolution in connection with the approval of the Tenth London Local Authorities Bill to be promoted by Westminster as set out in Appendix 1 be adopted.
- (2) That the promotional costs, estimated to be £9,500, be met from the contingency.
- (3) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to complete any formal documentation.
- (4) That it be noted that any costs directly relating provisions to adoption will be the subject of further reports to members in due course.

REPORT DETAIL

1. London Councils is promoting general powers legislation via Westminster City Council on behalf of London Boroughs following consultation with the Boroughs. This is similar to action that has been taken on nine occasions since 1986.
2. Boroughs have been formally asked whether they wish to participate in the proposed legislation for the 2007/08 parliamentary session. If a Borough does not participate in the promotion of the Bill, it will not be included in the schedule listing participating Boroughs and, should the Bill become law, would not be able to use any of the provisions. The Bill is known as the Joint London Authority and Transport for London Bill.
3. It has been indicated that each participating Borough would need to make provision in the region of £9,500 to cover London Councils costs in promoting the Bill. This would be spread over several financial years.
4. Participating Boroughs ordinarily sign a promotion agreement obliging them to meet the costs, subject to appropriate notices of withdrawal etc. that fall to the promotion of the Bill. Where items are included for the benefit of an individual Borough alone, that Borough would be expected to bear the full cost of these.
5. In order to accord with the procedures associated with local legislation of this nature, it is necessary for various notices to be published and resolutions to be passed by the Council for Havering to be included among the participating Boroughs. Some additional costs to those indicated above, e.g. for public notices etc., fall directly on the Council. These should not exceed a few hundred pounds.
6. A Borough wishing to be included has to pass a resolution approving the provisions and that the motion must:
 - a) Be passed by a majority of a whole number of the members of the Council at a meeting of the Council held after 30 clear days notice of the meeting and its purpose has been given by advertisement in one or more local newspapers circulating in the areas of the Borough(s), such notice being given in addition to other ordinary notice required to be given for the convening of such a meeting of the Council. Such a notice was placed by London Councils on 10 August in the London Evening Standard.
 - b) Be confirmed by a like majority at a further such meeting convened in accordance with (a) above and held as soon

Governance Committee, 3 October 2007

as may be after the expiration of 14 days after the Bill has been deposited in Parliament.

7. The Bill should be deposited by the end of November 2007. Consequently the first Council meeting mentioned in (a) above must be that of 17 October 2007. All London Boroughs have been included in the public notice in anticipation of their participation.
8. The proposals for inclusion in the list have been compiled by London Councils following consultation with the Boroughs. The list is set out in appendix 2, which is an extract from the report to London Councils Leaders' meeting of 10 July 2007.
9. The following guidelines were used as criteria for inclusion:
 - There must be evidence that the problem addressed is serious and affects a significant number of boroughs, or London as a whole.
 - It must be possible to show that there is no existing legislation to address the problem, or that existing legislation has proved to be ineffective.
 - It must be possible to make the case that London authorities be given new powers, even though these powers will not be available to authorities nationally.
 - The proposals must have the support of other London authorities.

Provisions that directly contradict Government policy are likely to fall.
10. London Councils reports that experience of previous Bills shows that further substantive and viable suggestions are likely to be made as the promotion deadline approaches. Many of these proposals are focused on Public Realm issues. However, it is likely that some of the proposals will be seen as controversial (and therefore difficult to enact) and others will not be suitable for private legislation. If London Councils does decide to proceed with a Bill in this session, the Leaders' Committee would be able to come to a final view on which proposals to proceed with at its meetings in October and/or November 2007. The list has yet to be analysed by Parliamentary Agents, and their advice will be taken on each item's suitability if a Bill proceeds.
11. London Councils further reports that for a tenth Bill to be viable it would have to be supported by a large majority of the London boroughs, although Bills have been promoted in the past where two or three boroughs have not participated. Where this is the

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case however, many boroughs have subsequently decided to “come in” to a previous Act via a clause in a subsequent Bill.

12. Financial Implications and risks:

- 12.1 The suggested costs, £9,500, would be met from the contingency. This would cover London Councils’ costs and would also be used for other incidental expenses, e.g. the cost of public notices.
- 12.2 There is a risk that the Bill would not eventually pass onto law: Expended funds would be irrecoverable.
- 12.3 Once provisions do pass into law there will be financial consequences of enacting them. A better view on this can be taken once the final list has been fully worked up. It is expected that some of the provisions will be adoptive, i.e. the Council would have to specifically resolve, after due notice, to bring the provisions into effect.
- 12.4 The detailed financial implications of adopting each provision will need to be the subject of further reports to members in due course.

13. Legal Implications and risks:

It is possible that the Bill will never pass onto law – but the first eight have reached the statute book albeit without all of the provisions originally listed. The ninth Bill is nearing final completion of all its stages.

14. Human Resources Implications and risks:

None direct associated with the promotion of the Bill.

Governance Committee, 3 October 2007**15. Equalities and Social Inclusion Implications and risks:**

London Councils' reports that any proposals in a new Bill would have to be carefully considered to ensure that they were in conformity with the statutory equalities duties applicable to London Councils' and member authorities. There are no equalities and Social Inclusion Implications associated with the promotion of the Bill.

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CHERYL COPPELL
Chief Executive

Background Papers

Reports to London Councils' Leaders' Committee 10 July and 2 August 2007

Letter from Sharps Pritchard (Parliamentary Agents) 7 August 2007

Appendix 1**[FIRST RESOLUTION OF COUNCIL]****(As provided by London Councils')****HAVERING LONDON BOROUGH COUNCIL****RESOLVED -**

That the Council approves the inclusion in the Bill being promoted by London Councils' under the name or short title of "London Local Authorities" of provisions effecting all or some of the following purposes –

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies

of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

No.	Item	Possible provision	Initiating borough	Comments / detail
ENVIRONMENT				
ENV 1	Environmental Fixed penalties	Provide a decriminalised regime (with appeals to an adjudicator) or allow borough to keep fines handed down by courts	London Councils	Currently there is little incentive for local authorities to pursue unpaid environmental fixed penalties through the courts. The costs of taking such cases to court is not met by costs and boroughs do not get to keep the fine.
ENV 2	Plastic bag levy or outright ban	Introduce a (10p?) levy on any plastic bag, possibly based on the Irish system. Income to be used to help pay for new waste facilities	Lambeth, Sutton and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. A ban has just been proposed in San Francisco and others.
ENV 3	Chewing gum levy	Introduce a levy on chewing gum which would be used to pay for cleaning discarded gum off the street	Westminster and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. 9th Bill tried to impose regulations on sale of chewing gum.
ENV 4	Smoking related litter	Extend range of premises where a street litter control notice can be issued.	Chartered Institute of Wastes management, and ENCAM	This will address smoking related litter by amending section 94 of the Environmental Protection Act 1990 to allow street litter control notices to be issued in respect of any premises if there is smoking related litter in the vicinity of the premises and this is due to customers or users of the premises Smoking related litter outside buildings is expected to be a major issue when the indoor smoking ban takes effect in 2007.

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ENV 5	Pigeon Control Areas	The Clean Neighbourhood and Environment Act 2005 contains Dog Control Areas and consents for the distribution of free printed material. Either of these mechanisms could be applied to pigeon feeding, but it needs to be linked into Fixed Penalty Notices	Westminster and H & F	DCLG has recently stated in a discussion paper that bye laws for feeding pigeons are unacceptable and will not be agreed as they are considered "relatively trivial nuisances". This seems to go against current government agenda about improve local environmental quality and any programme of treatment against pigeons relies upon removal of food sources.
ENV 7	Charges for public toilets	Create a power to charge for the urinals (currently precluded). Local authorities are currently precluded from charging for the use of men's urinals (although not closets) by virtue of the Public Health Act 1936. The Public Lavatories (Turnstiles) Act 1963 also prohibits the installing of turnstiles in the vicinity of local authority conveniences.	City of London	The introduction of charges for male and female closets (possibly by means of a coin slot mechanism), but not for urinals, would raise issues of sex discrimination. Whilst the City has been advised that a claim on sex discrimination grounds may be successfully resisted, it would clearly be more satisfactory to seek a change in the law so as to enable London boroughs to charge for the use of its urinals as well as closets. In practice charging is most likely to be effectively implemented through the use of turnstiles so changes would need to be effected to both pieces of legislation.
ENV 8	Control of items placed on the highway, including advertising 'A' boards.	Control of 'A' shaped advertising boards and other items placed on the highway.	Westminster & RB Kingston	To allow powers to remove and dispose of, as well as the recovery of admin costs, enforcement costs and FPNs for contravention. This would address issues included in current legislation but which ineffective enforcement procedures.
ENV 9	Tackling street clutter in London	Extending powers enjoyed by the City of London to remove street clutter	English Heritage	This includes signs, lights traffic signs etc that could be fixed to buildings, as in the City.

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ENV 10	Regulating tables and chairs on the highway	Amending regulations relating to tables and chairs licensing on the highway. Currently authorities, when charging, cannot take into account the amount of highway to be used	RBK&C	Licences granted under S115E of the Highways Act 1980 regulate tables and chairs on the highway. The fee that can be charged for the licence cannot take account of the area of highway that is to be used. A clause is therefore proposed, whether by amendment of the Highways Act 1980 or otherwise, to allow London Boroughs to take account of the area of highway that is used when setting charges for licences for tables and chairs on the highway.
ENV 11	Powers to issue fixed penalty fines for depositing refuse containers on the highway and/or within litter bins	Powers to issue PCN fines for depositing refuse containers on the highway and/or within litter bins	RB Kingston	We are seeking to confirm the need for this legislation. It seems that the powers LB Kingston want are already contained within the Clean Neighbourhoods and Environment Act 2005 (CNEA). However, this clause was proposed after the CNEA received Royal assent, and we are checking back with RB Kingston on this, and getting clarification of what powers they are actually seeking.
ENV 12	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters.	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters.	Richmond, Chris Warner, Legal Services	s225 enables a local planning authority to serve a Notice where fly posting has taken place and if the posters are not removed then the lpa may do so themselves and recover "the costs they may reasonably incur in exercising their power..". S225(9) provides that if any damage is caused to land or chattels in exercise of the power then the person suffering damage may recover compensation from the lpa. We have a situation where posters were removed from telecommunications boxes. Strong glue was used and we had to re-paint the boxes at an additional cost of £100. If we had not done so we could have been faced with a compensation claim from the owner of the telecommunications box. It is felt that this money should be recoverable from the person who was served with the Notice. It is questionable however whether removal costs extend to re-painting. We would suggest an amendment to include any re-instatement/repair costs as a result of the removal/obliteration.

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HSE 2	Serving notice in houses of Multiple Occupation (HMO)	Provides power to a borough where a landlord of a House of Multiple Occupation fails to comply with a management regulation, that the borough can serve notice specifying that the works are done, and if not undertake the works in default.	RBK&C	The Government made the Management of Houses in Multiple Occupation (England) Regulations 2006 which imposed duties in respect of the repair, maintenance, cleanliness and good repair of facilities and equipment. In HMOs the 2006 regulations also provide for proceedings against a person for an offence under section 234(3). But, there is no provision however to allow the Council to serve notice and to undertake works in default, if those arrangements are not in place. The Housing Act or the regulations should provide that, where the HMO fails to comply with one of the management regulations the authority may serve notice specifying the works which are required to make good the neglect. If this notice (with associated timescales) is not complied with, the authority may then undertake works in default. This would reinstate the power which authorities previously had under the Housing Act 1985.
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PUBLIC PROTECTION

PPR 1	Scores on the doors	Provide a requirement for food premises to display food hygiene information and an offence of forging or altering the displayed information	Lambeth	Would underpin voluntary schemes and could act as a trial for a national scheme. Note the FSA has a pilot project covering all LBs.
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Governance Committee, 3 October 2007

PPR 2	Amend special treatments premises legislation.	This would help in a number of areas as follows. To clarify exemptions relating to care homes etc, control special treatments provided at home addresses, remove certain exemptions, and catch new treatments.	Westminster, Brent	Require new treatments to be licensed. Amend Part II of the LLA Act 1991 so as to remove some of the statutory exemptions, and require new treatments to be licensed.
PPR 3	Social club control	Control of social clubs	Haringey	There have been concerns that boroughs have insufficient control over the number of 'member only' clubs that are established, especially in premises formally used as retail premises. While not necessarily seeking to restrict their number or interfere with the town planning requirements, it is desirable to ensure that there are proper management controls, self regulation and as a consequence less enforcement agency involvements.
PPR 4	Amend sex establishment legislation	To allow boroughs to serve notices and summonses on sex establishments by ordinary post (currently requires recorded delivery post). Also proposed to amend a typographical error in the legislation following a court case.	Westminster	Changing the legislation regarding post would bring it into line with more recent national legislation. A recent court case also showed up an error in the legislation and this should be corrected, by amending the error in the City of Westminster Act 1996 (sex establishment legislation).
PPR 5	Amending planning powers relating to sex establishments	Powers are sought that would allow boroughs to object/restrain if sex establishments (lap-dancing clubs) are proposed too close to residential areas.	Tower Hamlets	TH has a 'serious issue' with current legislation regarding the licensing of sex establishments, particularly where there are 'lap-dancing clubs' in residential areas which cause part of the community distress

Governance Committee, 3 October 2007**STREET TRADING**

STT 1	Management of Street Markets	Powers to authorise a third party to manage street markets within an agreed local framework. This could allow a borough to hand management over to a BID, for instance.	H & F	Currently only councils have the ability to manage and enforce street markets. In many instances this is a low priority.
STT 3	Disposal of seized goods and equipment	Disposal of seized goods after a payment of a PCN requiring confirmation of the owner's name and address	Westminster	Amend the street trading provisions of the London Local Authority Act 1990 and the City of Westminster Act 1999 so as to permit disposal of seized goods and equipment after payment of a fixed penalty or failure to comply with a notice served in conjunction with a fixed penalty requiring confirmation of the owner's name and address in writing within 14 days.
STT 4	Require consent to provide free food in the street	Powers relating to the provision of on-street free food.	Westminster	Requirement to obtain consent to provide free food in the street (soup runs), with the power to attach conditions to the consent. Also prohibition of soup kitchens in designated areas.
STT 5	Amendments to City of Westminster Act 1999	Affects street trading in Westminster. More details to come.	Westminster	These ideas may also be attractive to other boroughs, and should also be applied using the LLA 1990
STT 6	Street trading under Local Authority Act 1990	Detailed aspects of Street Trading legislation	Richmond, Chris Warner, Legal Services	(a) deals with succession to a relative is deleted, (b) Clarification in the Act on how internet sales should be dealt with under street trading eg is an offer of a vehicle for sale on the internet covered by street trading where the vehicle is parked on the street but with no For Sale signs displayed? (c) More generally is it time for a consolidation of the street trading provisions in light of the various amendments since 1990?

Governance Committee, 3 October 2007**TRANSPORT**

TRN 1	Recovery of traffic management and street cleansing costs, and power to close/manage traffic for 'special events'.	Recovery of traffic management and street cleansing costs due to football matches and other large public events. Power to charge venues which attract large numbers of people and result in extra costs for street cleansing and traffic management. This could also cover the power to close/manage roads for 'special events'	Kingston (and Wandsworth or H & F?)	Recovery of costs from some events is likely to be covered by the Licensing Act 2003, the fee for which is meant to cover all aspects of an event. However, this is not the case with the football stadia's safety certificate which only covers activities inside the ground. Nor is it the case with venues/events that do not need a license. On the issue of new powers, the RTA does allow boroughs to do this, but there is a limit on the number of times the powers can be invoked.
TRN 2	Charging points for electric vehicles	Clarification of powers to provide charging points for electric vehicles in the street, and in particular in relation borough liabilities which are at present unlimited	H & F	The powers could relate to both, installing charging points on behalf of residents, and running a charging system.
TRN 3	Recover damages to the highway	Power to require an owner or developer to provide a deposit, prior to commencement of development, which could then be offset against any costs arising from making good damage caused by the owner or developer. There is also a suggestion that where there is damage, fixed penalty fines could be used.	Bromley and RB Kingston	It has also been suggested that powers are required to deal immediately where mud and other building material are deposited on the highway to the detriment of free/safe passage. The powers should also allow for the recovery of administrative costs, and fixed penalty fines.

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TRN 5	Gated road closures	Powers to fine those who open emergency gates without authorisation under the relevant traffic order	Camden	Fines collected would go towards costs of the surveillance.
TRN 7	Pedicabs	Powers to control pedicabs	London Councils, Westminster and TfL	This item has support from both London Councils, and TfL. In addition Westminster Council is very animated about this issue. This needs to be tried again.
TRN 8	Issuing PCNs by post	Issuing PCNs by post where service prevented by vehicle driving away	TfL	Proposed by TfL. Our opinion is that this is worth a try but will be difficult to get approval for.
TRN 9	Cycle lanes	Allowing decriminalised enforcement of cycle lanes	TfL	Proposed by TfL with no borough opposition.
TRN 10	Advanced stopping areas	Allowing decriminalised enforcement of advanced stopping areas at traffic lights	TfL	Proposed by TfL. Our opinion is that this is fine in principle, but the definition will be tricky to avoid it covering red lights generally.
TRN 11	mobile phones and driving	Allowing decriminalised enforcement of the use of mobile phones while driving	TfL	Proposed by TfL. Our opinion is that this is difficult in practice and principle. This is an endorseable offence and hence driver liability. Previously we have said that endorseable offences should remain criminal.
TRN 12	uninsured vehicles	Allowing local authorities to take action in relation to uninsured vehicles	TfL	Proposed by TfL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.
TRN 13	vehicles without an MOT	Allowing local authorities to take action in relation to vehicles without an MOT	TfL	Proposed by TfL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.

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TRN 14	Cyclists on the footway	Section 72 of the Highways Act 1835 makes it an offence to cycle on the footway. Section 51 and Schedule 3 of the Road Traffic Act 1988 provide that such an offence is punishable by a fixed penalty of £30.	RBK&C	It is proposed that London local authorities should have the power to vary the fixed penalty according to the area where the offence takes place and the seriousness of the offence. London authorities should have the discretion to impose a far greater penalty than the current £30 fixed penalty. TEP advises that this would bring in differential penalty levels for parking, which has already proved difficult and time-consuming to get agreement and implementation.
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MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	3 OCTOBER 2006	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF SCHOOL GOVERNORS

The appointment of school governors who are also Members or employees of the Council is dealt with by this Committee (all other appointments are made by the Group Director, Children's Services under delegated powers).

The Governor Appointment Panel has now submitted for formal approval the nominations of Councillors Len Long and Michael White for reappointment to the Governing Bodies of Whybridge (Infant and Junior) and Royal Liberty respectively.

Human resources implications and risks

No implications or risks for the human resources arise from this report.

Equalities implications and risks

No implications or risks for the environment arise from this report

Financial implications and risks

No financial implications or risks arise from this report.

Legal implications and risks

No legal implications or risks arise from this report.

Governance Committee, 3 October 2007

RECOMMENDATION

That Councillors Len Long and Michael White be reappointed to the Governing Bodies of Whybridge (Infant and Junior) and Royal Liberty respectively.

Contact Officer: Ian Buckmaster, Manager of Committee and Overview
& Scrutiny Support

Telephone: 01708 432431

**Cheryl Coppel
Chief Executive**

Background Papers: None



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	3 OCTOBER 2007	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENTS TO OTHER ORGANISATIONS, 2007/08 - further report

Lucas Children's Play Charity

The Council appoints two trustees to this charity (which was formed from the proceeds of sale of the Lucas Playsite in Hornchurch, some years ago).

The current trustees are Councillors Len Long and Andrew Curtin. Councillor Curtin's term of office runs until 2010 but Councillor Long's expires in October 2007.

Councillor Long is eligible to be re-appointed.

No **Financial, Human Resources and Equalities, Social Inclusion Implications and Risks or Legal Implications and Risks** arise. Appointments are made with the Council's Equalities and Social Inclusion policies in mind.

RECOMMENDATION

That Councillor Long Len Long be re-appointed a trustee of the Lucas Children's Play Charity for the term of office expiring October 2011.

Cheryl Coppell
Chief Executive

Staff Contact: Ian Buckmaster
Manager of Committee and Overview & Scrutiny Support
Telephone: 01708 432442

Background Papers

None.

Governance Committee, 3 October 2007