

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Wednesday 5 July 2007	Havering Town Hall Main Road, Romford
---------------	----------------------------------	--

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:

Ian Buckmaster (01708) 432431

e-mail ian.buckmaster@haverling.gov.uk



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 30 May 2007, and to authorise the Chairman to sign them

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

6 UNPARLIAMENTARY LANGUAGE

7 AREA COMMITTEES – review of arrangements

8 USE OF WEBLOG ADDRESS ON THE HAVERING WEBSITE

9 AMENDMENTS TO THE CONSTITUTION

10 AMENDMENTS TO THE CONSTITUTION – made by the Monitoring Officer

11 **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.

Cheryl Coppel
Chief Executive

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
30 May 2007 (7.30pm – 8.25pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), +Jeffrey Brace, Steven Kelly, Eric Munday, +Paul Rochford and Michael White

Residents' Group Gillian Ford and Barbara Matthews

Rainham & Wennington Independent Residents' Group Jeffrey Tucker

Labour Group +Tom Binding

+ Substitute Members: Councillors Tom Binding (for Keith Darvill), Jeffrey Brace (for Roger Ramsey) and Paul Rochford (for Kevin Gregory)

Councillor Kevin Gregory was present for part of the meeting.

Apologies were received for the absence of Councillors Keith Darvill and Roger Ramsey

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

Each Member present declared a personal interest in the matters referred to in Minute 2.

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

1 MINUTES

The Minutes of the meeting of the Committee held on 9 May 2007 were approved as a correct record and were signed by the Chairman.

2 APPOINTMENT TO OTHER ORGANISATIONS, 2007/08

Each Member present declared a personal interest in relation to the bodies to which they were appointed as representatives of the Council.

Governance Committee, 30 May 2007

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

The Committee noted that some appointments were not currently due for renewal.

The Committee agreed that certain appointments identified in the Appendix should be allocated to the relevant Cabinet Members portfolio rather than to a Member by name, to enable such appointments to be made on a more coherent basis.

RESOLVED:

- (1) That the various appointments shown in the Appendix to these minutes be approved for the Municipal Year 2007/08 (or to such other date as indicated).
- (2) That, where identified in the Appendix, appointments be made by reference to Cabinet portfolio rather than on a personal basis.
- (3) That, where the constitution of an organisation permits the casting of proxy votes on behalf of an organisation's representative and the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a relevant meeting, the representative may mandate the Chair of the meeting to exercise a proxy vote on behalf of the Council.
- (4) That the existing members of the Adoption Panel be re-appointed
- (5) That the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Michael White (4 votes) and Councillor Barbara Matthews (1 vote) (or their respective nominees in the event either is unable to vote in person).
- (6)
 - (a) That Councillors June Alexander, Wendy Brice-Thompson, Andrew Curtin, Gillian Ford, Linda Hawthorn, Roger Ramsey, Paul Rochford and Geoff Starns be appointed as Councillor Members of the Council of Management, Havering Theatre Trust
 - (b) That David Burn, Vernon Keeble-Watson, David Lel, Angela Marshall, Michael Quine, Dennis Roycroft, Bryan Savery, Louise Sinclair, David Thorpe and Pamela Wilkes be appointed as Non-Councillor Members of the Council of Management, Havering Theatre Trust

Governance Committee, 30 May 2007

- (c) That Councillors Andrew Curtin and Roger Ramsey be appointed as Councillor Members of the Havering Theatre Trust Board.
- (7) That Councillor Eric Munday be nominated for appointment as Vice-Chairman of the Thames Chase Joint Committee for 2007/08.
- (8) That Councillor Mark Gadd be appointed to the governing body of Havering College of Further & Higher Education until December 2008 in place of Councillor Kevin Gregory.
- (9) That Councillor Andrew Curtin be re-appointed to the Lucas Children's Play Charity for the term of office from October 2007 to October 2011.
- (10) That Councillor June Alexander be re-appointed to the Poyntz Charity for the term of office from November 2007 to November 2011.
- (11) That the Cabinet Member for Housing & Regeneration be appointed to the Veolia ES Cleanaway Havering Riverside Trust and the Veolia ES Cleanaway Havering Riverside Maintenance Trust, provided there is no objection by those Trusts to that Cabinet Member serving on them.

Note: The appointment to the Essex Wildlife Trust was decided by vote. Six Members (Councillors Jeffrey Brace, Steven Kelly, Eric Munday, Paul Rochford, Frederick Thompson and Michael White) voted for Councillor Sandra Binion and four Members (Councillors Tom Binding, Gillian Ford, Barbara Matthews and Jeffrey Tucker) voted for Councillor Andrew Mann: Councillor Binion was thus appointed.

3 GOVERNANCE (APPEALS) SUB-COMMITTEE

In September 2005, the Committee had established a Sub-Committee to deal with appeals from chief officers arising from earlier approval of proposed changes in the Council's Strategic and Corporate Management Teams, to enable such officers to exercise their statutory right of appeal in respect of:

- (1) The selection of the chief officer for compulsory redundancy
- (2) The decision of the Pensions Panel not to exercise its discretion to award added years to an eligible chief officer's pension as a result of s/he being made redundant (irrespective of whether that redundancy was voluntary or compulsory)

Although the appeal process arising from the 2005 adjustments had largely been

Governance Committee, 30 May 2007

completed, an issue had arisen of which urgent consideration by the Sub-Committee was required. Being a statutory obligation, the issue could only be determined by a Member-level body.

The Committee was advised that the Sub-Committee previously had four Members and there was no proposal to alter that, but it could not include Members who had had prior involvement in earlier stages of the process which had led to the appeal. The Sub-Committee would be subject to the political balance rules.

RESOLVED:

That the Governance (Appeals) Sub-Committee be reappointed (with terms of reference as before) complying with the requirements for political balance of 3:1:0:0 and comprising Councillors Eric Munday (Chairman), Dennis Bull, Gillian Ford, and Roger Ramsey

4 AMENDMENTS TO THE CONSTITUTION

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

Draft proposals for clarifying and speeding-up the process of amending the Constitution were now submitted for discussion, with a view to revised proposals for change being reported back in due course in the light of Members' views expressed at this meeting.

Members raised concerns over the power to change the Constitution, which they considered should be left to Members. For urgent matters they felt the Chairman of this Committee should be consulted if time did not allow for due process to be followed.

The Committee deferred consideration of the proposals to allow further suggestions to be made.

5 ETHICAL GOVERNANCE SURVEY – PROGRESS REPORT

The Committee was reminded that the Ethical Governance Survey was a survey of all 54 members and all top 140 managers including awareness and understanding of ethical behaviour. The survey would be administered by the Audit Commission and conducted online.

Progress to date on the survey was noted.

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2007/08

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Councillors June Alexander and Cabinet Member – Sustainable Communities & Health
Adoption Panel	Councillor Wendy Brice-Thompson; Alan Johnstone (Chairman), Stephen Richards (Vice-Chairman), Dr Banerjee, Roger Bolton, Tess Blight , Betty Haltham, Tony Ferguson, Jonathan Pearce and Beryl Thornton
Ardleigh House Community Association - 2	Councillors Eddie Cahill and Michael White
London Councils (Former ALG) (Leaders' Committee)	Representative (1): Leader of the Council Deputy: (1) Deputy Leader of the Council
Transport & Environment Committee	Representative (1): Cabinet Member - Streetcare & Parking Deputies (up to 4): Cabinet Member - Resources, Deputy Leader of the Council, Councillor Andrew Mann (One vacancy)
Grants Committee	Representative (1): Cabinet Member - Resources Deputy (4): Councillors Clarence Barrett, Cabinet Member Performance & Corporate, Councillors Jeffrey Tucker and Melvin Wallace

Governance Committee, 30 May 2007

Greater London Employment Forum	Representative: Cabinet Member - Performance & Corporate Deputy Representative: Deputy Leader of the Council and Cabinet Member Sustainable Communities and Health
Crime and Public Protection Forum - 1	Cabinet Member – Sustainable Communities – Public Safety
Children, Young People & Families Forum - 1	Cabinet Member - Children's Services
Culture , Tourism & 2012 Panel - 1	Cabinet Member - Public Realm
Economic Development - 1	Leader of the Council
Health and Social Care Panel -1	Deputy Leader of the Council and Cabinet Member – Sustainable Communities & Health
Housing Forum -1	Cabinet Member – Housing & Regeneration
[London Caribbean]	Councillor Andrew Curtin
Bretons Community Association -1	Councillor John Clark
Carers Panel	Carmel Shepherd (Chairman), Sandra Russell (Vice-Chairman), Leonie Campbell, Diana Claixte-Holdsworth, Nathan Dawson, Avril Howell, Councillor John Mylod, Councillor Pat Mylod (so long as there is no legal obstacle to her appointment), Dr Sawinathan and Carole Sinnett
CEME (Centre for Engineering & Manufacturing Excellence)	Leader of the Council

Governance Committee, 30 May 2007

Connexions	Cabinet Member - Children's Services (Sue Allen (Head of School and Student Services) – alternate director)
Coopers Company & Coborn Educational Foundation	Councillor Linda van den Hende
Corporate Parenting Panel - 3	Councillors Wendy Brice-Thompson, Christine Fox and Patricia Mylod
Cranham Community Association - 1	Councillor June Alexander
East London Waste Authority - 2	Cabinet Member - Sustainable Communities & Health and Cabinet Member – StreetCare & Parking
Education Otherwise Than At School Service (EOTAS) Management Advisory Committee	Cabinet Member - Children's Services
Elm Park Community Association - 1	Councillor Barry Oddy
Emerson Park Community Association - 1	Councillor Paul Rochford
Essex Wildlife Trust (Bedfords Park Management Committee)	Councillor Sandra Binion
Front Lane Community Association - 1	Councillor June Alexander
Futures Charitable Trust	Cabinet Member - Children's' Services (31.12.05-31.12.07)
Governor Panel	Cabinet Member - Children's' Services, Gillian Ford and Wendy Brice-Thompson

Governance Committee, 30 May 2007

Greater London Enterprise Limited - 1	Cabinet Member– Housing & Regeneration
Harold Hill & District Community Association - 2	Councillors Dennis Bull and Keith Wells
Harold Wood Neighbourhood Centre - 2	Councillors Lesley Kelly and Pam Light
Havering Admissions Forum - 5	Cabinet Member - Children's' Services, Keith Darvill, Gillian Ford Wendy Brice-Thompson and Fred Osborne
Havering Arts Council - 5	Cabinet Member Public Realm, Gary Adams, Mark Gadd, Linda Hawthorn and John Mylod
Havering Association for People with Disabilities - 2	Councillors Steven Kelly and Patricia Mylod
Havering Bands and Majorettes Association - Executive Committee - 3	Councillors Andrew Curtin, Sandra Binion and Len Long
Havering and Barking Relate - 2	Councillors Keith Wells and Pam Light
Havering & Brentwood Bereavement Service - 1	Councillor Dennis Bull
Havering Chamber of Commerce and Industry - 1	Leader of the Council
Havering Childrens' Trust – 1	Cabinet Member - Children's Services
Havering College of Adult Education - 5	Councillors Ted Eden, Lesley Kelly, Steven Kelly, John Mylod and Pat Mylod

Governance Committee, 30 May 2007

<p>Havering College of Further & Higher Education</p> <p>Havering Community Safety Partnership – 2</p>	<p>Councillors Paul Rochford and Mark Gadd (until 2008)</p> <p>Cabinet Member– Public Safety and the Assistant Chief Executive, Legal and Democratic Services (Cllr Lesley Kelly to deputise for Cllr Gardner)</p>
<p>Havering Joint Forum - 6</p>	<p>Leader of the Council, Deputy Leader of the Council, Cabinet Member – Performance & Corporate, Cabinet Member- Resources, Barbara Matthews and John Mylod</p>
<p>Havering Local Strategic Partnership - 3</p>	<p>Leader of the Council, Leader of the Opposition and Deputy Leader of the Council</p>
<p>Havering Police and Community Consultative Group - 6 (plus Cabinet Member with responsibility for crime & disorder issues)</p>	<p>TBA</p>
<p>Havering Sixth Form College - corporation -1</p>	<p>Cabinet Member - Children's Services (until 12.08)</p> <p>Councillor Roger Ramsey (until 6.10)</p>
<p>Havering Sports Council - 5</p>	<p>Cabinet Member - Public Realm, Cabinet Member – Public Realm – Environmental & Technical Services, Councillors Tom Binding, John Mylod and Melvin Wallace</p> <p><u>Councillor Members of the Board:</u> Councillors Andrew Curtin and Roger Ramsey</p>
<p>Havering Twinning Educational Association</p>	<p>Councillor Eddie Cahill</p>
<p>Havering Youth Inclusion and Support Panel</p>	<p>Councillor Barry Oddy (Member); Councillor Wendy Brice-Thompson (Deputy Member)</p>

Governance Committee, 30 May 2007

Hides Educational Foundation - 3	Councillor June Alexander*, Councillor Gillian Ford and Cabinet Member - Children's Services(until 2007)
Housing ALMO Board	Councillors Andrew Curtin, Gary Adams, Lesley Kelly and Ray Morgon
Hornchurch Housing Trust (Nomination Trustees) - 6	Mr Ray Emmett and Mr David Williams (until 2/10) Mr Chris Oliver and Councillor Eric Munday (until 2/09) Mr Ivor Cameron and Mrs Peggy Munday (until 2/10)
IWMS Contract Liaison Committee	Cabinet Member Sustainable Communities & Health
Lee Valley Regional Park Authority (indirect appointment via nomination to ALG)	Cabinet Member - Public Realm (till June 2009)
Local Government Association General Assembly – 4	Leader of the Council, Deputy Leader of the Council, Councillors Eric Munday and Barbara Matthews
Local Government Association Tourism Forum – 1	Cabinet Member – Public Realm
Local Government Association Urban Commission – 1	Cabinet Member - Housing & Regeneration
Local Government Information Unit - 1	Cabinet Member - Performance & Corporate
London Accident Prevention Council – 2	Councillors John Clark and John Mylod
London Home and Water Safety Council – 1	Councillor Fred Osborne

Governance Committee, 30 May 2007

London Local Authority Arts Forum – 2 London Riverside Limited – 1 (formerly Heart of Thames Gateway)	Cabinet Member – Public Realm and John Mylod Leader of the Council
London Youth Games Limited – 1	Cabinet Member - Public Realm
Lucas Children’s Play Charity Nominative Trustees – 2 (until October 2007)	Councillors Andrew Curtin and Len Long
Mardyke Youth and Community Centre - 2	Councillors John Clark and Len Long
North London Thames Gateway Groundwork Trust - 1	Councillor Michael White
North Romford Community Association - 1	Councillor Sandra Binion
Poyntz (a.k.a. Richard Poyntz’s) and other charities	Ex-officio trustees: Councillor June Alexander (until 16.11.07) 2 representative trustees - Colin Groves and D Livermore* 2 co-optive trustees - appointed by Trust
Rainham and Wennington Community Association – 1	Councillor Jeffrey Tucker
Reserve Forces & Cadets Association - 1	Councillor Ted Eden
Romford Carnival Committee - 2 Romford Combined Charity <u>Nominative Trustees</u> - 2	Councillors Andrew Curtin and Sandra Binion Councillor Michael Armstrong and Councillor Andrew Curtin (until 3.11.10) Wilf Mills (until 3.11.08) Ms Christine Hunnable (until 25.10.07)
Romford Town Centre Partnership - 2	Leader of the Council (Cabinet Member - Sustainable Communities - Housing &

Regeneration as deputy) and Chief Executive

Governance Committee, 30 May 2007

Romford Young Men's Christian Association (YMCA) - Board Of Management –1	Councillor David Grantham
Rush Green Community Association – 2	Councillors Robert Benham and Fred Osborne*
Second Chance - Theatre for the People - 1	Councillor Andrew Curtin
Standing Advisory Council on Religious Education (SACRE) - 5	Councillors Mark Gadd, Wendy Brice-Thompson, Cabinet Member- Children's Services, Gillian Ford and Jeffrey Tucker
Thames Chase Joint Committee - 3	Councillors Clarence Barrett, Lesley Kelly and Eric Munday
Thames Gateway London Partnership – 1	Leader of the Council
Thames Regional Flood Defence Committee	Cabinet Member - StreetCare & Parking
Upminster Windmill Preservation Trust	Councillor Linda Hawthorn
Veolia ES Cleanaway Havering Riverside Trust*	Cabinet Member – Housing & Regeneration
Veolia ES Cleanaway Havering Riverside Maintenance Trust*	Cabinet Member – Housing & Regeneration



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 JULY 2007	5

REPORT OF THE CHIEF EXECUTIVE

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

SUMMARY

At its meeting on 9 May, the Committee was invited to review 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, issues arose about certain uses referred to in the report and the Committee decided to defer its consideration to enable Members to give further thought to implications arising from the proposals before them.

This report is submitted accordingly.

Members are invited to consider whether, among other things, the Council should continue to charge external organisations for their use of the Council Chamber and Committee Rooms.

RECOMMENDATIONS

- 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, the Committee agree explicitly that 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 For consideration as to whether use of the Council Chamber and Committee Rooms at the Town Hall by external organisations should 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, the Committee **determine whether** external bookings of the Council Chamber and Committee Rooms should be restricted to local organisations that work with the Council;
 - (b) If so, for consideration as to whether such lettings should be charged for in accordance with the agreed lettings charges, at a concessionary rate or that no charge be made for them;
 - (c) That such lettings to new external organisations should 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, subject to amendment as necessary to accord with decisions made on recommendation 4, the guidelines for lettings set out in Appendix 2 to this report be approved in place of the existing arrangements for letting meeting accommodation at the Town Hall.

REPORT DETAIL

1 Introduction

- 1.1 There is a heavy demand for use of the Council Chamber and Committee Rooms at the Town Hall, during both the normal working day and in the evening. Occasionally, competing demands mean that decisions are needed as to which meeting should have priority. The Council's policy for such arrangements was last reviewed some time ago, since when there have been a number of changes, not least the creation of the new Committee Room 3 (which is divisible into two separate rooms) and the installation in Committee Rooms 1, 2 and 3 of a variety of ICT facilities.
- 1.2 These rooms are put to a variety of uses. Apart from official Council/Cabinet/Committee meetings and associated gatherings such as Group Meetings, the rooms are used for a variety of officer meetings, for some training sessions and for informal discussions; although they are not generally available for letting to non-Council users, a series of outside organisations that have been regular users of rooms in the Town Hall continue to make use of them. There is also a need for the Council to accommodate statutory processes such as school appeals and Planning Inquiries.
- 1.3 This variety of uses creates conflicting demands and resolving such conflicts in the absence of a defined policy can lead to difficulties. In view of the close association of the rooms with Members' activities and requirements, their management is delegated to the Assistant Chief Executive (Legal & Democratic Services) and day to day control of bookings etc is undertaken on her behalf within Democratic Services.
- 1.4 This report seeks approval of a new policy and the conferment of discretion for day-to-day management of the accommodation intended to assist in resolving conflicts when they arise, without the need for arbitrary decisions to be made.

2 The rooms available

- 2.1 The Council Chamber is the largest room available at the Town Hall, with a seating capacity of around 120 people (the fire certification specifies the maximum number permitted as equivalent to the number of seats: there is NO "standing room only"). As Members will be aware, its refurbishment in 1997/98 included the installation of a range of ICT facilities (some of which is now in need of upgrading, about which a further report will be submitted in due course).
- 2.2 There are also four Committee Rooms (CRs). Of them, CR 3 is both largest and most flexible: opened out as one room, its capacity nears 100 seats but when divided into two smaller rooms, 3A and 3B, its capacity is somewhat lower: neither room alone can comfortably accommodate as many as 50. The room has ICT facilities including the Sympodium, a specialised mobile rostrum for use when giving presentations using computer-generated graphical information (CGI) systems such as PowerPoint or DVDs.

- 2.3 CRs 1, 2 and 4 are smaller and less flexible: 1 and 2 have rudimentary ICT facilities (projector and connecting and power cables) but 4 has none.
- 2.4 The competing demands often mean that rooms are booked for purposes for which they are not suitable. For example, CR 4 is often sought for large gatherings even though its capacity is limited to about 10-12 people while both CR 1 and CR 2 have to be used for hearings such as school appeals, involving normally no more than 6 people, when their capacity can be up to 25 people, depending how the furniture is laid out.
- 2.5 New tables have recently been provided in CR3A by Democratic Services to improve the room's flexibility for "Select Committee"-style Overview & Scrutiny Committee meetings, which will become increasingly important as overview & scrutiny develops further (though other users may find the resulting changes less helpful).
- 2.6 It is also important to bear in mind that, unlike many Town Halls, there is no "assembly hall" or the like at Havering. The Town Hall meeting accommodation is thus not suitable for large public gatherings: it is purpose-built for use for Committee and Council meetings only and other uses, such as training or public inquiries, can only be conducted within the parameters of what is available.
- 2.7 The booking of accommodation is quite separate from arranging for refreshments to be available. Hot and cold beverages (and where sought, biscuits) are available from the Town Hall Pantry, while buffets are arranged through approved contractors such as "Snackbox".

3 Current policy issues

- 3.1 As mentioned earlier, current policy for use of the rooms is in need of review. There is a number of "guiding principles" (of which the principal points follow, in no particular order) but no consolidated written policy:
- No room may be booked more than six months in advance (other than for Council/Cabinet/Committee meetings)
 - For a series of meetings, only two bookings can be accepted at a time (the remainder are provisionally booked, subject to later confirmation)
 - Internal users are not charged for their use of any room
 - External users are generally charged: however, there are concessions that result in some external users being charged at a lower rate and a few not being charged at all (see section on external users below)
 - The meeting facilities at the Town Hall are not actively marketed (although the original intention in 1998 was that the Council Chamber would be, that intention was overtaken by later events)
 - The Council Chamber and Committee Rooms are not available for use by Members for "advice surgeries" but they may be used for meetings with constituents, individually or in groups, about specific issues
 - The Chamber and most CRs are reserved on Monday evenings for Group Meetings
 - CR3 (and its two constituent rooms, 3A and 3B) is not available for outside letting in any circumstances

- 3.2 Members should also be aware that the recent changes to the car parking arrangements at the front of the Town Hall are having an effect. There are now only four visitors' parking spaces, available on a "first come, first served" basis. Members will be aware that there is limited "pay and display" parking but that it is frequently full. Accordingly, the meeting accommodation cannot be marketed as having access to parking facilities.
- 3.3 In allocating rooms for meetings where there are conflicting demands, generally rooms are available on a "first come, first served" basis with no attempt to prioritise (other than in the obvious case of Committee meetings and the like).
- 3.4 Members should be aware that the principal external daytime use of accommodation is now the Planning Inspectorate for planning inquiries and hearings, unless it is clear in advance that an inquiry will require larger accommodation than can be made available at the Town Hall; roughly 15 such hearings take place a year. Planning hearings must be given priority as the Council has an obligation to make accommodation available and there is very little leeway over the date and time, which is set by the Inspectorate. No charge can be levied for this use and ancillary rooms are often required as well as the main room in which the inquiry takes place.
- 3.5 The largest single internal user (Member meetings aside) is Democratic Services for school appeal hearings. For most of the year, school appeals are held once or twice a month but in the school summer term numerous appeals for entry into Year 7 secondary education and for Reception Infants classes have to be heard. School appeals sessions require at least two rooms to be available, as there is an obligation now to make a waiting room available for parents' use. Again, no charge can be levied for this use.

4 External users

- 4.1 The Council previously agreed a list of external users who had use of rooms at concessionary rates. Some organisations have since ceased to use the Town Hall for various reasons and, of those then listed, only the following still use the rooms:
- Pensioners' Forum
 - (Staff) Christian Fellowship
 - National Union Teachers
 - UNISON
- 4.2 Since that list was compiled in 1997, Romford Police have been informally added as concessionary users, on the basis that the Council is now in close working partnership with them. The Council Chamber is used regularly as a venue for senior police officers' meetings with their front-line officers for team briefings and the like. No charge is levied for the police use of the Chamber.
- 4.3 The use of rooms by the Havering Arts Council, Havering Museums Trust, Havering Theatre Trust, the Rotary Club Youth Speaks competition and the Town Twinning Association is arranged on their behalf by staff. These uses are

treated as effectively internal meetings and are not charged for. It would seem appropriate to add these users specifically to the list of (external) concessionary users.

- 4.4 There are other regular users of the accommodation but they are charged according to the agreed scale of charges (see appendix 1).
- 4.5 The availability of meeting accommodation is not actively marketed. If an enquiry is made about their availability, the enquirer is advised of the scale of charges and of what facilities are provided; and, if the room is needed on the basis available, a booking is accepted and an invoice raised for it.

5 Concessionary letting

- 5.1 At the previous meeting, Members debated inconclusively the merits of continuing a policy of allowing concessionary lettings and agreed to consider the point further.
- 5.2 The letting charges for rooms at the Town Hall are not intended to generate income. Indeed, they tend not to cover the cost of making the accommodation available. Rather, they reflect the facts that the Town Hall is a community asset, that its setting is unique in that there is no other venue in the borough where there are rooms set aside specifically for meetings (all other venues are multi-purpose premises used for social and other activities as well) and that if it were freely available, demand would soon exceed the limited capacity to cope with it.
- 5.3 The users that have been granted concessionary rates are all associated with the Council in some way. As already noted, most concessions that exist were granted by Members some time ago. The police occasionally use the Chamber and are allowed a concessionary letting in view of the closeness of their work with the Council.
- 5.4 It is a matter for Members whether to continue with concessionary lettings, or indeed to continue charging for the few lettings to which charges apply.
- 5.5 The arguments for and against charging appear finely balanced. Certainly, as noted already, lettings do not generate significant income and barely (if at all) cover the cost of arranging for the accommodation to be available. On the other hand, making accommodation available at little or no cost does represent a "hidden subsidy", which is contrary to accepted practice.
- 5.6 Moreover, the concessionary lettings are on the whole available only to organisations that have little income and thus represent the avoidance of a cost that they would incur if they had to meet in other accommodation. It should also be noted that the use of a during the time when the Town Hall is accessible (9am to 10pm) incurs only marginal additional cost, mainly in terms of lighting, since other costs (such as heating and staffing) are incurred whether or not a room is in use. Catering/refreshment costs do not affect this issue as only those ordered and consumed are paid for.

- 5.7 Members are asked to determine whether:
- Current practice – some concessionary lettings, some charged for – should continue
 - No further concessionary lettings should be allowed but existing concessions continue
 - All concessionary lettings should cease and the accommodation charged for in accordance with the appropriate fees
 - Charging for lettings should cease but that only existing users or new users meeting agreed criteria should be permitted use of rooms
- 5.8 If the final option were adopted, “agreed criteria” would be needed. It is suggested that, in that case, use of rooms at the Town Hall should in future be restricted to voluntary or non-commercial organisations that:
- (a) have a connection with the work of the Council, either as service provider or as community leader and
 - (b) are supported by one or more Members who have a continuing interest in their work and
 - (c) are unable to access alternative meeting facilities.

6 Guidelines

- 6.1 Further consideration is invited of guidelines for the letting of accommodation. Members are reminded that a system of prioritisation is needed to assist the staff in Democratic Services who deal with bookings, to ensure that arbitrary decisions are not made when competing demands for accommodation are made, and also to ensure that scarce meeting accommodation is not tied up for gatherings that are more suitably held elsewhere.
- 6.2 Appendix 2 sets out draft guidelines for Members’ consideration and approval.
- 6.3 Electoral law requires that local authorities make available on request to candidates “rooms” for public meetings on request. Although many Town Halls incorporate halls that are available for public events, Havering Town Hall has no such facility and neither the Chamber nor individual CRs would be suitable for such a use. There is nothing in the legislation that requires the Council to make facilities at the Town Hall available, since the obligation to provide “a room” can be discharged by arranging for accommodation in a school or social hall to be made available. Accordingly, a specific policy decision that no room at the Town Hall can be made available for election meetings is now suggested. It should be noted that this would merely codify long-standing practice.
- 6.4 It is also long-standing practice, re-affirmed from time-to-time, that accommodation at the Town Hall should not be available for Members’ surgeries. The proposed guidelines re-state that.
- 6.5 Members may also wish to consider whether there are any other types of meeting that they would not wish to accommodate.

- 6.6 It would be helpful to specify a time by which meetings should terminate. The Town Hall Keeping staff evening shift ends at 11pm and, in order to allow them reasonable time to clear the building after meetings end, it is suggested that all meetings be required to end no later than 10pm, other than formal meetings of Council, Cabinet and Committees to which the relevant Procedure Rules in the Constitution apply (in practice, only Council and Regulatory Services Committee meetings regularly continue beyond 10pm; others occasionally do so but this can usually be foreseen and accommodated). Members will wish to bear in mind that overtime payments will arise if staff have to remain beyond 11pm.

7 Financial implications and risks

- 7.1 No charges are raised for internal uses of the meetings accommodation at the Town Hall, so any change in lettings policies would have no direct financial effect. Other than where an agreed concession applies, lettings to external organisations are charged according to the agreed fees and charges table (see Appendix 1). Annual income from such charges is modest, at around £600 in 2006/07 (and the recent reduction in public parking spaces at the Town Hall has reduced its attraction as a venue for external users).
- 7.2 There are costs of staff time in managing booking processes and configuring room furniture to users' requirements but such costs are not generally directly related to individual bookings. Overtime payments can be triggered if the Town Hall continues to be occupied beyond 11pm.
- 7.3 It should be noted that costs of refreshments are not included in the scope of this report.
- 7.4 It is good practice, when managing any accommodation, to maximise income, and to charge all users, properly to account for costs; where a subsidy is agreed, it is good practice for this subsidy to be shown in the form of a grant, again for transparency. Where, however, values are small, the benefit of this approach needs to be matched against the cost of the administration involved.
- 7.5 Capacity for meeting room accommodation within the Council is a key issue. For the large part this is an unavoidable cost in the medium term. If room bookings are not effectively managed it could result in additional costs being incurred, if meetings have to be conducted in alternative accommodation. This is especially apparent under the current policy where income from external bookings for Council accommodation is minimal.

8 Legal Implications and risk

- 8.1 There are no general legal implications or risks. The meeting accommodation is private and the Council is under no obligation to make it available to external users. The specific issue about electoral meetings is referred to in paragraph 6.3 above.
- 8.2 If the Council does make accommodation available to external users, then it must ensure that all relevant non-discrimination legislation is complied with.

9 Human Resource Implications and risk

- 9.1 There are no general implications. Some staff-oriented activities are carried out in lunch time periods in the accommodation – for example, the Christian Fellowship and *Tai Chi* classes arranged by the Occupational Health Service. Subject to the availability of accommodation, it would be the intention to continue accepting such bookings (and, where relevant, to consider them for lettings at a concessionary rate or free of charge).

**Cheryl Coppel
Chief Executive**

**Contact: Ian Buckmaster, Manager of Committee and Overview &
Scrutiny Support**
Telephone: 01708 432431
E-mail: ian.buckmaster@haverinq.gov.uk

Background Papers

Correspondence with external organisations

Charges for use of rooms, with effect from 1 April 2007

Room	Use	£
Council Chamber	Monday-Friday: whole day	283
	Monday-Friday: half day	142
	Weekends: whole day	397
	Weekends: half day	197
	Evenings (Fridays and weekends only) (after 6pm)	171
Committee Rooms * (per hour) (at any time)	CR1	21
	CR2	21
	CR4	16

*** CR3 is not available to external users**

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 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:

Governance Committee, 5 July 2007

- (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
- 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.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 JULY 2007	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: UNPARLIAMENTARY LANGUAGE

SUMMARY

At its meeting on 9 May, the Committee agreed (among other things) an amendment to Council Procedure Rules prohibiting the use of “unparliamentary” language in the course of debate at Council.

This report supplements that decision by inviting the Committee to consider guidelines as to what might constitute unparliamentary language.

RECOMMENDATION

- 1 That Council be recommended to adopt for inclusion in the Constitution the following guidelines on use of unparliamentary language in debate at Council:

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 will, 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

Governance Committee, 5 July 2007

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 will 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.

- 2 That Council be recommended to extend the application of the changes to Council Procedure Rules in respect of unparliamentary language and conduct to Cabinet and Committee meetings and within the Council's Guidelines for Members in dealings with staff; and that the Monitoring Officer be authorised to make the appropriate amendments.

REPORT DETAIL

Introduction

- 1.1 At its meeting on 9 March, the Committee considered a reference from the Standards Committee about potentially inappropriate conduct of Members at Council meetings. The Standards Committee had recommended that this Committee consider:

(a) prohibition of the use in debate of un-Parliamentary language; and

(b) clarification of the powers of the Mayor from the Chair to move the procedural motions:

- (i) that the Member be not further heard; or
- (ii) that the Member do leave the meeting

to make them more explicit, in order to ensure that the Mayor's ability to control debate is not in question

Governance Committee, 5 July 2007

- 1.2 The Committee accepted that such controls were necessary and agreed to recommend to Council that the Council Procedure Rules (CPRs) be amended accordingly. A report will be considered by the Council at its meeting on 18 July.
- 1.3 Given the potential seriousness of an accusation of misconduct and in order to assist the Mayor and Members generally, it may be thought useful for the Council to adopt specific guidelines on the use of unparliamentary language and this report is submitted accordingly.

Unparliamentary language

- 2.1 There is no specific definition of what constitutes “unparliamentary language”. *Erskine May*, the “bible” of Parliamentary procedure states that

"good temper and moderation are the characteristics of parliamentary language" and that "parliamentary language is never more desirable than when a Member is canvassing the opinions and conduct of his opponents in debate"

adding

"Expressions which are unparliamentary and call for prompt interference include:

- (1) The imputation of false or unavowed motives.
- (2) The misrepresentation of the language of another and the accusation of misrepresentation.
- (3) Charges of uttering a deliberate falsehood.
- (4) Abusive and insulting language of a nature likely to create disorder. The Speaker has said in this connection that whether a word should be regarded as unparliamentary depends on the context in which it is used".

- 2.2 While the parallel between Parliament at Westminster and the conduct of the business of the Council is not exact, Members may agree that *Erskine May's* observations quoted above provide a very useful starting point. It should be noted that the same approach to unparliamentary language has been adopted around the world by parliamentary institutions that are based on the Westminster model.
- 2.3 There is no point in simply producing a list of “forbidden” words or expressions. While most people would accept that many such words or phrases are offensive, there would be bound to be some that were considered offensive by some people but not by others. Rather, guidelines would be better expressed broadly, leaving their application to specific situations to the discretion of the Mayor or whoever else is presiding at a meeting, particularly bearing in mind *Erskine May's* point that “whether a word should be regarded as unparliamentary depends on the context in which it is used”.

Governance Committee, 5 July 2007

- 2.4 The Governance and Standards Committees were referring specifically to the use of unparliamentary language at Council meetings. It is clear that the same consideration ought, however, to be extended to meetings of Cabinet and Committees, and to the Guidelines for Members in dealing with Staff, since the same issues can arise in contexts other than full Council meetings. This report addresses principally Council meetings but the Committee may wish to recommend that the Monitoring Officer be authorised to make appropriate amendments to the relevant Procedure Rules and Guidelines in order to incorporate the guidelines in them as well.

Members' Code of Conduct

- 3.1 It should be noted that the Members' Code of Conduct does not specifically address these issues. It does, however, require Members to treat others with respect and to avoid bullying or intimidating behaviour, or bringing the Council into disrepute – all of which could be said to apply to the use of unparliamentary language in some contexts.
- 3.2 In addition to any sanction available under the Council's Procedure Rules, if an incident were regarded as sufficiently serious, a Member, officer or indeed member of the public could refer it to the Standards Board for England or to the Council's Standards Committee as a standards issue.

The guidelines

- 4.1 The Committee is therefore invited to recommend to Council the adoption of the following guidelines on responding to the use 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 will, 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

Governance Committee, 5 July 2007

“The Mayor or Chairman will 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.”

- 4.2 It should be noted that these guidelines do not apply to remarks made by members of the public by way of heckling Members during debate. The Mayor and meetings’ Chairmen do however have inherent ability of control meetings and, under the appropriate Rules, can exclude members of the public, either individually or all together, from a meeting if their misconduct so justifies. That position is unaffected by these proposals.

Legal Implications and Risks

- 5.1 Statements made at meetings of the Council attract qualified privilege – that is, it is a defence to action for defamation to show that a comment considered to be defamatory was uttered at a Council meeting and that the person uttering it was not motivated by malice or other improper motive and honestly believed the comment to be true. Unparliamentary language may not of itself be defamatory but in any event its use can be privileged.
- 5.2 The Council is, however, free itself to seek to discourage Members from using unparliamentary language as part of its inherent ability to regulate its own affairs.
- 5.3 Such privilege does not extend to members of the public who interrupt meetings.

Finance, Human Resources and Environmental Implications and Risks

- 6.1 There are no risks or implications. Any necessary amendments to the relevant Procedure Rules and Guidance will be undertaken within existing resources.

Cheryl Coppell
Chief Executive

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

Telephone: 01708 432431

Email: ian.buckmaster@haverling.gov.uk

Background papers

Governance Committee, 5 July 2007

Entries in Wikipedia (“the on-line encyclopaedia”)
Email correspondence with staff of the House of Commons Library



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 JULY 2007	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: AREA COMMITTEES – review of arrangements

SUMMARY

When the new Area Committee structure was agreed in early 2006, the Committee recommended that it be reviewed after a year's operation. This report is 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 have expressed preference for meetings to be held successively in different locations in order to ensure that all residents have a chance to attend an Area Committee meeting at a venue near where they live.

The Committee is invited to review the Rules for Area Committees that were recommended to Council in 2005 and to consider whether, in the light of experience, to recommend a change to Council in the arrangements for Area Committees' meeting places, or any other aspect of them.

RECOMMENDATION

Governance Committee, 30 May 2007

For consideration as to whether any change is to be recommended to Council in the meeting place or other arrangements for Area Committees.

REPORT DETAIL

Review, and general points

- 1.1 At its meeting in November 2005, the Committee considered a report, arising from a Member-led review of Area Committee arrangements, proposing a series of changes in the way in which Area Committees operated. The report proposed, and the Committee (and subsequently, the Council) agreed, that a set of “Rules and Conventions for Area Committees” be adopted. These Rules are appended to this report.
- 1.2 At a subsequent meeting, the Committee agreed to review the operation of the new arrangements after one year, and this report is submitted accordingly.
- 1.3 As a general observation, the arrangements appear to have worked reasonably well. Individual Area Committees have had different experiences, reflecting the different natures and characteristics of the Areas and the different issues that have caused them concern. Overall, however, no specific issues of major concern have emerged.
- 1.4 Following discussion with Area Committee Chairmen, all Area Committees have agreed to adopt a different approach to the agenda order, taking the StreetCare forum and question time out of the main agenda and reinstating it to its former position of occupying the half-hour before the Area Committee formally begins at 7.30pm. By and large, this change appears to have been successful.

Venue issues

- 2.1 Rule 4 states:

Each Area Committee will decide the fixed venue where it will hold its meetings except in exceptional circumstances as determined by the Chairman. Additional meetings would ordinarily be held at the same venue.
- 2.2 Under previous Area Committee arrangements, each Committee had decided its own venue. Some Area Committees had met at the same location for every meeting; others had met at different venues around the area.
- 2.3 The Member-led review of Area Committees had advocated the use of what is termed in the Rules a “fixed venue” for several reasons:
 - The certainty that having one venue for every meeting would bring, for residents, Members and officers

Governance Committee, 30 May 2007

- The administrative simplicity of being able to book a number of meetings in advance
- The benefit to the venue's management of knowing that there is a specific booking on a specific date well in advance and being able to plan around that
- Avoidance of the risk that a desired venue might not be available on the scheduled date

2.4 Against that, it should be acknowledged that many residents and some Members prefer Area Committees to "move around" their area, thus giving different residents at different times opportunity to attend at a venue near them.

Area Committees' views on venues

3.1 At their recent meetings, each Area Committee was invited to consider its meeting arrangements for the coming year. The following table indicates the views expressed in response (and the outcome of subsequent attempts in some cases to make the necessary arrangements):

Area Committee:	Views
Elm Park & Hylands	The Committee is content to remain at current venue, Hornchurch Indoor Bowls Club
Emerson Park & Harold Wood	The Committee deferred a decision but was minded to meet at different venues for successive meetings
Gidea Park	The Committee deferred a decision but was minded to meet at different venues for successive meetings
Harold Hill	The Committee deferred a decision but agreed to hold its next meeting at the St George's Centre
Hornchurch	The Committee is content to remain at its current venue, Langtons School
North Romford	The Committee's preferred venue is not available and so it will continue to meet at Immanuel School
Romford	The Committee is content to remain at its current venue, the Town Hall
South Hornchurch and Rainham & Wennington	The Committee's preferred venue for all meetings was La Sallette Church or School but neither was available and the Chairman subsequently agreed that the Committee should continue to meet at South Hornchurch Community Hall
Upminster	The Committee wished to use two venues but one is not available at all and the other is only available for some of its meetings. The Chairman and officers are investigating other possible venues

Governance Committee, 30 May 2007

- 3.2 While efforts have been made to accommodate each Committee's requirements, the Committee will appreciate that most of the desired venues are premises outside the Council's control and lettings for Area Committee meetings compete with other users. This is particularly important where a Committee wishes to meet at a different venue for successive meetings: while dates are scheduled in advance, that has not previously been the case for venues. Dates are scheduled having regard to Members' known commitments but, if a particular venue is not available on a scheduled date, it is necessary either to find another venue or to move to another date.
- 3.3 Thus there is a risk that Members' – and the public's – expectations as to a meeting may not be capable of being met if an Area Committee wishes to use different venues. That is not to say that it cannot be done; merely that doing so can create difficulties.
- 3.4 The Committee is now invited to consider whether to recommend to Council that Rule 4 be amended.

Legal, Finance and Environmental Implications and Risks

- 4.1 The venue arrangements are administrative and have no direct legal, financial or environmental implications or risks. The cost of meeting accommodation is met from specific budget provision available for the purpose.
- 4.2 Any other recommendations put forward by this Committee would need to be evaluated in order to determine any financial implications and whether they could be met from existing resources, or that alternative funding is available.

Cheryl Coppel
Chief Executive

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

Telephone: 01708 432431

Email: ian.buckmaster@havering.gov.uk

Governance Committee, 30 May 2007

RULES AND CONVENTIONS FOR AREA COMMITTEES

1. Area Committee meetings will 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 the fixed venue where it will hold its meetings except in exceptional circumstances as determined by the Chairman. Additional meetings would ordinarily be held at the same venue.**
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;
 - (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 second part of the Agenda;

Governance Committee, 30 May 2007

- (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.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 JULY 2007	8

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: USE OF WEBLOG ADDRESS ON THE HAVERING WEBSITE

WARD: ALL

SUMMARY

- 1.1 Havering's website contains information on how residents can contact Council Members. This includes telephone numbers, and email addresses.
- 1.2 Separately weblog addresses are given on Councillors letters and emails prepared by officers where they request that to be done.
- 1.3 The next step is to consider the inclusion of weblog addresses in the contact details for Councillors shown on the Havering website, and in the Council Diary. A weblog allows for fast and easy access to a Councillor at any time of the day. They are increasingly popular, and are supported by the I&DeA who recommend that a weblog address should be promoted widely, and state on their website that "while the councillor's website has a distinct identity from that of their local authority, links between the two are encouraged".

RECOMMENDATION

- 2.1 That it be decided whether Members' weblog addresses should be included on the Havering website, and on written communications.

REPORT DETAIL

What is a weblog?

- 3.1 Communicating with residents is a key issue for Councillors. There are many ways in which this is done with the most recent advancement of the use of the Internet. A weblog (alternatively known as a “blog”) is a website maintained by an individual, which allows two-way communication and are often diary-like in structure. The sites are not monitored, although some host servers (where the weblogs appear) do not allow the use of offensive language or images.

4. What are the benefits of a weblog?

- 4.1 Data compiled by the Office for National Statistics for 2006 shows the demographic group using the internet most in the UK is aged between 16-24 (84%). This is the same group identified by the Electoral Commission as the most disengaged from the political process. A presence on the web is therefore a vital tool to reaching this demographic group.
- 4.2 A key goal of the e-government agenda set by the Government is regarding democratic renewal. The Office of the Deputy Prime Minister stated that by the end of December 2005 every English local authority must “provide every Councillor with the option to have an easy-to-manage set of public web pages that is either maintained for them or that they can maintain themselves”.
- 4.3 Facilitating a link to a local Councillor’s weblog on a local council website is part of this initiative. Much like an email, a weblog allows residents to contact their local Councillor at any time of the day, or to send photographs, for example of flytipping in a local area.
- 4.4 The difference is that whereas an email is a conversation between two people in isolation, a weblog allows others to participate. Therefore, posting these same details on a weblog allows any other reader to add in comments or pictures, thus potentially engaging a whole community on one issue.
- 4.5 MORI research for the Local Government Association highlighted that good communication is an important factor in producing public satisfaction in the work of a council. A weblog forum allows a Councillor to communicate with the whole Ward, or Borough, with one entry.
- 4.6 The disadvantages of a weblog is that they are mainly uncontrolled. Authors of a weblog take responsibility for the content of the site, and

this would not be monitored or controlled by Havering Council officers. There remains therefore a risk that the content of a Member's weblog may be defamatory or inappropriate in some way, e.g. comments about other Members or council officers.

- 4.7 Once set up, the content and maintenance of a weblog is the responsibility of the author. If not properly maintained, a publicly available weblog could have a negative effect on the image of the author and, by implication, the Council

5 How could Havering Council put this into practice?

- 5.1 Member Support staff currently update the contact details for all Council Members on the website. The weblog address could be shown alongside telephone numbers and email address with the following disclaimer:

"Havering Council accepts no responsibility for the content of the named website, the content of which is the responsibility of the website owner."

The Havering website would not link directly to the weblog site address, the address would be shown for information only and would not allow a direct link to the weblog.

- 5.2 Havering Council officers will not provide the weblog, but there are many software packages available that Councillors can investigate. There are also host servers where weblogs can be set up, and some hosts monitor the content so as to not allow offensive language or material to be shown. However, Council officers can not advise Councillors on the content of their personal weblogs, or undertake the maintenance of them.
- 5.3 The Leader of the Council will be exempt from the above, as it is intended that this role will have a weblog that will be supported by Strategy and Communications. In order that Council officers can have access to update and maintain the weblog, it will be necessary for ICT to exclude the Leader of the Council's weblog from the current policy that excludes access to weblogs via a Havering log-in.

6. Financial Implications and risks:

- 6.1 There are no direct cost implications.

7. Legal Implications and risks:

- 7.1 These are set out in paragraphs 4.6 and 4.7 above. To date the Monitoring Officer has received two complaints about the content of information contained on a weblog.

- 7.2 If Councillors are to use them and they are to be publicised by the Council on Members' correspondence, then Members need to be aware that the content if the site is their own responsibility and take care not to make defamatory statements or to make comments which are likely to lead to complaints to either the Standards Board or the Standards Committee.
- 7.3 Although there will be a disclaimer of liability on behalf of the Council it should be noted that the existence of the weblogs will be publicised by the Council.

8. Human Resources Implications and risks:

8.1 None.

9. Equalities and Social Inclusion Implications and risks:

9.1 Weblogs can be used as a tool to allow all members of society to engage with their elected Councillors. While nationally residents in the 16-24 age group tend to use the internet the most, it is not exclusive and residents in the older age groups could also find a weblog an easy way to communicate with their community and a Councillor. Residents who can not attend Area Committees due their timing or locations, for example, can still engage and play an active part in their community via a weblog. The use of a weblog could assist to generate a sense of community cohesion.

Staff Contact	Jane Glazebrook
Designation:	Manager of Leader, Cabinet and Member Support
Telephone No:	01708 432032
E-mail address	jane.glazebrook@haverling.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

"Councillor" magazine, New Year 2006 Issue, published by I&DeA
"Focus on Digital Age", March 2007, published by the Office for National Statistics

ATTACHMENT 3B



PROCESS SHEET FOR ALL REPORTS TO MEMBERS

REPORT SUBJECT

Use of weblog addresses on the Havering website
Governance Committee

MEETING AND DATE

Democratic Services

DEPARTMENT

Jane Glazebrook

CHECKED FOR ACCURACY:

(content checked by person preparing the report)

Christine Dooley
(agreed by email 21 June 2007)

CHECKED FOR LEGAL ASPECTS:

(give details, including name of Legal Services staff member)

Rita Greenwood
(agreed by email 21 June 2007)

CHECKED FOR FINANCIAL ASPECTS:

(give details, including name of Finance staff member. In all instances Corporate Finance must be made aware of the report but otherwise deal in accordance with the Financial Framework)

Mark Porter
(agreed by email 11 May 2007)

CHECKED FOR HUMAN RESOURCES IMPLICATIONS:

(give details, including name of HR staff member. In all instances Corporate HR must be made aware of the report)

CHECKED FOR IT IMPLICATIONS (if necessary) Ray Whitehouse
(agreed by email 16 April 2007)

SIGNED

Author of Report or Head of Service(if author):

READ AND APPROVED BY

Date:

Executive Director:

Date:

Date and time received by Democratic Services



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 July 2007	9

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: AMENDMENTS TO THE CONSTITUTION

SUMMARY

1. Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer 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 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, to insert recommendations made pursuant to a written report agreed by Council, to clarify the Constitution, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, the Standards Board and/or any other government appointed inspection regime.
2. Power to clarify the Constitution, insert obvious omissions or to comply with accepted recommendations of external bodies shall only be exercised after first giving five working days' notice to Group Leaders.
3. 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.
4. Other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.

Governance Committee, 5 July 2007

5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - make recommendations to the Council about amending the Constitution
6. Increases in the powers available to the Council to combat various environmental issues require the amendment of the Constitution to enable the Head of StreetCare to exercise those powers without further recourse to members. For ease the recommendations have been framed positively but are for Members consideration as to whether they wish to recommend the proposed amendments to the Constitution to full Council.
7. Proposed, revised budget and procedure rules are attached. The changes are designed to clarify arrangements, bring in line with national advice and fit with the Audit Commission expectations as part of the Use of Resources judgement for the Comprehensive Performance Assessment. The main change is to introduce a single consultation session with all Overview and Scrutiny committees to reduce duplication and ensure that Members are able to look at how the proposals will affect all the Council's services. There may also be merit in merging the consultation with Area Committees in order to encourage attendance.

RECOMMENDATIONS

That the Committee RECOMMENDS to the Council:

1. To amend Part 3 section 3.6.3 (Head of StreetCare) 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 be adopted.

REPORT DETAIL

StreetCare

1. The Head of StreetCare has reviewed powers currently delegated to him to exercise control over various forms of anti social behaviour such as litter, dumping of shopping trolleys and refuse, cleansing of graffiti and control of dogs. There are powers available in various Acts such as the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005 which either have come into effect relatively recently or which have been initially only delegated to another service, but which would assist StreetCare in the enforcing their responsibilities in the public areas of the borough.
2. Dog Waste – currently the enforcement of the provisions of Part 6 of the Clean Neighbourhoods and Environment Act 2005 is delegated to the Head of Technical Services, but the provisions in it will enable StreetCare staff to more actively address the issues of dog fouling and control of dogs in open air public places, eg streets, car parks and parks. The penalties are potentially greater than those for breach of any relevant byelaw and fixed penalty notices can be issued for transgressions.
3. Shopping Trolleys – in anticipation of implementation of revised provisions relating to requiring the collection of shopping trolleys by owning stores a slight extension to the existing delegation of powers under the Environmental Protection Act is recommended.
4. Graffiti and fly posting – there are provisions in Part 6 of the Anti-Social Behaviour Act 2003 for the removal and payment of clean up costs of graffiti which could improve the ability of StreetCare to respond to this problem. There are also powers for the issuing of fixed penalty notices to persons caught creating graffiti or fly posting. Additionally there are powers in the Town and Country Planning Act 1990 on illegal adverts and fly posting that would be of relevance to StreetCare staff.

Governance Committee, 5 July 2007

5. Builders skips, scaffolding, builders materials and excavations – there are prospective powers for the charging for lengthy use of the highway for storage of builders skips, scaffolding and builders materials and certain long term excavations in the Traffic Management Act 2004. The use of these powers, once available, will assist the control of such activities.
6. Miscellaneous provisions – there are a number of minor provisions in various London Local Authorities Acts that will assist StreetCare staff in more actively enforcing matters such as abandoned vehicles, vehicle crossings, cleansing, refuse and litter. It will also assist enforcement if StreetCare staff can directly require the provision of information under the power in the Local Government (Miscellaneous Provisions) Act 1976 rather than having to involve a Service that already has the power to use that provision.

Budget and Policy Procedure Rules

7. Proposed changes to the Council's budget and procedure rules are attached at ????. These changes are designed to clarify arrangements, bring in line with national advice and fit with the Audit Commission expectations as part of the Use of Resources judgement for the Comprehensive Performance Assessment.
8. The main change is to introduce a single consultation session with all overview and scrutiny committees to reduce duplication and ensure that members are able to look at how the proposals will affect all the Council's services. There may also be merit in merging the consultation with Area Committees in order to encourage attendance.

Financial Implications and Risks

There are none directly. The use of the additional powers will potentially result in additional expenditure, which will be controlled within existing budgetary provision and additional income, the extent of which is not yet quantifiable,

Equalities and Social Inclusion Implications and Risks

There are none

Human Resource Implications and Risks

There are none

Legal Implications and Risks

The delegation of these additional powers to the Head of StreetCare is appropriate if StreetCare is to enhance its enforcement activities as part of the Council's aim to improve the quality of the local environment. The exercise of some of the powers will require the issue of formal notices. Advice and guidance on the completion of such notices will be available.

CHERYL COPPELL
Chief Executive

StreetCare issues

Staff Contact: Ian Burns
Legal Manager, Corporate

Telephone: 01708 432465

Budget and Policy Procedure Rules issues

Staff Contact: Jonathan Owen,
Assistant Chief Executive, Strategy & Communications

Telephone: 01708 432465

Background Paper List

None

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 Appendix A (to follow).

Governance Committee, 5 July 2007

- (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

Governance Committee, 5 July 2007

- (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

Governance Committee, 5 July 2007

- (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

Governance Committee, 5 July 2007

- (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 the 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.

Governance Committee, 5 July 2007

- 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.

Appendix A

Financial framework: indicative timetable for approving budget (to follow)



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	5 JULY 2007	10

REPORT OF THE MONITORING OFFICER

SUBJECT: AMENDMENTS TO THE CONSTITUTION – made by the Monitoring Officer

SUMMARY

Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer 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 constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

Governance Committee, 5 July 2007

Amendments to the Constitution were made by the Monitoring Officer since 1st May 2002 and this latest amendment is Amendment No. 28 dated 15th June 2007.

In addition to the Constitutional requirements the Monitoring Officer has determined that she will notify Group Leaders as soon as any Monitoring Officer amendments are made to the Constitution. The notification will then appear in Calendar Brief so that all members are aware of the amendments. The notification of the amendments will be numbered so there is no confusion.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

Financial Implications None

Equalities Implications None

Environmental Implications None

Legal Implications None

CHRISTINE DOOLEY
Monitoring Officer

Staff Contact: Christine Dooley
Telephone: 01708 432484

Background Papers
Email correspondence

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 <u>Amend purpose (1)</u> “To exercise the functions <u>required by</u> the Licensing Act 2003 and the Gambling Act 2005.”	Correction
Part 3 Section 1	63	Amend “(1)To exercise the functions <u>of required by</u> 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 <u>new Licensing Act 2003 and Gambling Act 2005</u> including <u>all administrative functions and determinations of unopposed applications for</u> premises licences, <u>personal licences, club premises certificates, temporary event notices, regulated entertainment, late night refreshments,</u> permits and the setting of fees and charges.”	Correction
Part 3 Section 3.7.3 Paragraph 50	121	Add to para 50 Until 24.00 31 st August 2007.	Legislation

Governance Committee, 5 July 2007

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
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	5 JULY 2007	11A

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

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENTS TO OTHER ORGANISATIONS, 2007/08 – further issues

SUMMARY

At its last meeting, the Committee agreed a number of appointments to other organisations for the coming year.

Need has arisen 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.

This report invites the Committee to appoint the Group Director, Sustainable Communities to undertake that role.

RECOMMENDATION

- 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 Representative be mandated to vote in such a way as he consider fit to protect the Council's interests.

REPORT DETAIL

1 Introduction

- 1.1 "Homes in Havering", the Arms Length Management Organisation (ALMO), is a company limited by guarantee, registered pursuant to the Companies Acts. Its governance arrangements follow company law, rather than local government law. It is, however, a local authority controlled company for Local Government Act purposes and the sole member, or shareholder, is the Council (for ease of reference, the term "shareholder" will be used in the remainder of this report, to avoid confusion with the local government usage of the word Member).
- 1.2 Homes in Havering has a separate legal, corporate existence to that of the Council. As sole shareholder, the Council has a number of legal rights and responsibilities. While the day-to-day management of the company is vested by company law in its board (to which the Council makes appointments), a number of strategic issues can only be determined by the company in general meeting, at which the Council as sole shareholder would need to vote. For example, the Annual Accounts can only be approved by the shareholder.
- 1.3 As a corporate shareholder, in practice the Council can only exercise its rights as a shareholder through a human agent, or Representative. It is proposed that the Group Director, Sustainable Communities, be appointed as that Representative.

2 The Representative

- 2.1 It is proposed that the Group Director be so appointed because he has overall responsibility for the Council's Housing practice and is line manager of the Head of Housing & Environmental Health as the client for the ALMO's services. He is well placed to judge where the Council's

interests lie in relation to any matter coming before the company in general meeting, although such matters are normally routine.

- 2.2 In addition, the Group Director attends meetings of the board of the company as representative of the Council and is thus able to influence company policy where necessary. It is considered that combining that role with that of Representative will simplify the task of ensuring that the Council's interests are protected.
- 2.3 It is accepted that to proceed in this way represents good practice and it is understood that other Councils and ALMOs operate this way.

3 Implications and risks

- 3.1 There are no **equalities, Human Resources or social inclusion** risks or implications.
- 3.2 There are no **financial** implications or risks as no cost will be incurred by making this appointment. The presence of a Representative at general meetings of the company will preserve the Council's interests, not least in a financial sense.
- 3.3 There would be **legal** implications and risks if an appointment were not made. Ensuring compliance with Companies Acts requirements is an essential duty of a shareholder (especially a sole shareholder) and that is only possible if a Representative of a corporate shareholder is appointed.

Cheryl Coppel
Chief Executive

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

Telephone: 01708 432431

Background papers:

There are no papers

Governance Committee, 5 July 2007