



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Wednesday 6 May 2009	Havering Town Hall Main Road, Romford
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Members 10: Quorum 4

COUNCILLORS:

**Conservative Group
(6)**

Frederick Thompson
(Chairman)
Gary Adams
(Vice-Chairman)
Steven Kelly
Eric Munday
Roger Ramsey
Michael White

**Residents' Group
(2)**

Clarence Barrett
Gillian Ford

**Independent Local
Residents' Group
(1)**

Jeffrey Tucker

**Labour Group
(1)**

Keith Darvill

**For information about the meeting please contact:
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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

3 DECLARATION OF INTERESTS

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

4 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 11 March 2009, and to authorise the Chairman to sign them

5 COUNCIL PROCEDURE RULES – Members' Questions at Council

6 NEW EXECUTIVE ARRANGEMENTS

7 EXERCISE OF FUNCTIONS BY LOCAL COUNCILLORS

8 COMMUNITY GOVERNANCE REVIEWS: the establishment of parishes

9 URGENT BUSINESS

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

Cheryl Coppel
Chief Executive

Governance Committee, 6 May 2009

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
11 March 2009 (7.30pm – 9pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), +Wendy Brice-Thompson, Steven Kelly, Eric Munday, Roger Ramsey and Michael White

Residents' Group Clarence Barrett and Gillian Ford

**Rainham & Wennington -
Independent Residents'
Group**

Labour Group Keith Darvill

Apologies were received for the absence of Councillors Gary Adams and Jeffrey Tucker.

Councillor Eric Munday declared a personal interest in the matter referred to in minute 23 and Councillor Frederick Thompson declared a personal interest in the matter referred to in minute 27.

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

Agenda item 12, Council Procedure Rules – possible amendments, was not submitted.

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

21 MINUTES

The Minutes of the meeting of the Committee held on 14 January 2009 were agreed as a correct record and were signed by the Chairman.

22 CONSULTATION ON CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

The Committee noted that a consultation paper entitled '*Code of Recommended Practice on Local Authority Publicity*' had been received from the DCLG, inviting views on the content of the Publicity Code as an instrument for protecting public money (of either national or local taxpayers) while allowing Councils to issue effective publicity.

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The current Publicity Code had been in place for 20 years and the DCLG wanted to ensure that Councillors and Councils did not consider themselves unduly restricted in the types of communication they can engage in. Accordingly, views had been invited as to whether there was other guidance that might create a barrier to the provision of publicity or support and whether the Code should specifically address the presentation of publicity on an authority's website. Issues examined included how publicity might be judged to be cost effective; advice about Ethical Standards; whether the Code should be modified to address the issue of privacy; advertising; whether adverts for political assistants should be advertised in political publications and websites; whether the section on Councillors was required, should be added to; and whether anything should be added to the Code in respect of the timing of the publicity at election time.

Members considered the consultation document but the consensus was that, at this stage, the DCLG should be advised that the Council supported a national rather than local Code but would comment more when firmer proposals were available for consideration.

23 APPOINTMENTS TO OTHER ORGANISATIONS, 2008/09 – further report

Councillor Eric Munday declared a personal interest as a prospective appointee.

The Committee was reminded that the Council appoints the six Trustees of the Hornchurch Housing Trust. Each would serve for a (renewable) four year term, with pairs of trustees retiring in successive years. Trustees did not need to be Members of the Council.

It was reported that the terms of office of Councillor Eric Munday and Mr Chris Oliver had recently expired but that it was understood that both were willing to be re-appointed for a further four year term.

RESOLVED:

That Councillor Eric Munday and Mr Chris Oliver be re-appointed to the Hornchurch Housing Trust for the term expiring in February 2013.

24 AMENDMENTS TO THE CONSTITUTION – PLANNING PERFORMANCE AGREEMENTS

Guidance issued by DCLG in April 2008 in relation to Planning Performance Agreements (PPA) had defined a PPA as a framework agreed between a local planning authority and a planning applicant for the management of complex development proposals within the planning process. A PPA would allow both the developer and the local planning authority to agree a project plan and programme which would include the appropriate resources necessary to determine the planning application to a firm timetable.

A PPA was a voluntary agreement between the Council and developer and

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had no statutory or legal status but sought an agreed commitment by both parties to deal with a planning application in a certain way. It could also include agreement over the way in which any pre-application process would take place.

For the local planning authority, entering into a PPA on certain complex major proposals had a number of advantages:

- Resource requirements could be identified at an early stage
- Pre-application consultation could be agreed enabling community comments to be considered as part of the formal proposal, rather than a reaction post-submission
- The scope of material required for a planning application and who would be consulted could be agreed in advance
- The developer could be made aware of the importance of achieving a high quality development that meets the Council's stated priorities at an early stage of the process
- Applications subject to PPA were excluded from performance returns in relation to NI57; PPA applications were complex, requiring extensive consultation and consideration of issues such that it would be advantageous to work to an agreed determination period, rather than the current arbitrary 13 week target for major planning applications.

For developers, entering into a PPA on certain complex major proposals had a number of advantages:

- Certainty in regard to when a planning application would be determined
- Assurance that adequate resources would be available to the Council to deal with the proposal
- Agreement over the type and extent of pre-application consultation
- Agreement over what material needed to be submitted to make the application valid
- Meaningful pre-application discussion
- Ability to identify the main milestones in the planning application process and more realistically to incorporate them into the overall project and concentrate resources accordingly.

In entering into a PPA, no guarantee over the recommendation or decision would be made. If the agreement fails there would be no recourse and the time taken to determine the application forms part of the NI157 return to government. To date, three PPA's had been entered into, two for new primary schools and one for the Mardyke Estate redevelopment. Experience of both staff and applicants had been positive, that the PPA had been helpful in the planning application process.

RESOLVED:

That the Committee **RECOMMEND** to Council that the Head of Development and Building Control be authorised to negotiate, complete and sign Planning Performance Agreements and that the Monitoring Officer be authorised to make all necessary consequential amendments to the Constitution.

25 CORPORATE GOVERNANCE UPDATE

The Committee received a report concerning the approval of the Annual Governance Statement, required as part of the Council's Annual Accounts submission. It was noted that the Statement (which replaced the former statement on internal control) was needed to ensure the Council's compliance with audit regulation requirements.

The Committee was reminded that the Council had recently adopted a revised Code of Governance and that the Council's compliance with that Code, and other governance issues, was monitored regularly by an officer working group, with regular reports to this Committee.

The Statement was now submitted for the Committee's approval, following which it would be considered by the Audit Committee as part of the process of finalising the Council closure of the Council's accounts for 2007/08.

The Statement is appended.

RESOLVED:

- 1 That the Annual Governance statement be agreed.
- 2 That the Audit Committee be **RECOMMENDED** to approve the inclusion of the Annual Governance Statement in the annual accounts.
- 3 That the Committee reaffirm their commitment to the promotion of good Corporate Governance.

26 COUNCILLOR CALL FOR ACTION

From 1 April 2009, the provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) known as "Councillor Call for Action" (CCA), were to be brought into force. Compliance with the new process would be mandatory. The Committee had received a report on the provisions in January 2008 and had noted them. The report now submitted reminded the Committee of the new provisions and sought approval of the manner in which it was suggested that they operate within Havering.

It was noted that CCA in effect placed on a statutory footing the constituency work and community leadership role that had traditionally always been undertaken by Members, building on existing statutory provisions enabling individual Members of OSCs to require particular issues within an OSC's remit to be placed on Committees' agendas. All Members (including Cabinet Members acting in their capacity as ward Members) would now be able to request OSCs to investigate matters affecting the community at large within their wards.

There was no limitation to the scope of CCA referrals other than that they

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should be concerned with “local government functions” within the OSC’s remit, a broad scope given that, with powers such as “general well-being”, a very wide range of activity would potentially come within it.

Some categories of potential activity for referral were excluded:

1. Planning Matters
2. Licensing Matters
3. Anything vexatious, discriminatory or unreasonable
4. Anything relating to an individual or entity that is already subject to an appeal or review (other than matters that have been referred to the Ombudsman: to have excluded them would render virtually everything an "excluded matter")

The Council could not seek to impose its own definitions as to what might be considered within the scope of CCA.

RESOLVED:

That the proposed means of operating CCA be agreed.

27 OVERVIEW & SCRUTINY: ADDITIONAL POWERS

Councillor Frederick Thompson declared a personal interest as an employee of a “partner authority”.

The Committee was advised that, from 1 April, provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) to enhance the powers of Committees (OSCs) would be brought into force. Compliance with the new provisions would be mandatory, although it was for each OSC to determine in any particular circumstance whether to invoke them.

Scrutiny of local area agreement activity

The Act extended scrutiny to local area agreement (LAA) activity. Hitherto, scrutiny would only have been possible of a local authority’s own activity on LAA matters: the new legislation enabled (but did not oblige) OSCs to examine the contributions made by partner authorities within the LAA to the achievement of local improvement targets (Havering’s “partner authorities” in this context are set out in the Appendix to this report).

Partner authorities were obliged by the Act to co-operate with OSCs in reviews of LAA/local improvement targets. Not only was there an obligation on them to provide information but they also had an obligation to have regard to the OSC findings in exercising their functions.

Reports to Council and Cabinet

From time to time, individual OSCs would report to Cabinet (usually on topic group review outcomes) and, more rarely, to Council. Currently, the

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arrangements for such reports were governed by the Overview & Scrutiny Rules in the Council's Constitution, but the new statutory provisions over-rode that and required reports to be considered within two months.

For reports to Cabinet, this was not expected to present any insuperable difficulty; although the statutory period allowed for consideration was marginally shorter than that provided by the Council's Rules, as Cabinet meets monthly in practice no great problem was anticipated.

There might, however, be difficulty if an OSC were to report directly to Council on a matter; although OSCs rarely reported to Council, it did not meet at an even frequency. Accordingly, there was the a chance that, from time to time, extraordinary meetings of Council would be required to consider specific referrals from OSCs.

It was noted that Council and Cabinet must not only consider such OSC reports within two months but agree a response to it, which had to indicate what (if any) action the Council or Cabinet proposed to take as a result of the referral.

The Act had prescribed a somewhat bureaucratic process for that purpose that was at odds with Havering's current (rather more pragmatic) practice but it was noted that the aim would be to retain as much of the current method as was practicable and simply graft on what was needed to comply with the Act.

RESOLVED:

- 1 That the new provisions be noted.
- 2 That the Committee **REPORT** on the provisions to Council, drawing particular attention to the new requirements on report by Overview & Scrutiny Committees to Council and Cabinet and the duties on those bodies to respond.
- 3 That the Committee **RECOMMEND** to Council that the Assistant Chief Executive Legal & Democratic Services be authorised to make any necessary consequential adjustments to the Overview & Scrutiny Procedure Rules in the Constitution on an interim basis, pending wider review of those Rules.

28 FACILITIES FOR MEMBERS – ICT, including communications equipment

The Committee was reminded of its responsibility for, among other things, overseeing "matters related to the facilities available to support members". The provision of ICT, including communication devices, was among the facilities available.

All the policies and practices which had either been agreed at some time by Members through various mechanisms or had emerged as practice had now been brought together in one document. This enabled Members to satisfy themselves that the facilities did offer the support that they required for their

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respective roles and that the policies and practices were appropriate to deliver that support.

The proposed policy document did not seek to change any existing policy or practice but simply to bring them together in one document to, among other things, establish clarity in view of some uncertainties which had arisen.

Following adoption of the policy, it was intended that the Head of Service would:

- **remove** any second lines in use by those Members who had more than one business line into their homes
- **disable** outgoing calls on business data lines (but continue to allow incoming calls at no cost to the Council)
- **disconnect** Members' Faxes connected to data lines, leaving such Members free to move their faxes to telephone lines they provide themselves

In course of discussion, Members drew attention to two minor adjustments that might be necessary to the text of the proposed policy in light of current practices.

RESOLVED:

- 1 That the policies and practices set out in the appendix to these minutes be adopted, subject to any adjustment necessary to paragraphs 2.16 and 3.1.4.
- 2 That the Head of Service be authorised to take the action proposed in the report to give effect to the policy.

29 APPOINTMENT OF SCHOOL GOVERNORS

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

RESOLVED:

That the appointments of the under-mentioned employees to the school Governing Bodies indicated be approved:

Julian Strong – Democratic Services – Abbs Cross School
Dean Jeffreys - Teacher at The Albany – Benhurst Primary School

Policy for the supply use of personal computers, laptops, RSA tokens and communication equipment by Members**1. Introduction**

The London Borough of Havering, in recognition of the increasing importance of information technology and the requirements of e-government, will make available to Members IT equipment and services to meet their business needs. This policy has been written to protect the interests of the Council and members alike.

2. Provision of Home personal computers, laptops and RSA tokens

- 2.1. The Council will provide members with a capability of working from home. This will consist of either
 - 2.1.1. A laptop with docking station and separate mouse, a printer and a Havering linked broadband business line to connect the laptop to the council's network (for which the Council will meet the cost for initial installation) or, alternatively,
 - 2.1.2. An RSA token for use with members' own home IT equipment.
- 2.2. All IT equipment supplied to members for use in their homes is the property of the London Borough of Havering. It must be returned upon the request of the Authority.
- 2.3. Members may use the supplied equipment for personal use but must be aware that :
 - 2.3.1. Users must at all times abide by the ICT business systems policy. The IT equipment and software can be used by Members so long as it is not used in relation to an external business.
 - 2.3.2. No family members may use the Council provided IT equipment. The equipment is provided for the sole use of members.
 - 2.3.3. This policy for applies to both Council and Personal use.
- 2.4. All IT equipment will be supplied and installed by London Borough of Havering IT Service staff. Access to members' homes for ICT Services staff shall be given to allow essential maintenance, security work or removal of equipment upon reasonable request. Installations of IT equipment at the Members home will take place during normal office hours (i.e. 9am to 5pm). Any visits required outside these times will need special arrangements and will need the specific authorisation of the Head of Business Systems.
- 2.5. If appropriate for maintenance the member will be requested to bring the laptop to the Town Hall for repair.
- 2.6. The Council will not install equipment in Members' place of work.
- 2.7. New hardware and software for the Council-provided equipment must only be provided by the London Borough of Havering. Members must not download new software or copy to or from another PC / laptop (This would infringe copyright).
- 2.8. The Council does not provide a desk, chair or other office furniture for the purposes of home working.

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- 2.9. Members must ensure that reasonable care is taken of the IT equipment supplied and that it is secure. The repair cost of any accidental damage caused by the member will be charged for as will any replacement costs for loss.
- 2.10. As part of the installation a "Starters" tutorial will be provided this will cover switch on and login to system only. Training can be arranged by attending set courses or exceptionally by a pre-arranged one-to-one session with a trainer. ICT Services will not provide individual training sessions.
- 2.11. The Council has the right at any time and without notice request a software and hardware audit, and may remove any equipment at the time of the audit for further inspection. Members must co-operate fully with any such audit.
- 2.12. Members must ensure that appropriate security measures are taken to stop access to confidential information, either on the PC / laptop or in printed format. Members are bound by the same requirements on confidentiality and Data Protection as the Council itself and must comply with the rules on Information Management as described in section 8.4 of the Business Systems Policy.
- 2.13. At no time will ICT supplied equipment be connected to a non-Havering network, without the express written permission of the Head of Business Systems
- 2.14. If a member uses their own personal IT equipment for home working then the member is responsible for having an up-to-date Antivirus system.
- 2.15. **The Council is not responsible for the repair or maintenance of any PC equipment owned by members. The ICT Service Desk will answer calls relating to problems with Council systems from those working from their home or using RSA tokens.**
- 2.16. The Council does not insure IT equipment in members' homes. Insurance cover for the equipment is likely to be covered by members' own home contents insurance cover although some financial limits and excesses may apply. Members are responsible for the cost of replacing Havering-provided equipment should it be stolen etc. and might like to check with their insurers the insurance cover for laptops when not in the home. Members should advise their insurers in writing that they are working from home and are responsible for this equipment.

3. Use of the IT software and equipment

- 3.1. **Members must comply with all appropriate codes and policies associated with the use of IT equipment. Full details of the Business Systems Policy can be found on the Council's Intranet site on the ICT pages, and it is members' responsibility to ensure compliance. This policy has sections on use of E-mail and Internet including specific rules on personal use for both. In particular members should note that –**
 - 3.1.1. The council has the right to seize any council issued computer equipment for forensic examination at any time.
 - 3.1.2. They must not allow other persons to gain access to Council ICT systems or equipment.
 - 3.1.3. The Council's computer systems can be accessed remotely using their own home PC via Citrix Secure Gateway remotely.
 - 3.1.4. If personal equipment is used for home working the owner/user is required to have an up to date Antivirus system installed and to ensure that any Havering

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work documents are not stored on the equipment. ICT will advise further on this if requested

- 3.1.5. At no time should Havering-supplied equipment be connected to a non Havering network, without the express written permission of the Head of Business Systems.
 - 3.1.6. Members must not
 - write down their user name and password.
 - share their user name and password with anyone else.
 - allow other users to log in with your username and password.
 - change, amend or adjust any other settings and/or configuration of the Council supplied computer equipment.
 - use council equipment for the storage and distribution of personal information files
 - remove software installed by Business Systems personnel on Council provided computer equipment
 - attempt to shut down, circumvent or disable any software installed by Business Systems personnel on Council equipment
 - install any hardware, either external or internal, that has not been sanctioned and supplied by Business Systems Procurement
 - 3.1.7. If the PC is unattended for any length of time the PC must be locked or members must log out completely.
 - 3.1.8. Members may change the screen resolution, colour depth and theme, in order to allow for a more usable working environment.
 - 3.1.9. All Council related non sensitive working documents MUST be stored on the network S: Drive. Local drive (C:, E: etc) should not be used for storing working documents”.
 - 3.1.10. The U: drive is ONLY to be used to store files that are work related, but are of a private or sensitive nature such as staff PDPAs and require restricted access protection.
- 3.2. User registration must be requested from Member Support via the correct form. The form must state which applications, e.g. Novell GroupWise, the Member requires to access.
 - 3.3. Members requiring any upgrades of hardware or software must be initially agreed via the Democratic Services Manager
 - 3.4. Members must use their Havering GroupWise email account ONLY when using the council network or council supplied equipment rather than any personal email account for Council business. Any Personal or Hotmail accounts **must not** be used as they have caused virus problems and security issues in the past. Any exceptions to this need specific authorisation from the Head of Business Systems. This does not affect the use by members of other non-council networks, equipment and email accounts for the purpose of communication with the council.
4. **Use of Council Personal Computers at the council locations**
 - 4.1. Members in line with the council’s flexible working and hot-desking arrangements can use council PC’s in any council area they normally have access to. Members will be required to use their own logon identities and passwords and should not request or expect staff to give them logon IDs or passwords. PCs are made available specifically for members use in the members’ resource room.

Governance Committee, 11 March 2009**5. Damaged, Lost or Stolen Equipment**

- 5.1. If IT equipment including memory sticks, etc., is damaged, lost or stolen it is the member's responsibility to report it immediately to Democratic Services. Any theft will be reported to the Head of Business Systems who in conjunction with the Council Monitoring Officer will decide if the matter should be referred to the Police.
- 5.2. In the event of theft or damage members should inform their insurers should be notified as soon as possible of the occurrence. The insurance policy may well require you to notify the police and obtain a crime reference before a claim will be considered.
- 5.3. If the IT equipment has been misused (either by physical damage or in contravention of this policy) the Council reserve the right to require its return, and charge the cost of repair or replacement.
- 5.4. Any allegation or suspicion that a Member has contravened this policy will be reported to the Assistant Chief Executive, Legal and Democratic Services who may, in consultation with the Chief Executive, request an independent review by the Council's Internal Auditors in order to identify if there has been any misuse.

6. Fault Reporting and Equipment Failure

- 6.1. In the event of equipment fault or failure the Member must report it to the ICT Service Desk, who can be contacted on extension 2515 during normal business hours of 9am to 5pm Monday to Friday. The ICT Service Desk will normally try to resolve problems over the telephone. Alternatively contact can be made by email to ICThelpdesk@havering.gov.uk.
- 6.2. Repairs will normally be carried out at home, except for laptops or where Members find a home visit inconvenient when the equipment can be brought into Member Services at the Town Hall. If a laptop is returned for repair the user must ensure that all cables, mouse, etc. are included.

7. Mobile and other Communications**7.1. Mobile phones**

- 7.1.1. A mobile telephone will be made available on request to each of the following Members for use for Council business –
 - Leader of the Council
 - Cabinet Members
 - Leaders of Opposition Groups
 - The Mayor
- 7.1.2. That the Leader of the Council is empowered, after consultation with Group Leaders, to authorise the provision of a mobile telephone to any other Member who can establish a need for such provision.

Note: [7.1.1 and 7.1.2 above reflect the decision of the Governance Committee on 26th May 2004]

- 7.1.3. Upon issue recipients are required to sign and return a document confirming that they have read the Council's mobile telephone protocol and have agreed to abide by the terms contained in that protocol.

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7.1.4. Mobile phones are provided for Council business only. It is not recommended that private calls or text messages are made using them. Mobile phone users will be sent an itemised bill via Member Support and be expected to pay for any non-Council use by cheque.

7.1.5. The enabling of Euro-roaming facilities can be authorised by the Assistant Chief Executive, Legal and Democratic Services.

7.2. Blackberrys

7.2.1. The policies regarding the eligibility etc of Blackberrys is identical so far as appropriate to the policy on mobile phones.

7.2.2. Should a blackberry be required the mobile phone will be returned as the blackberry provides all the facilities of the mobile phone.

7.3. Laptops and 3G Cards

7.3.1. The policies regarding the eligibility etc of 3G cards for use with laptops is identical so far as appropriate to the policy on mobile phones

7.4. Loss or Theft

7.4.1. If the mobile telephone is lost or stolen, the holder must follow the written instructions supplied to each mobile telephone holder. T-Mobile should be contacted immediately using the telephone number supplied on the instructions, and a cease put on the SIM card concerned. If these instructions are not followed, then the holder of the mobile telephone may be deemed responsible for any call charges that accrue.

7.4.2. If the BlackBerry is lost or stolen, the holder of the device must follow the written instructions supplied to each BlackBerry holder. T-Mobile should be contacted immediately on the following telephone number, 08454 122602 and a cease put on the SIM card concerned. If these instructions are not followed, then the holder of the BlackBerry may be deemed responsible for any call charges that accrue.

8. Other communications items

8.1. New or replacement FAX machines are not provided. The Council does not meet the cost of running FAX machines or any telephone line that they use. For Council-provided machines the Council will provide toners and paper through Democratic Services.

8.2. Telephone answering machines are not provided.

8.3. Telephones are not provided. The Council does not meet the cost of telephone lines, telephone calls, or connections. Members own telephones or Fax machines must not be connected to Council – provided and funded broadband lines.

8.4. Members are allowed to use council office telephones for business calls.

9. Cease Usage or Leavers

9.1. The policy requires the return of all IT equipment following the resignation of a Member or where a Member ceases to hold office. In no circumstances will any IT equipment be sold or gifted to Members.

Governance Committee, 11 March 2009**10. Exceptions to this policy**

- 10.1. ICT Services staff may need to waive these rules / regulations in order to carry out their duties with the approval of the Head of Business Systems. Any such waiver will be recorded in writing.
- 10.2. ICT Service Desk may need to ask specific users to run executable programmes, which are in contravention to this policy in order to solve PC problems. Only under specific instruction via e-mail from the ICT Service Desk will this be allowed.
- 10.3. Any deviation from this policy needs recorded approval by or on behalf of the Governance Committee.

11. Breach of this policy

- 11.1. Any breach of this policy may result in a complaint to the Standards Committee under the Member Code of Conduct and/or the Protocol on Member/Officer Relations.

Chairman
6 May 2009



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	6 MAY 2009	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COUNCIL PROCEDURE RULES – Members’ Questions at Council

SUMMARY

Consideration is invited of several suggested changes to the Council Procedure Rules (CPRs), intended to facilitate improved dealing with business at Council meetings by adjusting the order in which Members’ Questions are dealt with in order to give individuals wishing to ask multiple questions a fairer opportunity to do so.

RECOMMENDATION

That the Committee **RECOMMEND** to the Council that the second part of Paragraph 10.11 of the CPRs be amended to read:

10.11 **Order of questions**

- (i) Subject to the following provisions, questions shall be dealt with in order of receipt.
- (ii) Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, so that:
 - round one shall comprise the first of the questions asked by any of the Members of a Group or by an unattached Member;
 - round two shall comprise the second such question;
 - subsequent rounds shall comprise successive questions in such order; and

- once every Group's Members or unattached Member have had to the opportunity to ask one question in the rounds, any questions remaining shall be dealt with in order of receipt
- (iii) For the purpose of determining the order in which the various Groups'/unattached Members' questions are dealt with, the first question of every such round shall be asked by a Member of the largest opposition Group with the Members of the minority opposition Groups and unattached Members asking their questions on a progressively rotating basis at successive meetings.

REPORT DETAIL

- 1 The Council Procedure Rules (CPRs) set out in detail the procedure for dealing with Members' Questions at Council. This report invites the Committee to consider whether any change is needed and, if so, to recommend accordingly to the Council.
- 2 CPR 10 sets out the procedure for Questions. Both issues covered by this report are dealt with in paragraph 11 of that Rule, which currently reads:

10.11 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting. The text of each question and the reply to it shall be included in the minutes of that meeting, indicating whether or not it was answered orally in the time allowed or dealt with by written reply.

Questions shall be listed in the order in which they are received and subject to that in the order for which the group submitting the questions express a preference.

- 3 Questions are therefore currently listed and dealt with in the order of receipt (though the Mayor has authority to give priority to particular questions if there are grounds for so doing). This can have the result that, if a particular Member wishes to ask a series of Questions and submits them before other Members do, a great deal of the Question Time can be devoted to answering his or her Questions to the exclusion of other Members.
- 4 While Questions listed but not answered orally are recorded as having been dealt with as for Written Answer, Members are deprived of the opportunity to ask Supplementary Questions in response to the Answer.
- 5 In the past, there was a convention that Members wishing to ask more than one Question could not expect the opportunity to ask a second

Question until all other Members asking a Question or Questions had had their (first) Question answered.

- 6 In light of the submission of large numbers of Questions by certain Members at recent Council meetings, a review of the Rule has been requested. **It should be stressed that there no suggestion that the right of Members to ask as many Questions as they wish is affected: what is sought, however, is a redressing of the current balance so that every Member wishing to ask Questions has a right for at least one Question to be asked and answered (subject to the 30 minute time limit).**
- 7 If the Committee is minded to accept the proposition that the Questions list should revert to the earlier practice, it is suggested that the Rule be amended to provide for a specific procedure rather than, as in the past, relying on an unwritten convention that is open to possible confusion.
- 8 The following text is suggested:

10.11 Order of questions

- (i) **Subject to the following provisions, questions shall be dealt with in order of receipt.**
- (ii) **Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:**
- **round one shall comprise the first of the questions asked by any of the Members of a Group or by an unattached Member;**
 - **round two shall comprise the second such question;**
 - **subsequent rounds shall comprise successive questions in such order; and**
 - **once every Group's Members or unattached Member have had to the opportunity to ask one question in the rounds, any questions remaining shall be dealt with in order of receipt**
- (iii) **For the purpose of determining the order in which the various Groups'/unattached Members' questions are dealt with, the first question of every such round shall be asked by a Member of the largest opposition Group with the Members of the minority opposition Groups and unattached Members asking their questions on a progressively rotating basis at successive meetings.**

Financial, legal, HR and equalities implications and risks

There are no apparent, significant implications or risks.

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Chief Executive

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Background Papers

There are none.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	6 MAY 2009	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: NEW EXECUTIVE ARRANGEMENTS

SUMMARY

Provisions of the Local Government and Public Involvement in Health Act 2007 have amended the Local Government Act 2000 and require Local Authorities to adopt new executive arrangements, in the case of London Boroughs by 31st December 2009 effective from the third day after the Local Government elections in 2010 (9th May 2010).

RECOMMENDATION

1. To note the report and
2. To authorise officers to undertake consultation as set out in this report under the Local Government and Public Involvement in Health Act 2007 on new executive arrangements.

REPORT DETAIL

1. The Local Government Act 2000 radically changed the decision making structures of Local Government. Central to these reforms was the clear separation between executive Councillors and the majority of Members. The 2000 Act required local authorities to adopt a new governance structure, moving away from decisions being taken by cross party committees and introducing an executive with a wide-ranging leadership role.

2. This Council, in common with the majority of Councils, adopted a Leader and Cabinet model with the Executive taking collective responsibility for decision-making. Under the Council's current constitutional arrangements the Leader is elected annually by full Council. The Executive comprises ten Members (including the Leader). Executive Members are appointed by full Council, whilst the Leader determines the portfolio allocated to each individual Executive Member.
3. The Local Government and Public Involvement in Health Act 2007 requires changes to the leadership of Councils, introducing two models, both of which place all executive powers in the hands of one individual, who, in the normal course of events, will serve an uninterrupted four year term. The Council Leader under the new arrangement appoints and dismisses his or her cabinet of up to nine councillors and decides what (if any) executive powers they will exercise.

New Executive Models

4. The Council must therefore make changes to its current executive arrangements and decide whether it wishes to move to a new model of governance with a directly elected Mayor, or to vary the current leader and executive arrangements to comply with the requirements of the 2007 Act. It must adopt one of these models by 31st December 2009 and cannot continue current arrangements.
5. Once in office, there is little difference between what a new "strong" Leader and an elected Mayor can do. A summary of their respective powers and roles is set out in paragraph 9 of this report. A fundamental difference is that an elected Mayor is not a Councillor. He or she does not have an electoral division to represent and would work full time as Mayor. A directly elected Mayor would be elected by the voters and would have a mandate from them to deliver his or her election promises. Since a Mayor is not appointed by the Council it is possible that he or she may not be a member of the majority group, or for that matter any political party. A Mayor would of course be reliant upon the Council to pass any budget that he or she proposed and would therefore need to work with Members to ensure that this could be agreed. A Leader would, as now be elected by the Council and indirectly have the mandate of the electorate. The new model does however concentrate executive powers into the hands of the Leader and grants to them a four-year term of office, which could only be taken away by a majority vote in full Council should the Council adopt these powers within its constitution. A Leader is also a Councillor and as such would be required to combine his or her roles with local work and in representing the view of his or her electoral division.
6. Either of these new models will grant the person who leads the Council in the next term a stronger mandate, by providing them with greater stability to effectively deliver services.

Elections

7. Should the Council adopt the mayoral model, the electorate would be invited to elect a Mayor who would serve for the full term of the Council. The election would take place at the same time as the Council elections in June 2010. A new Leader and Cabinet model would require the Council to elect its Leader for the next four years at the post-election annual meeting in 2010.
8. The rules which apply to voting in mayoral elections differ to those which apply to a Councillor. Where there are two candidates a simple majority vote applies, but where there are three or more candidates the "supplementary vote" system is compulsory, so that if no candidate obtains more than half of the first preference votes the second preference votes are added in to return one of the two front running candidates. The winner will have the greatest number of first and second preference votes. It is possible for an individual to stand for election as both the Mayor and a Councillor but they cannot hold both roles and if returned as Mayor their seat as Councillor becomes immediately vacant.

Executive Arrangements

9. The law requires that, from 2010 onwards the person who leads the Council, whether this is a directly elected Mayor or a Council appointed Leader, will initially hold all the Council's executive functions under their personal control. It will then be for him or her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by an executive, by an individual member of the executive, or by officers. As now, executive members must be appointed from amongst elected Councillors, but it is for the Council Leader to choose just how many Members will join him or her on the Executive (between two and nine). He or she will also decide what (if any) executive functions are delegated to area committees. As there will no longer be a requirement to elect executive members annually they may be appointed or dismissed at any time during the term of the Council, paving the way for "cabinet reshuffles" in response to need or events. The Mayor or Leader must appoint a deputy who will hold office until the end of the Mayor/Leader's term (but a deputy can be removed and replaced by the Leader or Mayor). The Act specifies that the deputy will take up the role of the Leader/Mayor if the latter is unable to act or the office becomes vacant.
10. Those functions which are the remit of the Council remain unchanged by the 2007 Act, so setting the budget remains a decision for all Council Members.
11. There is a legal requirement to adopt new arrangements in 2009, but this is not a unique opportunity to change the form of leadership. Members could therefore choose to revisit the decision that they take on a future occasion. The legislation provides permitted resolution

periods i.e. changes to executive arrangements can be made for London Boroughs in the period in 2013, or in any fourth year afterwards, which:

- a. Starts with the day after that Council's Annual meeting and
- b. Ends with 31 December

Timetable

12. The last day that the Council can continue to operate its current arrangements is the third day following the 2010 elections but it must pass a resolution deciding on the form of its new executive arrangements before 31 December 2009. The Council must pass this resolution at a meeting specifically convened for the purpose. The Council is required to agree a timetable with respect to the implementation of the proposals. If the Council resolves that the Council should be led by a Mayor it will also need to decide whether to hold a referendum before implementing the change. This is not compulsory.
13. The Local Government and Public Involvement in Health Act 2007 requires the Council to draw up proposals for the change to include:
 - a. A timetable with respect to the implementation of the proposals
 - b. Details of any transitional arrangements necessary
14. Before drawing up its proposals, the Council must take reasonable steps to consult the Local Government electors for, and other interested persons in the Council's area. It is considered that this can be achieved through Living and the Council's website. Leaflets could also be made available at Area Committees and in Council Offices, libraries and the PASC. This report seeks approvals to officers undertaking this consultation. A report on the outcome will then be reported back and proposals drawn up.
15. In drawing up its proposals the Council must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
16. After drawing up proposals the local authority must publish these describing the main features of the proposals, advertise them in one or more newspapers and make them available at their offices.
17. A Council resolution is required to approve the new executive arrangements prior to 31st December 2009 and if necessary a special meeting of the Council may need to be convened.

18. In the absence of a Council making decision the Secretary of State has default powers to apply the Leader and Cabinet executive arrangement. The Department of Communities and Local Government however sees this as an opportunity to engage with the community, to ensure that the executive arrangements adopted by the Council reflect the aspirations of the Community and are appropriate.

Financial Implications and risks:

19. There will be a cost in terms of consultation albeit using the Council's website and Living will reduce the cost. There will also be a cost in complying with the publication arrangements which again should be minimal.

Legal Implications and risks:

20. Amendments enacted in the Local Government and Public Involvement in Health Act 2007 requires the Council to undertake consultation and to resolve to adopt new Executive arrangements before 31st December 2009 to commence from no later than 9th May 2010. Following a decision a considerable amount of work will be required to amend the Constitution.

Human Resources Implications and risks:

There are none

Equalities and Social Inclusion Implications and risks

There are none

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CHERYL COPPELL
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Background Papers List

There are none

Cabinet, 6 May 2009



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	6 MAY 2009	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: EXERCISE OF FUNCTIONS BY LOCAL COUNCILLORS

SUMMARY

Among the new provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) that were brought into force from 1 April was section 236, which confers a discretionary power to enable the exercise of functions by local councillors.

This report informs the Committee of the new provision and invites consideration as to whether it should be implemented in Havering and, if so, how.

RECOMMENDATIONS

- 1 That the new provision be noted.
- 2 That the Committee consider whether the new power should be implemented in Havering, and if so, how.

REPORT DETAIL

Introduction

- 1 As part of its continuing programme to empower communities, the Government brought into force from 1 April 2009 a new power contained in section 236 of the Act that enables individual Members to be given delegated authority to "discharge .. any function of a local authority .., to the extent that the function is exercisable in relation to the electoral .. ward for which the member is elected."
- 2 Such delegations may be of executive or non-executive functions: executive delegations may be authorised by the Leader of the Council but non-executive

functions require the authority of full Council. There are some limitations to what may be delegated and, where a function has been delegated, that delegation does not prevent its exercise by Cabinet or individual Cabinet Members for executive functions, or Committee for non-executive functions.

- 3 It should be noted that the power is exercisable by a Member only in relation to his or her ward, and that there is no obligation to introduce its use.

Use of the power

- 4 The government's aim in introducing this new power appears to have been to bolster the Councillor Call for Action (CCA) arrangements (reported on at the last meeting) by giving local authorities means to enable individual Members to tackle local problems without having to resort to the CCA process. Government-endorsed guidance on CCA emphasises the possible advantages of the exercise of the individual decision-making power.
- 5 At this stage, officers have not given detailed consideration to the specific circumstances in which the new power could be exercised. The Committee is invited to indicate whether its use should be contemplated, in which case a further report will be submitted to the July meeting with indications as to the uses to which the power could be put, or whether no further action should be taken.

Financial implications and risks

- 6 No significant implications or risks are currently anticipated. Use of the power would not require additional funding but would provide a new decision-making route for authorising existing spending. All spending would need to be contained within existing budgets and the Council's Financial Framework.
- 7 Further investigation into the new powers, if required, can be met through the prioritisation of existing resources. Any further financial implications will be reported as appropriate.

Legal implications and risks

- 8 There are no obvious implications and risks. The power is discretionary and so, should the Council decline to use it, there would be no risk of criticism.
- 9 If the Council were to decide to implement the power, procedural rules would be needed to ensure that appropriate processes were followed in reaching decisions.

Equalities and HR implications and risks

- 10 There are none.

**Cheryl Coppell
Chief Executive**

Governance Committee, 6 May 2009

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Background Papers

There are no background papers



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	6 MAY 2009	8

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COMMUNITY GOVERNANCE REVIEWS: the establishment of parishes

SUMMARY

From 11 February 2009, the provisions in the Local Government & Public Involvement in Health Act 2007 (the Act) relating to Community Governance reviews and the prospective establishment of parishes, including in London, came into force.

This report details the provisions and invites the Committee to decide whether to initiate any action, with a view, if action is proposed, to making a recommendation to Council around undertaking any review.

RECOMMENDATION

- (1) That the report be noted
- (2) That it be determined whether a further report should be brought forward either
 - (a) on the fine detail of the operation of the legislation and implications should Havering wish to consider undertaking or review; or
 - (b) on the prospective undertaking of a review

REPORT DETAIL

- 1 The provisions of the Act which relate to community governance deal with reviews; community governance petitions; the terms of reference of any review; the Council's power to undertake a review; the duty to respond to a petition whether or not a review is to be undertaken; and what happens should a review be undertaken.
- 2 A community governance review is a review of the whole or part of a council's area, for the purpose of making recommendations of the kinds set out in sections 87 to 92 of the Act which, with respect to London Boroughs, would be to recommend to the Council that a new parish is constituted by establishing an unparished area as a parish.
- 3 Under Section 80 of the Act a community governance petition is a petition for a community governance review to be undertaken. A petition is valid if the conditions set out below are met (so far as they are applicable).

The petition must be signed as follows –

- (a) if the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors;
- (b) if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 250 of the electors;
- (c) if the petition area has more than 2,500 local government electors, the petition must be signed by at least 10% of the electors.

Furthermore the petition must –

- (a) define the area to which the review is to relate (whether on a map or otherwise).
 - (b) Specify one or more recommendations which the petitioners wish a community governance review to consider making and where there are currently no parishes, define the area of the new parish (whether on a map or otherwise).
- 4 Under Section 82 of the Act a principal council (this includes London Boroughs) may itself initiate and undertake a community governance review.

- 5 If a council is not in the course of undertaking a community governance review and it receives a community governance petition which relates to the whole or part of its area, then that council must undertake a community governance review that has terms of reference that allow for the petition to be considered. That does not apply if (a) the council has concluded a previous community governance review within the relevant two-year period, and (b) in the council's opinion the petition area covers the whole or a significant part of the area to which the previous review related.
- 6 Other provisions of the Act deal with the specifics around the terms of reference of a review and duties around responsiveness to petitions. In accordance with the Act the Secretary of State may issue guidance about undertaking community governance reviews. The Electoral Commission may issue guidance about the making of recommendations in respect of the electoral arrangements for parish councils. The Secretary of State may issue guidance about giving effect to recommendations made in community governance reviews. Councils must have regard to any guidance mentioned which is. No guidance has yet been issued.
- 7 It is the Council itself that would give effect to the recommendations made in any review

8 Financial Implications and risks:

There are no such implications attached to this report. If a further report was required; if the Council decided to undertake a review; or if a governance review petition were to be received, then there will be significant financial implications.

9 Legal Implications and risks:

This report reflects the legislative position. If a valid community governance petition were to be received the Council would be obliged to consider the petition as set out in the Act.

10 Human Resources Implications and risks:

There are no such implications attached to this specific report.

11 Equalities Implications and risk

There are no obvious equalities implications or risks attached to this specific report.

Governance Committee, 6 May 2009

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Background Papers

There are no background papers