



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE

AGENDA

7.30pm	Wednesday 8 July 2009	Haverling 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 28 May 2009, and to authorise the Chairman to sign them

5 NEW EXECUTIVE ARRANGEMENTS

There will be an oral update on progress with consultation exercise about the options for new Executive arrangements

6 WEBCASTING OF COUNCIL AND OTHER MEETINGS

7 SOCIAL CARE COMPLAINTS – statutory delegation of authority

8A AMENDMENTS TO THE CONSTITUTION

8 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
28 May 2009 (7.30pm – 8.30pm)**

Present:

COUNCILLORS:

Conservative Group Gary Adams (in the Chair), +Robert Benham, +Sandra Binion, Steven Kelly, Eric Munday and Michael White

Residents' Group Clarence Barrett and Gillian Ford

Rainham & Wennington Independent Residents' Group

Labour Group

+ Substitute Member: Councillor Sandra Binion for Councillor Frederick Thompson and Councillor Robert Benham for Councillor Roger Ramsey

Apologies were received for the absence of Councillors Keith Darvill, Roger Ramsey, Frederick Thompson and Jeffrey Tucker.

All decisions were taken with no vote against.

All named declared an interest.

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 6 May 2009 were agreed as a correct record and were signed by the Chairman.

2 APPOINTMENTS TO OTHER ORGANISATIONS, 2009/10

Councillors Clarence Barrett, Sandra Binion, Gillian Ford, Steven Kelly, Eric Munday and Michael White each declared a personal interest in matters referred to in this minute as appointees or prospective appointees to one or more of the organisations named.

Members were invited to make appointments to the various organisations referred to in the report.

RESOLVED:

1. That the appointments as set out in the appendix to these minutes be made for the period until the meeting that deals with appointments for the municipal year, 2010/11 (or such other period as may be relevant in any specific case).
2. That, where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
3. 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 Clarence Barrett (1 vote) (or their respective nominees in the event either is unable to vote in person).
4. That the new governance arrangements for the Havering Theatre Trust be noted and that Councillors Andrew Curtin, Michael Armstrong and Gillian Ford be appointed to the Board.
5. That the appointments to the Adoption Panel and Carers Panel as shown in the report be confirmed and that Andy Quin be appointed as Chairman of the Adoption Panel
6. That Councillor Andrew Curtin be nominated to London Councils for re- appointment to the Lee Valley Regional Park Authority (LVRPA).
7. That Councillors Geoff Starns and Wendy Brice-Thompson be appointed to the newly re-constituted Admissions Forum.

Councillor Wendy Brice-Thompson was appointed by 6 votes to 2 for (Councillor Gillian Ford) to the Admissions Forum and Councillor Geoff Starns was appointed by 6 votes to 2 for (Councillor Andy Mann) to the Essex Wildlife Trust.

3 ANNUAL GOVERNANCE STATEMENT

The Committee was updated on completion of the year end processes and the impact of this on the draft Annual Governance Statement (AGS).

The report outlined that since the March meeting the following actions have been taken:

- a. Heads of Service have provided signed mini governance returns confirming that appropriate arrangements are in place across all services of the Council.

- b. Members of Management Team have reviewed these returns and then submitted a return for their portfolios, having regard to the overall position.
- c. These returns have been reviewed to ensure that all relevant issues have been identified and included in the draft AGS.
- d. The results of the 2008/09 audit work has been formally reviewed as part of the production of the Annual Audit Report and Head of Internal Audit Opinion to identify any additional potential issues for inclusion on the AGS.
- e. An evidence file has been produced documenting the process and evidencing the assurances received.
- f. Governance Group have discussed the outcome of the above end of year actions and agreed the outcomes.
- g. Senior Management have commented on the final version.
- h. Audit Committee members who do not attend Governance Committee have been given the opportunity to comment on the AGS.

The Committee was informed that the approved AGS would be signed by the Leader and Chief Executive and included in the Council's Annual Accounts when published.

RESOLVED:

That the final version of the 2008/09 Annual Governance Statement.

4 APPONTMENT OF SCHOOL GOVERNORS

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

The Governor Appointment Panel had now submitted for formal approval the nomination of Councillor Barry Tebbutt as a governor of Crowlands Primary School. The appointment would be effective from 1 September 2009 as that was the earliest date when he would be eligible for appointment as he would, by then, no longer be a parent of a child at the school.

RESOLVED:

That Councillor Barry Tebbutt be appointed to the Governing Body of Crowlands Primary School, to take effect from 1 September 2009.

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2009/10

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED BY OFFICE
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Cabinet Member – Social Care & Learning and one other Member
CEME (Centre for Engineering & Manufacturing Excellence)	Leader of the Council
Connexions	Cabinet Member – Skills & Young People (Manager of Youth Services – alternate director)
East London Waste Authority - 2	Deputy Leader of the Council & Health and Cabinet Member – StreetCare & Customer Services
Education Otherwise Than At School Service (EOTAS) Management Advisory Committee	Cabinet Member - Education & Children's Services
Governor Panel - 3	Cabinet Member – Education & Children's Services and two other Members
Greater London Enterprise Limited	Cabinet Member– Housing , Public Protection & Regeneration
Havering Admissions Forum - 5	Cabinet Member – Education & Children's Services and one other

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Member.

Havering Arts Council - 5	Cabinet Member Culture & Community and four other Members.
Havering Chamber of Commerce and Industry	Leader of the Council
Havering Children's Trust	Cabinet Member – Education & Children's Services
Havering College of Adult Education -5	Cabinet Member – Skills & Young People and four other Members.
Havering Community Safety Partnership – 2	Cabinet Member– Corporate Services and the Assistant Chief Executive, Legal and Democratic Services
Havering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Cabinet Member – Corporate Services, Cabinet Member- Finance & Commerce, Leader of the Opposition Group and one other Member
Havering Local Strategic Partnership - 3	Leader of the Council, Deputy Leader of the Council and Leader of the Opposition
Havering Police and Community Consultative Group - 6 plus Cabinet Member	Cabinet Member with responsibility for crime & disorder issues
Havering Sixth Form College - corporation -1	Cabinet Member – Education & Children's Services one other Member (until June 2010)

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<p>Havering Sports Council - 5</p> <p>Havering Theatre Trust</p>	<p>Cabinet Member – Culture & Communities, Cabinet Member – Housing, Public Protection & Regeneration and three other Members.</p> <p><u>Councillor Members of the Council of Management</u></p> <p>Cabinet Member - Culture & Communities, Cabinet Member – Housing, Public Protection & Regeneration, and one other Member.</p>
<p>Hides Educational Foundation - 3</p>	<p>Cabinet Member – Education & Children’s Services and two other Members.</p>
<p>IWMS Contract Liaison Committee</p>	<p>Deputy Leader of the Council</p>
<p>Local Government Association General Assembly - 4</p>	<p>Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and one other Member</p>
<p>Local Government Association Tourism Forum</p>	<p>Cabinet Member – Culture & Communities</p>
<p>Local Government Association Urban Commission</p>	<p>Cabinet Member – Housing, Public Protection & Regeneration</p>
<p>Local Government Information Unit</p>	<p>Cabinet Member – Corporate Services</p>
<p>London Councils (Former ALG) (Leaders’ Committee)</p>	<p>Representative (1): Leader of the Council</p> <p>Deputy: (1) Deputy Leader of the Council</p>
<p>Transport & Environment Committee</p>	<p>Representative (1): Cabinet Member - Streetcare & Customer Services</p> <p>Deputies (up to 4): Cabinet Member – Finance & Commerce,</p>

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Deputy Leader of the Council, and two other Members

Grants Committee	Representative (1): Cabinet Member - Finance & Commerce Deputy (up to 4): Deputy Leader of the Council & Cabinet Member- Corporate Services
Greater London Employment Forum	Representative: Cabinet Member – Finance & Commerce Deputy Representative: Deputy Leader of the Council
Crime and Public Protection Forum - 1	Cabinet Member – Community Safety, Standards and Electoral Services
Children, Young People & Families Forum - 1	Cabinet Member – Education & Children’s Services
Culture , Tourism & 2012 Panel - 1	Cabinet Member – Culture & Communities
Economic Development - 1	Leader of the Council
Health and Adult Services Forum -1	Cabinet Member – Social Care & Learning
Housing Forum -1	Cabinet Member – Housing, Public Protection & Regeneration
London Youth Games	Cabinet Member – Culture & Communities
Mardyke Neighbourhood Board – 4	Cabinet Member - Sustainable Communities – Housing & Regeneration and three Members of South Hornchurch Ward

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North East London NHS Foundation	Cabinet Member – Social Care & Learning
Partnerships in Parking	Cabinet Member – Street Care & Customer Services
Romford Town Centre Partnership - 2	Leader of the Council (Cabinet Member – Housing, Public Protection & Regeneration as deputy) and Chief Executive
Standing Advisory Council on Religious Education (SACRE) - 5	Cabinet Member- Education & Children’s Services, and four other Members
Thames Gateway London Partnership	Leader of the Council
Thames Regional Flood Defence Committee	Cabinet Member - StreetCare & Customer Services
Veolia ES Cleanaway Havering Riverside Trust	Cabinet Member – Housing, Public Protection & Regeneration
Veolia ES Cleanaway Havering Riverside Maintenance Trust	Cabinet Member – Housing , Public Protection & Regeneration

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2009/10

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED BY PERSONAL APPOINTMENT
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Councillors June Alexander (and Cabinet Member – Social Care & Learning)
Adoption Panel	Councillor Georgina Galpin, Andy Quin (Chairman), Leroy Harry (Vice-Chairman), Dr Devi, Roy Gaskin, Tess Blight , Betty Haltham, Tony Ferguson, Jonathan Pearce and Beryl Thornton
Ardleigh House Community Association - 2	Councillors Lynden Thorpe and Michael White
Bretons Community Association -1	Councillor John Clark
Carers Panel	Alan Johnstone (Chairman), Carole Balfe, Marie Pudney, Wendy Johnson, Floyd Powell, Avril Howe, Trevor Sim, Councillor Pat Mylod , Dr Saminathan and Joyce Adelakun
Coopers Company & Coborn Educational Foundation	Councillor Linda van den Hende
Cranham Community Association - 1	Councillor June Alexander
Elm Park Community Association - 1	Councillor Barry Oddy
Emerson Park Community Association - 1	Councillor Paul Rochford
Essex Wildlife Trust (Bedfords Park	Councillor Geoff Starns

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Management Committee)

- Front Lane Community Association - 1 Councillor June Alexander
- Governor Panel - 3 (Cabinet Member Education & Children's Services) and Councillors
Gillian Ford and Wendy Brice- Thompson
- Harold Hill & District Community Association - 2
- 2 Councillors Dennis Bull and Keith Wells
- Harold Wood Neighbourhood Centre - 2 Councillors Lesley Kelly and Pam Light
- Havering Admissions Forum - 5 (Cabinet Member – Education & Children's Services) and Councillor
Wendy Brice-Thompson
- Havering Arts Council - 5 (Cabinet Member Culture & Communities) Councillors Robert
Benham, Mark Gadd, Linda Hawthorn and Steve Whittaker
- Havering Association for People with Disabilities - 2 Councillors Steven Kelly and Patricia Mylod
- Havering Bands and Majorettes Association - 3
Executive Committee - 3 Councillors Andrew Curtin, Sandra Binion and Pat Mylod
- Havering & Brentwood Bereavement Service - 1 Councillor Dennis Bull
- Havering College of Adult Education - 5 (Cabinet Member, Skills & Young People) Councillors Lesley Kelly,
Steven Kelly, John Mylod , Pat Mylod
- Havering College of Further & Higher Education Councillors Paul Rochford and Geoff Starns

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Havering Joint Forum - 6	Councillor John Mylod (plus 5 appointments by Office – Leader, Deputy Leader, Cabinet Member Corporate Services, Cabinet Member- Finance & Commerce, Leader of the Opposition Group)
Havering Police and Community Consultative Group - 6 (plus Cabinet Member with responsibility for crime & disorder issues)	To be Announced
Havering Sixth Form College - corporation -1	Cabinet Member – Education & Children’s Services Councillor Steven Kelly (until 6.10)*
Havering Sports Council - 5	Cabinet Member – Culture & Communities, Cabinet Member – Housing, Public Protection & Regeneration, Councillors Tom Binding, Sandra Binion and John Mylod
Havering Theatre Trust	<u>Councillor Members of the Council of Management</u> Cabinet Member - Culture & Communities, Cabinet Member – Housing, Public Protection & Regeneration and Councillor Gillian Ford.
Havering Twinning Educational Association	Councillor Georgina Galpin
Havering Youth Inclusion and Support Panel	Councillor Barry Oddy (Member); Councillor Wendy Brice-Thompson (Deputy Member)
Hides Educational Foundation - 3	Councillors June Alexander, Gillian Ford and Cabinet Member – Education & Children’s Services
Homes in Havering (Housing ALMO Board)	Councillors Steven Kelly, Robby Misir, Pam Light* and June

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Alexander

Hornchurch Housing Trust (Nomination Trustees) - 6	Mr Ray Emmett and Mr David Williams (until 2/11) Mr Chris Oliver and Councillor Eric Munday (until 2/13) Mr Ivor Cameron and Mrs Peggy Munday (until 2/10)
Lee Valley Regional Park Authority (indirect appointment via nomination to London Councils)	Councillor Andrew Curtin *
Local Government Association General Assembly – 4	Councillors Eric Munday and three appointments by Office (Leader of the Council, Deputy Leader of the Council, Leader of the Opposition)
London Accident Prevention Council – 2	Councillors Fred Osborne and John Mylod
London Councils	
Transport & Environment Committee	Deputies (up to 4): Councillor Andrew Mann and Councillor Melvin Wallace
London Caribbean	Councillor Andrew Curtin
London Home & Water Safety Council	Councillor Fred Osborne
Lucas Children's Play Charity Nominative Trustees – 2	Councillors Andrew Curtin and Councillor Linda Hawthorn (appointed till 2011)
Mardyke Neighbourhood Board – 4	Cabinet Member – Public Protection – Housing & Regeneration and three Members of

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	South Hornchurch Ward – Councillors Tom Binding, Michael Deon Burton and John Clark
Mardyke Youth and Community Centre - 2	Councillors John Clark and Mike Winter
North London Thames Gateway Groundwork Trust - 1	Councillor Michael Armstrong
North Romford Community Association - 1	Councillor Sandra Binion
Poyntz (a.k.a. Richard Poyntz's) and other charities	Councillor June Alexander (until 03.12)
Rainham and Wennington Community Association – 1	
Relate North East - 2	Councillors Keith Wells and Pat Mylod
Reserve Forces & Cadets Association - 1	Councillor Ted Eden
Romford Carnival Committee - 2	Councillors Andrew Curtin and Sandra Binion
Romford Combined Charity <u>Nominative Trustees</u> - 2	Councillor Michael Armstrong and Councillor Andrew Curtin (until 3.11.10) Wilf Mills (until 3.11.12) Ms Christine Hunnable (until 25.10.11)
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

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Second Chance - Theatre for the People - 1	Councillor Andrew Curtin
Standing Advisory Council on Religious Education (SACRE) - 5	Councillors Wendy Brice-Thompson, Gillian Ford, Jeffrey Tucker a vacancy and Cabinet Member- Education & Children's Services.
Tenant Management Organisations -	BETRA (Gooshays) – Councillor Dennis Bull DELTA (Squirrels Heath) – Councillor Lynden Thorpe PETRA (St Andrews)- Councillor John Mylod
Thames Chase Joint Committee	Councillors Lesley Kelly, John Mylod and Eric Munday
Upminster Windmill Preservation Trust	Councillor Linda Hawthorn

Chairman
8 July 2009

MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 JULY 2009	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: WEBCASTING OF COUNCIL AND OTHER MEETINGS

SUMMARY

A number of local authorities now arrange for key meetings and other events to be available to the general public via the internet through “webcasting”.

This report proposes that the Council employ webcasting as a means of making its proceedings available to a wider public and invites the Committee to recommend to the Council that the facility be made available and that the Council Procedure Rules be amended to make provision for it.

RECOMMENDATION

A. That the Committee **RECOMMEND** to the Council:

- 1 That, in principle, webcasts of certain Council and other meetings be made available, both as “live” transmissions and for downloading after the event and that the protocol set out in the Appendix to the report be adopted.
- 2 That, as an initial trial, the webcasting of meetings of the Council and Regulatory Services Committee commence as soon as practicable and that the Chairman of this Committee and relevant Committee Chairman be authorised to approve the extension of webcasting to other Committees and meetings as appropriate.
- 3 That Council Procedure Rule 23 be amended as follows:
 - (a) That the heading be reworded to read: **WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS**

- (b) That a new paragraph 23.1 be inserted:

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

- (c) That the existing paragraphs 23.1 and 23.2 be renumbered as 23.2 and 23.3 respectively.

- 4 That the Committee Procedure Rules be amended as follows:

- (a) Insert a new Rule 10:

10. WEBCASTING OF PROCEEDINGS

1 A webcast may be made of any meeting (or part thereof) of any full Committee of the Council (but not so as to permit the webcasting of any confidential or exempt information).

2 Such a webcast may only be made where the Chairman of the Committee in question and the Chairman of the Governance Committee have jointly agreed that the Committee should be included on the list of those that may be webcast.

3 Notwithstanding (2) above, the Chairman of any Committee included on that list is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

- (b) That the existing Committee Procedure Rules 10 and 11 be renumbered as 11 and 12 respectively.

- B. That, provided the relevant contractual, technological and other arrangements are in place, and in anticipation of the acceptance of the recommendations of this Committee, the Mayor be invited to agree that a webcast be offered of the Council meeting on 22 July 2009.

REPORT DETAIL

Governance Committee, 8 July 2009

- 1 In the past few years, as Members will be aware, the use of the internet as a medium for broadcasting live entertainment and other events has grown at a remarkable rate. Concerts and films are now available widely for “as broadcast” viewing and for later downloading. Most domestic personal computers with a broadband connection to the internet are now able to receive such webcasts and that medium is increasingly being seen as the primary source of TV and other broadcasts for the future.
- 2 A number of local authorities have taken advantage of this to webcast their own Council, Cabinet and other meetings and to make webcasts of events such as major planning public inquiries also available. Agreement is now sought to the webcasting of Havering meetings.
- 3 Following the appropriate procurement procedures, discussions have taken place with the leading provider of webcasting facilities for local authorities, Public-i, and the facilities are available for an initial period of two years at a cost per annum of £17,660, including the hire of essential equipment and provision for up to 120 hours per annum webcasting (and unlimited after-the-event downloading). Given the time limitation, care will be needed to ensure that optimum use is made of the facility and thus not every meeting will, or could, be webcast.
- 4 Initially, it is proposed to webcast certain Council meetings – subject to the Mayor’s agreement and to ensuring that the necessary technology is in place, the first webcast will be of the Council meeting on 22 July – and Regulatory Services Committee meetings. Once experience is gained, the Cabinet and other Committees could be webcast and it is also intended that other events, such as major planning inquiries would be, subject to those responsible for such events – for example, a planning inspector – agreeing to that. The webcasting facility will also be used to broadcast other items of interest, such as corporate news and events.
- 5 The Committee is, therefore, invited to recommend to the Council that the use of webcasting be approved, to be introduced as outlines in paragraph 4. For Council meetings, adjustment of existing Council Procedure Rules is required to extend their scope from the existing limited provision for broadcasting to cover webcasting; a similar change to the Committee Procedure Rules is also proposed subject, in both cases, to the Mayor or Chairman having authority to direct that a particular meeting, or part of a meeting, should not be webcast. The Committee is invited to approve the Protocol for webcasting set out in the Appendix to this report.

Legal implications and risks

The contract between the Council and Public-i will conform to legal requirements.

Members present at meetings of the Council and its Committees convened under the Local Government Act 1972 enjoy qualified privilege from action for defamation – comments made in the course of meetings are not liable to action for libel or slander provided that they are not made with malicious intent.

Governance Committee, 8 July 2009

Nonetheless, Members would have to be very careful about making possible defamatory comments in the course of debate that was being webcast live (webcasts recorded for downloading would be monitored and any defamatory matter expunged before being made available).

The Member presiding at a meeting would need to take careful control of proceedings in the course of which possible defamatory comments were made. The Monitoring Officer will prepare guidance for the Mayor and Committee Chairmen on the conduct of meetings that are being webcast.

There is also the possibility that if webcasting is popular, an increase in Standards complaints might arise as meetings will be opened up to more people. It should also be noted that in any Standards complaints resort might be had to the webcast for evidential purposes.

The Protocol has been drafted to ensure compliance with the Data Protection Act 1998 and the Human Rights Act 1998.

Financial implications and risks

No direct financial implications or risks arise from this report. The contract and other costs will be met from existing budget provision.

Human Resources and equalities implications and risks

There are no apparent direct implications or risks.

Some additional training of relevant staff in Media & Communications and Democratic Services will be required but the cost to that will be met from existing budget provision.

**Cheryl Coppell
Chief Executive**

Staff Contact: Ian Buckmaster, Committee Administration Manager

Telephone: 01708 432431

Email: ian.buckmaster@haverling.gov.uk

Background Papers

Other local authorities' webcasting arrangements

The Public-i website: http://www.public-i.info/example_webcasts.php

PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER MEETINGS

The Council has agreed that certain meetings should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. Cameras located within the Council Chamber and Committee Room 3 will be used for this purpose and there is a mobile unit for use in other locations. Items in the confidential or exempt part of any Agenda will not be webcast.

This protocol is intended to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be webcast by the Council:-

Agenda Front Sheets and Signage at Meetings

On the front of each agenda and on signs to be displayed inside the meeting room there will be the following notice:-

"Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Committee Administration Manager, or the Committee Officer for the meeting."

Meetings of the Regulatory Services Committee and Licensing Committee and Sub-Committees

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included:-

"Please note that Council meetings may be filmed for live or subsequent broadcast via the Authority's internet site. If you do not wish the hearing of your application to be filmed, please contact the Committee Administration Manager, or the Committee Officer for the meeting, to discuss arrangements."

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be webcast, and that the Chair may also terminate or suspend the webcasting of the meeting. This will be confirmed by the Chair making the following statement:-

"It is the Council's agreed practice to film certain meetings for live or subsequent broadcast via the Council's internet site. The images and sound recording may be used for training purposes within the Council.

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As Chairman of the meeting, I have the discretion to terminate or suspend filming, if in my opinion continuing to do so would prejudice the proceedings of the meeting or be likely to lead to a breach of any legislation Code of Conduct or Protocol of the Council."

Cessation of Webcasting for the confidential or exempt of the Agenda

The confidential or exempt part of any Agenda will not be webcast. The Committee Officer for the meeting will ensure that filming and/or recording of the meeting has ceased and will confirm this to the Chair of the meeting before any discussion of confidential or exempt items begins.

MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 JULY 2009	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: SOCIAL CARE COMPLAINTS – statutory delegation of authority

SUMMARY

The legislation relating to the handling of complaints relating to Social Care services has recently changed. In the new system, the Council are required to designate certain officers to undertake function related to the management and conduct of complaints' investigations.

This report identifies the designations required and seeks authority for the required changes in the Council's Constitution.

RECOMMENDATION

That the Committee **RECOMMEND** to the Council that, in accordance with the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009:

- 1 The Chief Executive be designated as the person responsible for ensuring compliance with the arrangements made under these Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint
- 2 The Group Director, Social Care and Learning, be authorised to act on behalf of Chief Executive as the responsible person
- 3 The Adult Customer Care & Complaints Manager, Adult Social Services, be designated as statutory complaints manager, responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under these Regulations

- 4 That, where the circumstances require the Council to investigate a complaint jointly with another local authority or one or more NHS bodies, and in the interests of justice it is preferable for another authority or body to take the lead in that investigation, the Chief Executive (or the Group Director on her behalf) be authorised to designate an officer nominated by that lead authority or body to act a complaints manager in the specific case.

REPORT DETAIL

- 1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the Regulations) recently came into force, requiring complete revision of the Council's procedures for dealing with complaints about social care issues. The Regulations apply to both local authorities and NHS bodies, and enable complaints that relate to services provided to an individual by both sets of authorities to be investigated jointly.
- 2 The Regulations require that the arrangements for the handling and consideration of complaints must be such as to ensure that—
 - (a) complaints are dealt with efficiently;
 - (b) complaints are properly investigated;
 - (c) complainants are treated with respect and courtesy;
 - (d) complainants receive, so far as is reasonably practical—
 - (i) assistance to enable them to understand the procedure in relation to complaints; or
 - (ii) advice on where they may obtain such assistance;
 - (e) complainants receive a timely and appropriate response;
 - (f) complainants are told the outcome of the investigation of their complaint; and
 - (g) action is taken if necessary in the light of the outcome of a complaint.
- 3 The detailed changes in the procedures for handling complaints will be the subject of report to the Cabinet and Adjudication & Review Committee. This report focuses on new, statutory requirements for the delegation of specific authority to undertake functions required by the Regulations in such a way that the requirements set out in paragraph 2 are complied with.
- 4 The Regulations require the Council to designate the Chief Executive as the person responsible for ensuring compliance with the arrangements made under these Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint. The designation of the Chief Executive for this purpose is mandatory.

- 5 The Regulations also require the Council to designate a “complaints manager” as the person responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under these Regulations. There is discretion as to who should be. The Regulations do permit the same person to be appointed as both “responsible person” and “complaints manger” but, given the volume and specialised nature of the complaints received, this is not a practicable option in Havering. It is suggested that the Adult Customer Care & Complaints Manager, Adult Social Services be so designated: the statutory role is, in all respects, comparable to her existing role and responsibilities.
- 6 The Regulations permit the Council to authorise persons to act on behalf of both the “responsible person” and the “complaints manger”. It is suggested that, given the nature of the role of responsible person, the Group Director, Social Care & Learning, be authorised to act for the Chief Executive as “responsible person”. In practice, the Group Director would then have general oversight of the process, leaving the Chief Executive free to intervene when strategic issues arise. The Complaints Manger would deal with day to day issues.
- 7 The Regulations require local authorities and NHS bodies to co-operate in investigating complaints that relate to more than one of them and to ensure that the complainant receives a co-ordinated reply. For that purpose, authorities are required to identify a lead authority to be responsible for progressing the investigation and handling of the complaint. In such cases, it may occasionally be necessary to delegate the complaints manager role to an officer of another authority when that is taking the lead; accordingly, authority is sought for the Chief Executive, or the Group Director on her behalf, as responsible person under the Regulations to designate another authority’s officer as complaints manager for that specific complaint.

Legal implications and risks

The Regulations require specific individuals to be designated to undertake defined roles in relation to social care complaints. This report puts forward proposals to comply with the Regulations.

Financial implications and risks

No direct financial implications or risks arise from this report. There is already budget provision for the handling of social care complaints and it is not anticipated that any additional expenditure will arise. The cost of remedial action following investigation will be met from the relevant service budget.

Human Resources and equalities implications and risks

There are no apparent direct implications or risks.

**Cheryl Coppell
Chief Executive**

Governance Committee, 8 July 2009

Staff Contact: Ian Buckmaster, Manager of Committee and Overview
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Background Papers

There are none.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 July 2009	8A

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 MONITORING OFFICER

SUBJECT: AMENDMENTS TO THE CONSTITUTION

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, 8 July 2009

Amendments to the Constitution were made by the Monitoring Officer since 1st May 2002 and this latest amendment is Amendment No. 35 dated 1st July 2009.

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 and risks: None

Legal Implications and risks: None

Human Resources Implications and risks: None

Equalities and Social Inclusion Implications and risks: None

CHRISTINE DOOLEY
Monitoring Officer

Staff Contact: Christine Dooley
Telephone: 01708 432484

Background Papers
Email correspondence

Notification No. 35

Date 1st July 2009

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 effective from the respective dates shown in the attached document headed Transitional Arrangements.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 5 Section 3	329	Replace Code of Recommended Practice on Publicity with latest version	Omission
Part 3 Section 7	169	Replace Appendix A with new cabinet portfolios which changed from Annual Council 2009	Restructure
Part 3 Section 3.6.6	87-182	Amend the constitution with effect from 6 th July 2009 to accommodate the merging of Environmental Health and Trading Standards into one Public Protection Service shown on attached	Restructure
Part 3 Section 3.6.6	120-124	Public Protection – amend as on attached pages	Restructure
Part 3 Section 4	142-151 and 156	Whenever Head of Housing and Public Protection appears add immediately afterward, Public Protection Manager or any of the Public Protection Divisional Managers.	Restructure
Part 3 Section 6	163 - 164	Replace Environmental Health Manager with Public Protection Manager	Restructure
Part 3 Section 3.6.6	170	Replace Environmental Health with Public Protection in respect of the Cabinet Member of Corporate Services.	Restructure
Part 3 Section 7	173 – 182	Appendix C – Appendix F – amend as on attached pages	Restructure
Part 3 Section 3.7.3	126	Remove paragraphs 7, 8 and 9 to 3.6.2 and renumber 8, 9 and 10	Restructure

Code of Recommended Practice

Subject matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, section 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority.
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.

Governance Committee, 8 July 2009

6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses to which the resources could be put.
10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary.
 - (ii) where it is statutorily required, the purpose to be served by the publicity.
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.
12. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing

factual information about the service.

15. In some cases promotional publicity may be appropriate – for example about the local authority's sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, is unavoidable, particularly given the importance of wide consultation whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although councils should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.
17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought, or to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or equal opportunities.
19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns, which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs; to allow local people to have a real and informed say about issues that affect them; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.

22. Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.
23. Local authority newspapers, leaflets, other publicity distributed unsolicited from house to house and information on websites are able to reach far wider audiences than publicity available on application to the council. Councils should give particular consideration to the use of electronic and other new media communication systems. However, councils should ensure that they do not rely solely on such mechanisms and that they do not exclude those without access or easy access to such systems.
24. Such publicity should be targeted as appropriate for its purposes, taking particular care with material touching on politically controversial issues.
25. There is no paragraph 25.
26. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information, or facilitating consultation and can provide a means for local people to participate in debate on decisions the council is to take. The advantage of using websites and other information technology for consultations should also be considered. Inevitably such publications will touch on controversial issues and where they do they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11-19 of the Code.
27. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations, and making use of electronic communication systems.

Advertising

28. Advertising, especially on billboards or on television and radio, is a highly intrusive medium. It can also be expensive. It may however provide a cost-effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on promoting the social, economic and environmental well-being of the area.
29. The primary criterion for decisions on whether to use advertising should be cost-effectiveness.

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30. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.
31. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.
32. The attribution of advertising material leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
33. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the work of the authority.
34. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
35. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

36. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as a whole, whatever its composition from time to time.
37. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
38. Advertisements for staff should not be placed in party political publications.

Individual Councillors

39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual

councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Elections, referendums and petitions

41. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.
42. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to county councils, district councils and London borough councils) prohibit an authority from incurring any expenditure to:
- publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor
 - assist anyone else in publishing such material or
 - influence or assist others to influence local people in deciding whether or not to sign a petition

Publicity in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition and to explaining the council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

43. County councils, district councils and London borough councils should ensure

that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to others for publicity

44. The principles set out above apply to decisions on publicity issued by local authorities.

They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:

- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants;
- (b) make the observance of that guidance a condition of the grant or other assistance;
- (c) undertake monitoring to ensure that the guidance is observed.

45. It is appropriate for local authorities to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision, (authorities may be able to draw on their powers of well-being in section 2 of the Local Government Act 2000) but (subject to this) any such facility should be made available on a fair and equal basis.

- (i) hardship might otherwise result, or
- (ii) the nature of the defect or type of dwelling involved is such that to hold the tenant responsible for an item would in the circumstances be unreasonable.

43 To settle claims submitted by a council tenant for compensation in recovery of damages caused to the tenant's property as a result of occurrences over which the tenant had no control.

44 To authorise expenditure on aids and equipment for the disabled within the policy laid down by the Council, including the installation of stairlifts and like appliances in houses occupied by registered disabled people where the cost of the appliance and any associated works does not exceed the sum specified in Appendix B or such sum as is specified by the Council.

Licensing Public Protection

45 The Head of Housing & Public Protection, the Public Protection Manager, and any of the Public Protection Divisional Managers to exercise the powers and duties of the Council on matters relating to enforce the enactments set out in Appendices C and F to license and register the persons and premises pursuant to the enactments set out in Appendices D and E and to authenticate on the Council's behalf any notice, certificate or other document required to be issued in relation to the enactments in Appendices C, D, E and F, subject to the matter being referred to the Regulatory Services Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.

Licensing Function

46 ~~45~~ To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges.

~~46 In accordance with Part 3, section 3.1, function 6, to authorise staff within the Environmental Health Service to enforce the enactments set out in Appendices C, D and F.~~

~~47 To authenticate on the Council's behalf of any notice, certificate or other document required to be issued in relation to the enactments in Appendices C, D and F, subject to the matter being referred to the Regulatory Services Sub-Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.~~

~~48 To license and register those matters/premises and/or persons listed in Appendices C, D and F where applicable.~~

4947 To determine the grant and renewal of street trading licences and to enforce the terms of these licences.

5048 To determine applications for consents for the use of loudspeakers in streets under the Noise and Statutory Nuisance Act 1993 and to enforce the terms of these consents.

Environmental Health Function

~~51~~ **Environmental Health**

~~52 In accordance with Part 3, section 3.1, function 6, to authorise staff within the Environmental Health Service to enforce the enactments set out in Appendices C, D and F and to authenticate on the Council's behalf any notice, certificate or other document required to be issued in relation to the enactments in Appendices C, D and F, subject to the matter being referred to the Regulatory Services Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.~~

5249 To serve statutory notices under the Public Health Acts and environmental health matters in the Building Act 1984.

5350 To enforce public health matters concerning the control of caravans, water supply, sewage, drainage, and the pollution of rivers.

5451 To implement pest and rodent control.

5552 To enforce statutory provisions relating to food, milk and dairies, poisons, factories, control of self-operated laundries and insanitary food premises.

5653 To exercise power of entry and inspection in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

5754 To exercise all functions under the Housing Act 2004 relating to private sector housing.

5955 The ~~Environmental Health Public Protection~~ Manager to authorise activities under the Regulation of Investigatory Powers Act 2000 and ~~The Environmental Health Manager~~ to be a Single Point of Contact for the acquisition of communications data for the purposes of Part 1, Chapter II of the Regulation of Investigatory Powers Act 2000

6056 To exercise all functions relating to welfare of animals

6457 To undertake those functions assigned under:

- (i) Part 3, section 4 of this constitution: functions not to be the responsibility of an authority's Executive (group A, B, ~~and C~~ and I functions)
- (ii) Part 3, section 5 of this constitution: local choice functions

~~61 In accordance with Part 3, section 3.1, function 6, to authorise staff within the Trading Standards to enforce the enactments set out in Appendices E and F.~~

Trading S-standards Function

71 The Head of ~~Technical Housing & Public Protection Services~~, the ~~Trading Standards Public Protection~~ Manager, the Operations Divisional Manager and the Fair Trading and Quality Divisional Manager, ~~the Principal Officer (Operations) and the Principal Officer (Fair Trading and Quality)~~

To exercise the powers and duties of the Council on matters relating to trading standards, consumer protection and metrology including:

- (i) making such test purchases of goods and services as may be expedient for effective enforcement.
- (ii) exercising and enforcing the enactments listed in Appendices E & F, including any regulation made under those enactments.

This function must be exercised subject to the Assistant Chief Executive Legal & Democratic Services or the Legal Manager (Community Services) authorising the institution and conduct of any legal proceedings except in such circumstances where a potential defendant is being held at a police station and the custody charging the individual. In such exceptional circumstances the power to charge the offender be limited to the ~~Trading Standards Public Protection~~ Manager, the ~~Principal Operations Officer (Operations) Divisional Manager~~ and the ~~Principal Officer (Fair Trading and Quality Divisional Manager)~~. This procedure will only be used when dealing with itinerant persons where charging by way of summons would not be effective.

72 To advise and assist consumers on matters arising from the purchase of goods or services.

~~73 The Trading Standards Manager to authorise activities under the Regulation of Investigatory Powers Act 2000.~~

74 The Operations Divisional Manager, ~~Principal Officer (Operations) Trading Standards Public Protection~~ Service, to authorise activities under the Regulation of Investigatory Powers Act 2000 and to be a Single Point of Contact for the acquisition of communications data

for the purposes of Part 1, Chapter II of the Regulation of Investigatory Powers Act 2000.

Cemeteries and crematorium

- 75 To exercise the powers of the Council to operate and maintain the Council's cemeteries and crematorium.
- 76 To set fees for occasional and special items at the cemeteries and crematorium and to vary fees when it has not been possible to meet the agreed service standard.
- 77 To spend up to 20 percent of the annual income of the Cemeteries and Crematorium Improvement from Income Fund and the Cemeteries and Crematorium Improvement Donation Fund.

3.6.7 Head of Communications

- 1 To authorise expenditure on the promotion of the borough and the external profile of the Council.
- 2 To monitor performance and development of policy in relation to public information issues, including relationships with the media and the distribution of council publications.
- 3 To oversee campaigns, consultation exercises and events, and appropriate marketing of the Council's facilities.

3.6.8 Head of Customer Services

- 1 To issue concessionary travel permits for elderly people to eligible persons.
- 2 To exercise the Council's powers and duties under the Nationality Immigration and Asylum Act 2002.
- 3 To exercise the Council's powers and duties under the Registration Service Act 1953 and any regulations made under it.
- 4 To oversee the Council's relationships with its customers

42	Officer who may certify a common lodging-house which has been closed to be free from infection	As above
43	Officer who may certify that a person who has died in hospital while suffering from a notifiable disease should not be removed from the hospital except to be taken directly to a mortuary or to be buried or cremated	As above
48	Officer responsible for ordering removal of body to a mortuary or for immediate burial	As above
59	Officer responsible for authenticating documents	The CCDC as above
60	Officer responsible for serving notices and other documents	The CCDC as above

Public Health (Infectious Diseases) Regulations 1988

Section	Description	Proper officer
Regulations 6, 8, 9 10 and Schedule 3 and 4		As above

Housing Act 1985

Section	Description	Proper officer
606(1) and (2)	Officer responsible for making reports on unfitness and clearance	Environmental Health <u>Public Protection</u> Manager

Local Elections (Principal Areas) Rules 1986

Rule	Description	Proper officer
44	Officer [to whom returning officer gives notice] giving public notice of name of successful candidate/s in Council elections	Chief Executive (Assistant Chief Executive Legal & Democratic Services)
46	Officer to whom, after election, returning officer forwards ballot papers and related documents for safe custody	Chief Executive (Assistant Chief Executive Legal & Democratic Services)
47	Officer whom court may order to produce ballot papers and related documents	Chief Executive (Assistant Chief Executive Legal & Democratic Services)
48	Officer responsible for retaining ballot papers and related documents for public inspection, prior to destroying the documents after a six month period	Manager of Electoral Services

Local Government Finance Act 1988

Section	Description	Proper officer
114	Officer responsible for making financial report to the authority	Group Director Finance and Commerce

Local Government & Housing Act 1989

Section	Description	Proper officer
2	Officer responsible for receiving deposit of list of politically restricted posts	Head of Human Resources

Local Government (Committees and Political Groups) Regulations 1990

Regulation	Description	Proper officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change or name of a political group	Chief Executive
9 and 10	Officer to whom notice is delivered about a councillor's membership of, or cessation of membership of, a political group	Chief Executive
13	Officer to whom the wishes of a political group are expressed	Chief Executive
14	Officer responsible for notifying a political group about allocations and vacations of seats	Democratic Services Manager

Environmental Protection Act 1990

Section	Description	Proper officer
149	Officer for discharging functions for dealing with stray dogs	<u>Environmental Health-Public Protection</u> Manager
	Dogs Act 1871 and Dangerous Dogs Act 1991	<u>Environmental Health-Public Protection</u> Manager
	Guard Dogs Act 1975	Environmental Health Manager

Food Safety Act 1990

Section	Description	Proper officer
49	Officer authorised to sign any document that the Council, as food authority, is authorised or required to make under the Act	<u>Environmental Health-Public Protection</u> Manager

<p>Michael Armstrong</p>	<p>Cabinet Member of Housing, Public Protection & Regeneration</p> <hr/> <p>Housing Services Supporting People Regeneration Strategic Planning (Local Development Framework) and Strategic Transport Environmental Strategy Technical Services and Maintenance (Surveying, Technical and Building Services) HSP Strategic Champion – Prosperous Community PROJECT: Young People</p>	<p>33 Linden Street Romford RM7 7DP</p>	<p>Pettits</p>
<p>Peter Gardner</p>	<p>Cabinet Member of Corporate Services</p> <hr/> <p>Legal & Democratic Services Electoral Services Community Safety Road Safety, CCTV Environmental Health-Public Protection (inc. Licensing) Health & Safety and Emergency Planning Environmental Services (Trading Standards, Cemeteries and Crematorium) Facilities Management (Corporate Buildings and Facilities Management) Democratic Services HSP Champion – Community Safety PROJECT: Community Halls</p>	<p>69 Waycross Road Upminster RM14 1PA</p>	<p>Mawneys</p>
<p>Andrew Curtin</p>	<p>Cabinet Member for Culture & Communities</p> <hr/> <p>Lead Member for Olympics, parks and 3rd Sector</p> <hr/> <p>Libraries Culture Leisure 2012 Olympics Parks Department (Urban Parks, inc. Country Parks) Community Regeneration (Voluntary Organisations) HSP Strategic Champion – Environment PROJECT: Hornchurch</p>	<p>32 Meadway, Romford RM2 5NU</p>	<p>Romford Town</p>

Appendix C

Enactments enforceable by Head of Housing & Public Protection

This appendix sets out those enactments which the Head of Housing & Public Protection, Public Protection Manager, and any of the Public Protection Divisional Managers have~~s~~ delegated authority to enforce. The Head of Housing & Public Protection, Public Protection Manager, and Public Protection Divisional Managers may authorise his or her staff to enforce these enactments and to authenticate, on the Council's behalf, any notice, certificate or other document required to be issued in relation to the enactments.- ~~See Part 3 of this constitution, section 3.6.6.~~

Enactment	Relevant provisions and notes
Agriculture (Miscellaneous Provisions) Act 1968	Part I
Animal Boarding Establishments Act 1963	
Animal Health Act 1981	
Animal Welfare Act 2006	
Breeding of Dogs Act 1973	
Building Act 1984	<ul style="list-style-type: none"> sections 59 to 69 (relating to drainage of buildings and to sanitary conveniences) section 70 (food storage accommodation in existing houses) section 76 (relating to defective premises) section 79 (relating to ruinous and dilapidated buildings)
Caravan Sites Act 1968	
Caravan Sites Control & Development Act 1960	
Clean Air Act 1993	
Clean Neighbourhoods & Environment Act 2005	Parts 3, 5, 6 & 7
Control of Pollution Act 1974	section 13 (Part III, sections 60 to 62 and regulations made under section 78 (sulphur content of fuel oil)) and 1990
Criminal Justice and Police Act 2001	Sections 19 to 27 (closure of unlicensed premises)
Dangerous Dog Acts 1871 & 1991	
Dangerous Wild Animals Act 1976	
Environment Act 1995	
Environmental Protection Act 1990	Parts I, II (Sections 33, 34 & 59), IIA, III, IV and VIII (Section 150)

Enactment	Relevant provisions and notes
Essex County Council Act 1922	Part IV (Massage and Special Treatment)
European Communities Act 1972	<ul style="list-style-type: none"> • Common Agricultural Policy (Wine) Regulations 1973 • any other regulations that may be made
Factories Act 1961	
Fire Safety and Safety of Places of Sport Act 1987	
Food Act 1984	
Food Hygiene (England) Regulations 2006	
Food Safety Act 1990	
Food and Environment Protection Act 1985	Part III
Gambling Act 2005	
Guard Dogs Act 1975	
Greater London Council (General Powers) Act 1967	(registration of hairdressers, etc.)
Greater London Council (General Powers) Act 1973	section 31
Greater London Council (General Powers) Act 1979	(control of brown tail moth)
Greater London Council (General Powers) Act 1984	(registration of certain sleeping accommodation)
Greater London Council (General Powers) Act 1986	
Health Act 2006	Part I, Chapter I (smoke- free premises, places and vehicles)
Health and Safety at Work, Etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers)
Housing Act 1985	
Housing Act 2004	
Housing (Construction and Regeneration) Act 1996	
Hypnotism Act 1952	
Landlord and Tenant Act 1985	
Licensing Act 1964	sections 78 and 79
Licensing Act 2003	
Local Government and Housing Act 1989	
Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> • section 15 (survey of land for the purposes of compulsory purchase) • section 16 (power to serve notices – requisition for information)

Enactment	Relevant provisions and notes
	<ul style="list-style-type: none"> • section 20 (provision of sanitary conveniences at places at entertainment) • section 35 (power to require the removal of obstructions from private sewers)
Local Government (Miscellaneous Provisions) Act 1982	<ul style="list-style-type: none"> • sections 14 to 16 • section 17 (exercise powers relating to entry in relation to registered premises in the Council's area) • section 29 and 30 (powers of entry) • section 32 (recovery of costs) • Schedule 3 (sex establishments)
London Government Act 1963	
London Local Authorities Act 1990	Part III (street trading)
London Local Authorities Act 1990	
London Local Authorities Act 1991	Part II, Part III and section 23
London Local Authorities Act 1995	
London Local Authorities Act 1996	
London Local Authorities Act 2000	
Medicines Act 1968	(such orders and regulations as the Council may be appointed to enforce)
Mobile Homes Act 1983	
Noise Act 1996	sections 2 to 9
Noise & Statutory Nuisance Act 1993	(loudspeakers in streets)
Offices, Shops and Railway Premises Act 1963	
Official Feed and Food Controls (England) Regulations 2006	
Performing Animals (Reg) Act 1925	
Pet Animals Act 1951	
Poisons Act 1972	
Pollution Prevention & Control Act 1999	
Prevention of Damage by Pests Act 1949	
Protection from Eviction Act 1977	
Public Health Act 1936	
Public Health Act 1961	
Public Health Control of Disease Act 1984	
Rag Flock and Other Filling Materials Act 1951	
Rent Act 1977	(provisions relating to certificates of disrepair pursuant to section 27 and schedule 6)

Enactment	Relevant provisions and notes
Riding Establishments Acts 1964 and 1970	
Shops Act 1950 – 1965	
Sunday Observance Act 1780	
Sunday Trading Act 1994	
Town & Country Planning Act 1990	Sections 215-219 Powers to deal with land adversely affecting amenity of the neighbourhood.
Wildlife and Countryside Act 1981	
Young Persons (Employment) Acts 1938 and 1964	
Zoo Licensing Act 1981	

Appendix D

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

This appendix sets out those enactments under which the Head of Housing & Public Protection, Public Protection Manager, and any of the Public Protection Divisional Managers ~~have~~ delegated authority to license and register premises or persons for the council's ~~Environmental Health~~ Public Protection function. The Head of Housing & Public Protection, Public Protection Manager, and Public Protection Divisional Managers may authorise his or her staff to license or register these premises or persons. ~~See Part 3 of this constitution, section 3.6.6.~~

Licensing matter	Enactment
Animal boarding establishments	Animal Boarding Establishments Act 1963
Caravan Sites	Caravan Sites and Control of Development Act 1960
Dangerous wild animals	Dangerous Wild Animals Act 1976
Dog-breeding premises	Breeding of Dogs Act 1973
Establishments for massage and special treatment	London Local Authorities Act 1991
Gambling	Gambling Act 2005
Licensing	Licensing Act 2003
Housing	Housing Act 2004
Pet shops	Pet Animals Act 1961
Riding establishments	Riding Establishments Act 1964
Sex establishments	Local Government Miscellaneous Provisions Act 1982
Street trading	London Local Authorities Act 1990

Registration matter	Enactment
Food premises	EC Regulation 852/2004, Article 6(2)
Hairdressers' and barbers' establishments	Greater London Council (General Powers) Act 1967, section 21

Appendix E

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

This appendix sets out those enactments under which the Head of Housing & Public Protection, Public Protection Manager, and any of the Public Protection Divisional Managers have delegated authority to licence or register premises or persons for the council's ~~Trading Standards-Public Protection~~ function. The Head of Housing & Public Protection, Public Protection Manager, and Public Protection Divisional Managers may authorise his or her staff to licence or register these premises or persons. ~~See Part 3 of this constitution, section 3.6.6.~~

Licensing matter	Enactment
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)

Registration matter	Enactment
Premises for competitive bidding (auctions)	Greater London Council (General Powers) Act 1984 – Part VI
Scrap metal dealers	Scrap Metal Dealers Act 1964
Motor Salvage Operators	Vehicles (Crime) Act 2001
Storage of Explosives	Health and Safety at Work, Etc. Act 1974 (Manufacture and Storage of Explosives Regulations 2005)

Appendix F

Enactments enforceable by Head of Housing & Public Protection

This appendix sets out those enactments which the Head of Housing & Public Protection, Public Protection Manager, and any of the Public Protection Divisional Managers have delegated authority to enforce. The Head of Housing & Public Protection, Public Protection Manager, and Public Protection Divisional Managers may authorise his or her staff to enforce these enactments and to authenticate, on the Council's behalf, any notice, certificate or other document required to be issued in relation to the enactments. This appendix sets out those enactments which the Head of Housing & Public Protection as appropriate and respectively for Environmental Health Public Protection and Trading Standards Public Protection has delegated authority to enforce. See Part 3 of this constitution, section 3.6.6.

A T indicates that any proceedings contemplated pursuant to this enactment may be undertaken only upon approval of the appropriate individual Cabinet member, except in cases where the Council is specifically empowered to undertake the contemplated proceedings.

Enactment	Relevant provisions and notes
Administration of Justice Act 1970	section 40
Agricultural Act 1970	Part IV
Agricultural Produce (Grading and Marketing) Acts 1928 and 1931	
Anti Social Behaviour Act 2003	
Business Names Act 1986	section 4
Cancer Act 1939	
Celluloid and Cinematograph Film Act 1922	
Children and Young Persons Act 1933	section 7 (sale of tobacco etc., to persons under 16)
Children and Young Persons (Protection from Tobacco) Act 1991	
Civil Aviation Act 1982	
Clean Air Act 1993	sections 30 and 32
Consumer Credit Act 1974	
Consumer Protection Act 1987	Parts II and III
Control of Pollution Act 1974	section 75 (regulations concerning lead content of motor fuel)
⌘ Copyright, Designs and Patents Act 1988	

	Enactment	Relevant provisions and notes
T	Crossbows Act 1987	
	Development of Tourism Act 1969	section 18 (relating to price displays)
	Education Reform Act 1988	sections 214 to 217 (provisions relating to unrecognised degrees)
	Energy Act 1976	
	Energy Conservation Act 1981	
	Enterprise Act 2002	
	Estate Agents Act 1979	
	European Communities Act 1972	(Regulations relating to: <ul style="list-style-type: none"> • eggs (marketing standards) • crystal glass (description) • Package Travel, Package Holidays, Package Tours Regulations 1982 • textile products (indication of fibre content) • aerosol dispensers (EU requirements) • Non-Automatic Weighing Instruments • Consumer Protection from Unfair Trading Regulations 2008 • Business Protection from Misleading Marketing Regulations 2008 • any other regulations as may be made from time to time)
	Explosive Acts 1875 and 1923	
	Explosives (Age of Purchase) Act 1976	
	Fair Trading Act 1973	(orders under section 22)
T	Firearms Act 1968	
	Fireworks Act 2003	
	Food and Environmental Protection Act 1985	Part III
	Food Safety Act 1990	
T	Forgery and Counterfeiting Act 1981	
T	Fraud Act 2006	
	Greater London Council (General Powers) Act 1984	(registration of premises in respect of the sale of goods by competitive bidding)
	Hallmarking Act 1973	

	Enactment	Relevant provisions and notes
	Health and Safety at Work etc. Act 1974	(other than in respect of requirements imposed upon the Council as employers) (including the Manufacture and Storage of Explosives Regulations 2005)
	Housing Act 2004	Part 5
	Hire Purchase Act 1964	Part III
	Insurance Brokers (Registration) Act 1977	
	Intoxicating Substances Supply Act 1985	
T	Knives Act 1997	
	Licensing Act 2003	
	Medicines Act 1968	orders under sections 62(1)(b) and 90 (provisions relating to animal feeding stuffs and fertilisers)
	Merchant Shipping Act 1979	
T	Mock Auctions Act 1961	
	Motorcycle Noise Act 1987	
T	National Lotteries etc. Act 1993	
T	Offensive Weapons Act 1996	
	Olympic Symbol etc (Protection) Act 1995	
	Prices Acts 1974 and 1975	
	Property Misdescriptions Act 1991	
	Protection of Children (Tobacco) Act 1986	
T	Restriction of Offensive Weapons Act 1959	
	Road Traffic Acts 1988 & 1991	
	Road Traffic (Foreign Vehicles) Act and Regulations 1972	
	Road Traffic Offenders Act 1988	
	Solicitors Act 1974	section 22
	Telecommunications Act 1984	
T	Theft Acts 1968 and 1978	
	Timeshare Act 1992	
	Trade Descriptions Act 1968	
	Trademarks Act 1994	
	Trading Representations (Disabled Persons) Acts 1958 and 1972	(provisions relating to goods represented as being made by blind or disabled persons)

	Enactment	Relevant provisions and notes
	Trading Stamps Act 1964	
	Unsolicited Goods and Service Acts 1971 and 1975	(provisions relating to unsolicited goods and directory entries)
	Vehicles (Crime) Act 2001	
	Video Recordings Act 1984 and 1993	
	Weights and Measures Act 1985	Limited to officers <u>holding a certificate of appointment under S.73 of the Weights & Measures Act 1985</u> with DTS or equivalent