

GOVERNANCE COMMITTEE

AGENDA

7.30pm

Tuesday
8 March 2005

Havering Town Hall
Main Road, Romford

Members 9: Quorum 3

COUNCILLORS:

Conservative Group (4)

Frederick Thompson
(Chairman)
Michael White (Vice-
Chairman)
Eric Munday
Roger Ramsey

Residents' Group (3)

Ivor Cameron
Barbara Reith
Louise Sinclair

Labour Group (2)

Ray Harris
Wilf Mills

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 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 10 February 2005, and to authorise the Chairman to sign them.

4 STANDARDS COMMITTEE: ROLE AND NUMBER OF INDEPENDENT MEMBERS – further report

5 COUNCIL PROCEDURE RULES – Council timetable: further report

6 APPOINTMENTS TO OTHER ORGANISATIONS, 2004/05 - further report

7 OVERVIEW AND SCRUTINY REVIEW - proposals for change

Report to follow when available

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.

Stephen Evans
Chief Executive

Governance Committee, 10 February 2005

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
10 February 2005 (7.30pm – 9:10pm)**

Present:

COUNCILLORS:

Conservative Group Frederick Thompson (in the Chair), Eric Munday, Roger Ramsey and +Geoff Starns

Residents' Group Ivor Cameron, +Linda Hawthorn and Barbara Reith

Labour Group Ray Harris and Wilf Mils

+ Substitute Member: Councillors Linda Hawthorn (for Louise Sinclair)

Apologies were received for the absence of Councillor Louise Sinclair

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

No Member declared an interest in any of the business before the Committee

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

34 MINUTES

The Minutes of the meeting of the Committee held on 25 November 2004 were approved as a correct record and signed by the Chairman.

35 AMENDMENTS TO THE CONSTITUTION

The Constitution provided that (apart from in limited circumstances, where the Monitoring Officer could make consequential amendments) only the Council could exercise the function of adopting and changing the Constitution.

Part 3 Section 1 paragraph 1.2 of the Constitution provided that this Committee would, among other things, make recommendations to the Council about amending the Constitution.

Continuous consideration of the operation of Constitution had revealed some more areas where alterations/amendments required review and upon which Member decision was needed.

RESOLVED:

To **RECOMMEND** to the Council that the various amendments to the Constitution set out in Appendix 1 to these minutes be approved.

36 AMENDMENTS TO THE CONSTITUTION - made by the Monitoring Officer

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted the amendments made by her and published in Notification 15 (as set out in Appendix 2 to these minutes).

37 APPOINTMENTS TO OTHER ORGANISATIONS, 2004/05 - further report

Details were submitted of the need for an appointment to be made to another organisation. The Committee was advised that the Council's membership of the Local Government Information Unit (LGIU) was now to continue until at least the end of 2007 and that, accordingly, a representative could be appointed to serve on its management body.

The Committee noted also that Age Concern: Greater London no longer required local authority representation and that the Carers' Panel had been abolished.

RESOLVED:

That Councillors Martin Smith be appointed to the managing body of the LGIU.

38 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 names of further prospective governors identified by the panel were now submitted for approval.

RESOLVED:

That the persons listed in Appendix 3 to these minutes be appointed to the governing bodies of the schools indicated.

39 STANDARDS COMMITTEE: ROLE AND NUMBER OF INDEPENDENT MEMBERS

The Committee considered a report that had also been considered by the Standards Committee, proposing changes in the membership structure of that Committee. It was noted that the Standards Committee had agreed to recommend that

- (a) it be re-formed with a membership of 1:1:1 and 4 Independent Members, with Independent Members as Chairman and Vice-Chairman; and
- (b) Independent Members be appointed for an initial term of two years for two Members and four years for two Members so that all appointments would not cease together and that all the Independent Members be permitted to apply for a further term of four years upon expiry of a term.

Following discussion, however, Members concluded that, before a change could be recommended to Council, further consideration of a number of background issues was needed and agreed, therefore, to defer consideration of the matter to the next meeting of the Committee.

40 CORPORATE GOVERNANCE ARRANGEMENTS IN HAVERING

The Committee received and noted a report setting out the progress made to date on the Improvement Plan for Corporate Governance.

41 AUDIT REPORT – COUNCIL CONSTITUTION

Members were pleased to note that Internal Audit had recently completed an audit of the Council's Constitution. The audit had not revealed any significant issues and an unqualified audit opinion had been given as a strong control environment operated in Legal & Democratic Services with regard to the administration of the Council's constitution.

42 **COUNCIL AND BUDGET FRAMEWORK PROCEDURE RULES**

The Constitution had been drafted in the Spring of 2002 and at the time it was recognised that there was insufficient time to re-draft all the then current Council rules and protocols. Accordingly some of these were inserted within the Constitution as then drafted.

Over the last two years, gradually those rules and protocols had been replaced and the report submitted proposed new, updated Council Procedure Rules, which were intended to replace those currently in use.

Since 2002 Consideration had also been given to the construction of the Budget Framework Procedure Rules and it was felt that these were unduly restrictive and accordingly fresh rules have been drafted to replace those within the Constitution.

The Committee was now invited to approve the proposed revised rules.

In course of discussion, Members referred to the Council agenda timetable for the submission of motions and amendments and it was agreed that consideration of that specific issue be deferred to the next meeting.

RESOLVED:

- 1 That, subject to 2 following, the Committee **RECOMMEND** to Council that the revised Council Procedure Rules and Budget Framework Procedure Rules set out in Appendices 4A and 4B respectively be approved.
- 2 That the Committee consider further at the next meeting the timetable for the submission of motions and amendments to Council.

43 **NINTH LONDON LOCAL AUTHORITIES BILL – second resolution**

With the agreement of the Chairman, pursuant to Section 100B(4) of the Local Government Act 1972, a report was submitted as an urgent matter, to enable recommendations to be made to the Council in compliance with the parliamentary timetable for private bills.

This report deals with the promotion of the current London Local Authorities Bills. Council had agreed to support the initial Bill and the procedures now required the passing of a second resolution to confirm that support. It was noted that, since the initial resolution was passed, for practical purposes the originally single Bill had been separated in to three Bills, which together covered all of the proposals included in the original Bill.

RESOLVED:

To **RECOMMEND** to the Council that the following resolution in connection with the approval of the London Local Authorities Bills promoted by Westminster as set out below –

“RESOLVED

“that the Resolution of this Council passed at a Meeting of the Council held on 13 October 2004 to promote a Bill in the present Session of Parliament, pursuant to which the Bills intituled “A Bill to confer further powers upon local authorities in London; and for related purposes”; “A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes” and “A Bill to provide for the prohibition of smoking in places of work in Greater London” have been deposited in Parliament, be and the same is hereby confirmed.”

**APPENDIX 1
(Minute 35)****1. Party Whip**

See: Part 2, Article 13

Insert a new paragraph 13.09 in of the Constitution as follows:

13.09 Party Whip

There shall be no Party Whip at meetings of the Regulatory Services Committee when it is determining planning matters; Overview & Scrutiny Committee; the Standards Committee when it is conducting hearings; the Licensing Committee when it is determining licences and conducting hearings and any other committees where the committee meets to determine applications, hearings, appointments or acts in any quasi judicial matter.

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

A consequential amendment to the Standards Committee's terms of reference is required as follows:

See: Part 2 Article 8 and Part 3 Section 1

Amend the last bullet point under the Standards Committee's terms of reference (General in respect of Part 2, Section 1)

- hearing, determining and reporting upon any matters relating to breach of the ~~Overview and Scrutiny Procedure~~ Rules regarding the Party Whip set out in Article 13.09 including the application of relevant and permitted sanctions

2. Regulation of Investigatory Powers Act 2000

See: Part 3, Section 3, paragraph 19

Amend as follows:

19. The Principal Officer (Operations) Trading Standards 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.

3. Consequent upon the Internal Audit Report on the Constitution

(i) *See: Article 9.02*

Delete the words 'the Mayor' from the first bullet point.

(ii) *See: Part 4, Section 6, paragraph 1(b)*

Amend as follows:

1 (b) Delegation by the Leader

~~At the annual meeting of the Council, The Leader will notify the Proper Officer in writing of present to the Council a written record of delegations made by him or her for inclusion in Part 3 of this constitution. The document presented by the Leader will also contain, in so far as is practicable, the following information about executive functions in relation to the coming year:~~

- ~~(i) the names, addresses and wards of the people appointed to the Cabinet by the Council~~
- (ii) the extent of any authority delegated to individual Cabinet members, including details of the limitation on their authority and the allocation of any portfolio
- ~~(iii) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year~~
- ~~(iv) the nature and extent of any delegation to staff with details of any limitation on that delegation, and the title of the member of staff to whom the delegation is made.~~

~~Where it is not possible for the Leader to present the information listed in (i) to (iv) above at the annual meeting, the information must be presented at the Council meeting immediately subsequent to the annual meeting.~~

4. Gas and Electricity Supply Contracts

See Part 3, Section 3

Insert new paragraph 3.6.1.3

3. To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.

5. Overview & Scrutiny

See: Part 2, Article 6

- (i) Insert under Area of Responsibility for Environmental Overview and Scrutiny Committee, further bullet points
- Regulatory Services
 - Licensing functions
- (ii) Insert a new sentence at the end of 6.03 (b)(i)

The substance of individual decisions made in respect of planning, enforcement and licensing matters will not be subject to scrutiny.

6 Executive Decisions by Individual Cabinet Members and Key Decisions by Members of Staff

See: Part 4, Section 1

Add new paragraph 20(d)

20(d) Procedure for individual decision

The record of the decision referred to in paragraph 20(c) above shall be made by completing Form A for a decision by a Cabinet Member and Form B for a key decision by a member of staff and by sending a copy of

the signed decision to the Proper Officer. Notification of the decision will be included in Calendar Brief and an electronic copy made available on the Intranet and Internet.

7 “Chairman’s Decisions”

See: Part 4, Section 1

Insert a new paragraph 23.

23 Decisions taken by an officer following consultation with the Chairman of the relevant committee (“Chairman’s Decision”)

An officer may make a non-executive decision after consultation with the Chairman of a Committee to deal with

- Comparatively minor issues that nonetheless require Member level input
- Settling details once the Committee has approved an issue in principle
- Issues of such genuine urgency that there is not sufficient time to convene a meeting of the full committee

Issues which are within the terms of reference of the Committee concerned

Such a decision is not subject to call-in; may be acted on as soon as it is signed; will be notified to members by way of Calendar Brief and can be made by the completion and signature of the Consultation with Chairman form.

**APPENDIX 2
(Minute 36)****Notification No. 15****Date 7th January 2005****Notification of amendments to the constitution****Amendments made by the Monitoring Officer**

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

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

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 2, Article 8	22	Amend number of Councillors on Audit Committee from 5 to <u>6</u>	Correcting Error
Part 2, Article 8.01 Part 3, Article 1.2	24 & 56	Amend existing entry for Licensing Committee Licensing <u>13</u> Councillors <ul style="list-style-type: none"> • Until the Licensing Act 2003 is brought into force, to determine applications for licences and registration under Schedule 1 to the regulations not otherwise dealt with • When the Licensing Act 2003 comes into force, (1) to exercise the functions required by the Licensing Act 2003 to be carried out by the Committee and (2) to determine applications for licences and registration under Schedule 1 to the regulations not otherwise dealt with 	To comply with Legal requirement
Part 2, Article 8	25	Add at the end of 8.01 <u>Committee membership and functions are set out in greater detail in Part 3, Section 1</u>	Correcting Error
Part 2, Article 8.02	26	Amend existing entry for Hearings Panel by adding an additional bullet point under Purpose <ul style="list-style-type: none"> • <u>Complaints made under the Freedom of Information Act 2000 about refusal of access to information</u> 	To comply with legal requirement
Part 3, Article 1.2	57	Amend existing entry for Hearings Panel by adding	To comply with

Governance Committee, 10 February 2005

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		<p>immediately before "Hearings under certain housing legislation"</p> <p>3 members of the principal committee <u>Freedom of information hearings</u> <u>Complaints made under the Freedom of Information Act 2000 about refusal of access to information</u></p>	legal requirement
Part 3, Section 3, section 3.11 and 3.11.2	124 and 127	<p>Insert under 3.11 and as a new paragraph 23 under 3.11.2</p> <p><u>The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.</u></p> <p>Renumber paragraph 23 and 24, nos 24 and 25</p>	To comply with Legal requirement
Part 3, Section 4	131	<p>After paragraph 14 insert</p> <p><u>14A</u> <u>Functions relating to Licensing – Sections 5-8 of the Licensing Act 2003</u> <u>Head of Environmental Management and Regulation:</u> <u>Licensing Committee:</u> <u>Council as appropriate</u></p>	To comply with Legal requirement
Part 3, Section 4	133	<p>After paragraph 46 insert</p> <p><u>46A</u> <u>Power to grant permission for provision etc.. of services, amenities, recreation and refreshment facilities on highways and related powers – Section 115E, 115F & 115K of the Highways Act 1980</u> <u>Head of Streetcare Services with reference as above</u></p>	To comply with Legal requirement
Part 3, Section 4	139	After paragraph 47 insert	To comply with Legal

Governance Committee, 10 February 2005

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		<u>47A</u> <u>Duty to publish notice in respect to a proposal to grant permission under Section 115E of the Highways Act 1980</u> <u>Head of Streetcare Services with reference as above</u>	requirement
Part 3, Section 4	139	After paragraph 30 insert <u>30A</u> <u>Power to authorise stopping up or diversion of the highway under Section 247 of the Town and Country Planning Act 1990</u> <u>Regulatory Services Committee</u>	To comply with Legal requirement
Part 3, Section 4	140	After paragraph 44 insert <u>44A</u> <u>Duty to provide staff, etc. to person nominated by the Monitoring Officer – Section 82A (4) and (5) of the Local Government Act 2000</u> <u>Council</u> <u>44B</u> <u>Power relating to Overview and Scrutiny Committees (voting rights of co-opted members). Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000</u> <u>Council</u>	To comply with Legal requirement
Part 3, Section 5	141	For the functions in paragraph 3 to 5 substitute the following. <u>3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools</u> <u>4. The making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)</u>	To comply with Legal requirement

Governance Committee, 10 February 2005

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		<u>5. The making of arrangements pursuant to Section 95(2) of the School Standards and Framework Act 1998 (Children to whom Section 87 applies): appeals by governing bodies</u>	
Part 3, Section 6	148	Under the heading Local Government and Housing Act 1989 delete Democratic Services Manager and insert <u>Assistant Chief Executive Human Resources</u>	Correcting Error
Part 3, section 7	154	Delete reference to Andrew Curtin from the list of Cabinet Members and insert Georgina Galpin in its place	Correcting Amendment

**APPENDIX 3
(Minute 38)****Appointment of LEA Governors****Reappointments**

School	Name of Candidate
Engayne	Mrs D. Jenkin
Engayne	Mr D. Jones
Scargill Infant	Mrs J. Mitchell
Towers Infant	Mr S. Robinson
St Ursula's Infant	Mr R. Thompson
Newtons Primary	Ms E. Maclean
Newtons Primary	Mrs R. Blackburn
Towers Infant	Mr P. Cockling

Applications

School	Name of Candidate
Dunningford Primary	Mrs M. Breading
Parsonage Farm Primary	Mr S. Chiddicks

Re-appointment

School	Name of Candidate
Engayne	Mrs D. Jenkin
Engayne	Mr D. Jones

**APPENDIX 4
(Minute 42)****A. COUNCIL PROCEDURE RULES**

1. Questions by members
2. Motions on notice
3. Motions without notice
4. Rules of debate
5. State of the area debate
6. Previous decision and motions
7. Voting
8. Minutes
9. Exclusion of public
10. Members' conduct
11. Disturbance by the public
12. Suspension and amendment of Council Procedure Rules
13. Audio-Visual aids
14. Recording of proceedings
15. Petitions
16. Sealing documents
17. Inspection of lands and premises
18. Interpretation

ANNUAL MEETING OF THE COUNCIL

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

Governance Committee, 10 February 2005

The annual meeting will:

- (i) choose a person to preside if the Mayor is not present and to receive apologies for absence;
- (ii) elect the Mayor of the Council and receive notice of the appointment of the Deputy Mayor;
- (iii) approve the minutes of the last meeting and of any extraordinary meeting;
- (iv) receive any announcements from the Mayor and/or Chief Executive;
- (v) elect the Leader of the Council;
- (vi) elect the Deputy Leader of the Council;
- (vii) elect a Cabinet of up to nine members;
- (viii) appoint the overview and scrutiny committees, the area committees, a Standards Committee and any other such committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint (other than for area committees) their Chairmen and Vice Chairmen and; appoint three Champions, one for Elderly Persons, one for Younger Persons and one for Diversity.
- (ix) receive any statement by (or on behalf of) the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough;
- (x) deal with any consequential or other amendments to Rules, delegations or powers and duties, financial regulations, or the scheme for the payment of allowances to members that may only be determined by the Council;
- (xi) consider any business set out in the notice convening the meeting relating to policy or budgetary matters.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) choose a person to preside if the Mayor is absent and to receive apologies for absence;
- (ii) approve the minutes of the last meeting and of any extraordinary meeting;
- (iii) receive any declarations of interest from members;

Governance Committee, 10 February 2005

- (iv) receive any announcements from the Mayor or the Leader of the Council (or the Chief Executive);
- (v) receive any petitions pursuant to rule 24
- (vi) receive recommendations from the Cabinet and the Council's committees;
- (vii) receive any reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
- (viii) consider proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees and the Champions for debate;
- (ix) consider any statutory or other plans submitted for the Council's approval;
- (x) consider questions from members submitted in accordance with Rule 10;
- (xi) consider motions submitted in accordance with the procedure set out in Rule 11;
- (xii) consider any other business specified in the summons to the meeting;
- (xiii) at the first ordinary meeting in the Municipal year the Council will receive reports for the previous year from the Overview and Scrutiny Committee Chairmen and from the Champions
- (xiv) at the last ordinary meeting in the Municipal year to approve a programme of ordinary meetings of the Council for the year;

3. COUNCIL TAX SETTING MEETING

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

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

- (vi) to set the council tax.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

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

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

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor when the meeting is convened.

4.2 Business

The extraordinary meeting will :

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

5. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at the Town Hall and begin at 7.30 p.m. unless the Mayor has determined otherwise and the change is notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

- (i) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by the Client Executive by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- (ii) The Proper Officer shall publish:

Governance Committee, 10 February 2005

- (a) not fewer than 13 clear days before a meeting (other than an extraordinary meeting), an initial agenda for the meeting summoning members to attend it, giving notice of such business as seems likely to be before the Council and providing a timetable for the submission of motions and amendments and the proposal of any other business
 - (b) not fewer than 9 clear days before a meeting (other than an extraordinary meeting), a revised agenda for the meeting, amending the initial agenda to take account of business becoming available following the publication of the initial agenda
 - (c) not fewer than 6 clear days before a meeting (including an extraordinary meeting), a final agenda incorporating the initial and revised agendas and any further business accepted on to the agenda.
- (iii) Subject to the provisions of Part VA (Access to Meetings and Documents etc) of the Local Government Act 1972, the Chief Executive may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

7. CHAIRMAN OF MEETING

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

8. QUORUM

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

9. DURATION OF THE MEETING

9.1 Conclusion of meeting

- (i) if at any time between 10.00 p.m. and 10.30 p.m. the Mayor believes that an item could not properly be considered in the time available, the Mayor has discretion not to take an item, or to modify the length of speeches and general debate in respect of any item. In the case of an item already being debated, the Mayor has discretion to modify the length of speeches or reduce the number of speakers.
- (ii) the business of the meeting will continue at 10.30 p.m. until the end of the debate then in progress. At that point the Mayor will call for the vote immediately on the items remaining. The vote will then be taken in the usual way on the remaining items without any further discussion unless a procedural motion is passed to suspend standing orders to extend the time of the meeting prior to the Mayor calling for vote only.
- (iii) in the event of an adjournment of any meeting of the Council being necessary such an adjournment shall be to a date to be fixed by the Council, and in the event of no date being fixed then on a date to be fixed by the Mayor.

9.2 Motions and recommendations not dealt with

Subject to 9.1 above if there are other motions or recommendations on the agenda that have not been dealt with by 10.30 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

9.3 Motions which may be moved

During the process set out in Rules 9.1 – 9.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.4 Close of the meeting

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

10. QUESTIONS BY MEMBERS

10.1 Questions on notice at full Council

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

- (i) The Leader

Governance Committee, 10 February 2005

- (ii) A member of the Cabinet
- (iii) Any Chairman in receipt of a Special Responsibility Allowance
- (iv) A Champion

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

10.2 Notice of questions

Members may only ask questions under Rule 10.1 if either:

- (i) they have given at least 8 clear days notice in writing of the question to the Proper Officer signed by the member or by the Group Leader on behalf of the member; or
- (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances have been given and the Mayor accepts the question before the start of the meeting.

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

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

10.5 Response

An answer may take the form of:

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

10.6 Supplementary question

A member asking a question may ask one supplementary question without notice, of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. If that member does not wish to ask a supplementary question then one other member only may do so. There shall be no discussion or debate on any question. Members must

Governance Committee, 10 February 2005

phrase questions appropriately and not seek to make a statement.

10.7 Time for questions

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

10.8 Absence of questioner

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

10.9 Alteration of question

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

10.10 Withdrawal of question

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

10.11 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.

Governance Committee, 10 February 2005

Note: the timescales referred to in section 11 are subject to further consideration by the Committee at its next meeting.

11. MOTIONS ON NOTICE**11.1 Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 13 clear days before the date of the meeting. These motions will be available for public inspection.

11.2 If a member satisfies the Mayor that:

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

the motion may be moved as an emergency motion at the meeting notwithstanding that due notice may not have been given.

11.3 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received and subject to that in the order for which the group submitting the motions express a preference.

11.4 Scope

- (i) Motions must be about matters for which the Council has a responsibility or which affect the area
- (ii) The Proper Officer shall refer to the Mayor any notice of motion or amendment which appears either improper, vexatious, frivolous, derogatory, contrary to any code, protocol, guidelines, convention or which does not relate to the business of the Council or which is otherwise improper or inappropriate. If the Mayor agrees, it shall not be included in the summons and the Proper Officer shall inform the mover accordingly.
- (iii) The Proper Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or

Governance Committee, 10 February 2005

amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer, the Mayor and Monitoring Officer prior to the meeting to clarify, correct, or make sense of the particular wording. If the Proper Officer exercises this power then notice of the motion/amendment with wording as amended shall be given to all members.

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

12. MOTIONS WITHOUT NOTICE

12.1 The following motions may be moved without notice:

- (i) in relation to the accuracy of the minutes
- (ii) to change the order of business in the agenda
- (iii) to refer something to an appropriate body or individual;
- (iv) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (v) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vi) to withdraw a motion;
- (vii) to amend or alter a motion/or amendment ;
- (viii) to proceed to the next business;
- (ix) that the question be now put;
- (x) to adjourn a debate;
- (xi) to adjourn a meeting;
- (xii) that the meeting continue beyond 10.30 p.m.
- (xiii) to suspend a particular council procedure rule;
- (xiv) to exclude the public and press in accordance with the Access to Information Rules;
- (xv) to not hear further a member named or to exclude them from the meeting under or that a member remain under Rule 19;

Governance Committee, 10 February 2005

- (xvi) to give the consent of the Council where its consent is required by this Constitution.
- (xvii) that the time limit for speeches or addresses be extended
- 12.2 Any procedural motion shall be moved, seconded and voted upon without debate.
- 12.3 A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move:
- (i) "That the question be put", or
 - (ii) "That the debate be adjourned", or
 - (iii) "That the Council proceed to the next business", or
 - (iv) "That the Council adjourn".

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

- in case (i): the rights of reply given by Rule 13.12 may be exercised. The motion before the meeting shall then be put to the vote, or
- in case (ii): the debate in progress shall stand adjourned until the next ordinary meeting of the Council, or
- in case (iii): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- in case (iv): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (iii)

13. RULES OF DEBATE**13.1 No speeches until motion seconded**

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

13.2 Right to require motion in writing

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

13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

13.4 Content and length of speeches

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

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

13.5 When a member may speak again

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

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

Note: the timescales referred to in section 113.6 are subject to further consideration by the Committee at its next meeting.

13.6 Amendments to motions

Notice of amendment to a motion (other than an emergency motion) must be signed by at least two members or by the Leader or Secretary of the Group and must be delivered to the Proper Officer at least 8 clear days before the date of the meeting. An amendment to an emergency motion may be proposed without notice at any time before the debate on it is concluded.

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

13.8 (i) An amendment to a motion must be relevant to the motion and will either

Governance Committee, 10 February 2005

be:

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

As long as the effect of (b) to (d) is not to negate the motion.

- (ii) Only one amendment may be moved and discussed at any one time and they shall be moved in the order in which they were received. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (iii) If an amendment is not carried, other amendments to the original motion may be moved.
 - (iv) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which any further amendments are moved.
 - (v) After an amendment has been carried, the Mayor may read out or require the amended motion to be read out before accepting any further amendments, or if there is none, put it to the vote.
 - (vi) Any amendment proposed at the meeting to set the council tax and budget must be specified in sufficient detail to show the service, financial and staffing effects of any proposals in order that staff may report to the Council on the likely effect of the amendment, upon the budget.
- 13.9 Amendments to any reports before Council shall be submitted to the Proper Officer within the following deadlines:
- (i) reports issued with the initial and revised agenda, within 6 clear days of the date of the revised agenda;
 - (a) reports issued with the final agenda and not on the Initial or revised agenda, by midnight on the Monday before the meeting.
 - (b) If the Monday is a Bank Holiday the time limit will be extended to noon on the Tuesday before the meeting.
 - (ii) Notice of amendment to a motion (other than an emergency motion or a motion/report on the annual Council tax setting) must be given to the Chief Executive at least eight clear days before the meeting at which the

motion/report proposed for amendment is to be debated. An amendment to an emergency motion may be proposed without notice at any time before the debate on it is concluded. An amendment to a motion/report on the annual Council tax setting must be submitted to the Chief Executive no later than midnight on the Monday before the Council tax setting meeting, and must be such that the amendment would, if passed, enable a robust budget to be set in the view of the Chief Financial Officer¹.

13.10 Alteration of motion and/or amendment

- (i) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity;
- (ii) A member may alter a motion or amendment of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
- (iii) A member may alter a motion or amendment which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion;
- (iv) Only alterations which could be made as an amendment may be made;
- (v) No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.
- (iv) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

13.11 Withdrawal of motion

A member may withdraw a motion or amendment which he has moved. No member may speak on the motion or amendment after the mover has withdrawn it.

¹ As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Section 151 Officer.

13.12 Right of reply

At the close of each debate upon a motion, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (i) the Leader of the Group by which the motion was proposed (if not the Leader of the Council or the Leader of the Opposition)
- (ii) the Leader of the Opposition
- (iii) the Leader of the Council.

In each case, the appropriate Leader may nominate another member to reply on his behalf.

13.13 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend or alter a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond 10.30 p.m.;
- (viii) to exclude the public and press in accordance with the Access to Information Rules;
- (ix) to not hear further a member named or to exclude them from the meeting under Rule 19.

13.14 Point of order

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

13.15 **Personal explanation**

A member may make a personal explanation at any time during the course of a speech if he has been referred to by name but may not pursue it if the member speaking declines to give way. A personal explanation may only relate to some material part of an earlier speech by the member, which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation and time allowed for any personal explanation will be final.

13.16 **Point of Information**

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

14. **STATE OF THE AREA DEBATE**

14.1 **Calling of debate**

The Leader may call a state of the area debate once in any year on a date and in a form to be agreed by the Governance Committee.

14.2 **Form of debate**

The form of the debate and the rules of Procedure will be as agreed by Governance Committee and will be with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the area debate.

14.3 **Chairing of debate**

The debate will be chaired by the Mayor.

14.4 **Results of debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisation in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

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

15.2 Motion similar to one previously rejected

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

16. VOTING

16.1 Majority

Any matter will be decided by a simple majority of those members voting and present in the room at the time the question is put. All votes taken in consequence of a division shall be recorded. This rule shall not be suspended.

16.2 Chairman's casting vote

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

16.3 Right to require individual vote to be recorded

At Council all votes are recorded. In so far as these rules apply to Committees of the Council, where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.4 Voting on appointments

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

17. MINUTES

17.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy. This rule shall not be suspended

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This rule shall not be suspended.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

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

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Act and the Rules set out in Part 4 Section 1 of this Constitution or Rule 20. (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 Standing to speak

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

Governance Committee, 10 February 2005

explanation or to a point of order or upon a point of information.

- (iii) Members have qualified privilege in respect of defamation at Council meetings. They should not abuse their privilege to make personal attacks on individuals. Officers at Council meetings are not expected to criticise a member's personal conduct, judgement or ability. Members for their part should not criticise an officer personally at such a meeting. The Mayor and other members at the meeting would be expected to take this into account in conducting the meeting.

19.2 Member not to be heard further

- (i) If the Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor or any other member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the motion is carried, the member named shall immediately be seated and be silent.

19.3 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.4 Rule 19.2 and 19.3 shall not be suspended.

20. DISTURBANCE BY THE PUBLIC**20.1 Removal of member of the public**

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

20.2 Clearance of part of meeting room

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

20.3 General disturbance

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

Governance Committee, 10 February 2005

20.4 Rules 20.1 to 20.3 shall not be suspended.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except those rules noted as not being capable of suspension may be suspended by motion without notice. Suspension can only be for the duration of the meeting.

21.2 Amendment

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

21.3 Participation by invited speakers

- (a) At an ordinary meeting (other than the annual meeting or the meeting at which the council tax is set) the Mayor or Leader of the Council may arrange for one or more persons to address the Council. Notice of the arrangement shall be given at least fourteen clear days in advance to the Chief Executive so that reference to the address and its subject may appear on the agenda.
- (b) The address shall appear on the agenda as an item to be taken immediately before any report or motion to which it relates or, if unrelated to any particular item at an ordinary meeting, shall be taken immediately after questions have been answered.
- (c) No address under these paragraphs shall exceed twenty minutes (or such other period as may be agreed by procedural motion at the meeting). While it is being given, the person concerned shall be entitled to speak without interruption.
- (d) Where an address relates to a matter which is the subject of a motion before the Council, it may be given before the motion is moved and seconded.
- (e) Unless otherwise agreed by the Council for the specific occasion, no question shall be asked of a person addressing the Council and no discussion shall be entered into with that person.

22. AUDIO-VISUAL AIDS

- 22.1 A member, or staff invited to address the Council may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of

Governance Committee, 10 February 2005

such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

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

23. RECORDING OF PROCEEDINGS

- 23.1 The Mayor may consent to an outside organisation making an audio-visual record (including a radio or television broadcast) of any particular meeting (but not so as to permit the recording or broadcast of any confidential or exempt information).
- 23.2 An audio-visual record will ordinarily be made of each meeting of the Council.

24. PETITIONS

- 24.1 Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 8 clear days before the meeting.
- 24.2 There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.
- 24.3 Any petitions received by the Mayor at Council or at any other time will be referred to the appropriate Head of Service for action or report through the appropriate decision-making machinery of the Council.

25. SEALING DOCUMENTS**25.1 Authority to seal**

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

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

List A	List B
Mayor	Chief Executive
Deputy Mayor	An Executive Director
	Assistant Chief Executive Legal & Democratic Services
	A Legal Manager

25.2 Urgent attestations

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

25.3 Signing documents

Where any document will be a necessary step in legal proceedings on behalf of the Council then, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, it must be signed by the Chief Executive (or on behalf of the Chief Executive by another of the signatories shown in list B above).

26. INSPECTION OF LANDS AND PREMISES

- 26.1 No member may enter upon or inspect any land or premises that the Council has a right or duty to inspect, without prior authority from the Council.
- 26.2 No member shall issue an order in respect of works being carried by, or on behalf of, the Council.

27. INTERPRETATION

For the purposes of the Council Procedure Rules:

- (a) the term “clear days” excludes from the period the day on which notice is to be given and the day of the meeting and it refers to working days only
- (b) “Proper Officer” shall include, if the Chief Executive is absent or unable to act, reference to any Executive Director or the Assistant Chief Executive Legal & Democratic Services who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) “Group” means any Group of members constituted under the statutory rules for political balance

Governance Committee, 10 February 2005

- (d) "Group Leader" means the member notified to the Proper Officer as leader of a Group
- (e) "Deputy Group Leader" means "the other authorised representative" of the group
- (f) "Group Secretary" means the member notified to the Proper Officer as holding that office within the Group
- (g) "Leader of the Council" means the Leader of the administration
- (h) "Leader of the Opposition" means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
 - (a) any notice required be given in writing may validly be given by paper, fax or e-mail provided that the e-mail is from an address recognisably that of the person giving notice or known to be associated with him or her.
 - (b) any document required to be served upon the Chief Executive may be handed to the Democratic Services Manager or a member of his staff
 - (c) any document required to be served upon the Mayor may be handed to the Chief Executive or the Democratic Services Manager or a member of his staff on behalf of the Mayor.
 - (d) Any document handed to the Chief Executive, Democratic Services Manager or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
 - (e) Where more than one signature is required, then e-mails conforming to (i) (a) above from any member from a recognisable e-mail address or one known to be associated with him or her shall be accepted.

B. Budget Framework Procedure Rules

1. (a) Framework for executive decisions

The Council will be responsible for the adoption of its budget. Following approval of the budget, it will be the responsibility of the Cabinet to implement it

(b) Definition of budget

For the purpose of rules 4 – 8 the budget shall not include non specific earmarked reserves and balances

2. Process for developing and approving budget framework

The process for developing and approving the budget framework is:

- (a) By no later than 31 July, the Cabinet will publish its initial prospects in respect of the budget for the forthcoming year and intended strategy for the following two years.

A timetable for Council approving the council tax for the forthcoming year is set out in Appendix A to these rules.

The Cabinet's strategy shall be referred to the Corporate Overview and Scrutiny committee for advice and consideration, alongside the Corporate Development Plan.

- (b) Having considered the comments from the Corporate Overview and Scrutiny committee the Cabinet, if it considers it appropriate, may amend its strategy before submitting it to Council by October. The Cabinet will also report on how it has taken into account any recommendations from the Corporate Overview and Scrutiny committee.
- (c) After liaising with Senior Officers, the Cabinet will consider and recommend budget proposals for consultation in accordance with the timescales set out in Appendix A. The Cabinet's proposals shall be referred to the Overview and Scrutiny Committees and Area Committees for advice and consideration.
- (d) The Cabinet will then consider the proposals before making recommendations to Council. The Cabinet will also report on how it has taken into account any recommendations from the overview and scrutiny committees, area committees and local stakeholders.
- (e) The Council will consider the proposals of the Cabinet and may adopt them, refer them back to the Cabinet or substitute its own proposals in their place, provided always that where Council wishes to substitute its own

Governance Committee, 10 February 2005

proposals it follows the procedure set out in rule 3(a) to (c) below where that procedure applies.

3 Process for approving the Budget

- (a) Subject to rule 3(e), where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:
- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992
 - (ii) estimates of other amounts to be used for the purposes of such a calculation
 - (iii) estimates of such a calculation, or
 - (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in rule 3(b).

- (b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in rule 3(a)(i), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him or her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (c) Where the Council gives instructions in accordance with rule 3(b), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration, or
 - (ii) inform the Council of any disagreement that the Cabinet has with any of

Governance Committee, 10 February 2005

the Council's objections and the Cabinet's reasons for any such disagreement.

(d) When the period specified by the Council, referred to in rule 3(c), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in rule 3(a)(i), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts
- (ii) the Cabinet's reasons for those amendments
- (iii) any disagreement that the Cabinet has with any of the Council's objections
- (iv) the Cabinet's reasons for that disagreement

which the Leader submitted to the Council, or informed the Council of, within the period specified.

(e) Rules 3(a) to (d) shall not apply in relation to:

- (i) calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992
- (ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

4 Decisions outside the approved budget

- (a) Subject to the virement provisions, the Cabinet, staff, area committees or joint arrangements discharging executive functions may make decisions resulting in expenditure commitments only where they are within the approved budget.
- (b) Subject to 4 or 5 below, if the Cabinet, staff, area committees or joint arrangements discharging executive functions wish to make a decision which results in expenditure commitments outside the approved budget, then that decision can only be made by the Council.
- (c) If the Cabinet, staff or area committees want to make a decision which potentially is contrary to or not wholly in accordance with the approved

budget, they must take advice from the Chief Finance Officer. If the advice from this officer is that the decision is contrary to or not wholly in accordance with the approved budget then the decision must be referred to Council for decision, unless the decision is a matter of urgency, in which case paragraph 5 shall apply (urgent decisions outside the budget).

5 Urgent decisions outside the budget

- (a) Having consulted with the Chief Finance Officer, the Cabinet and authorised members of staff may take a decision which is contrary to or not wholly in accordance with the budget if the decision is a matter of urgency.

However, the decision may only be taken if:

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

6 Virement

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

- (a) There are no delegated powers to members to change budgets.
- (b) No member of staff has the authority to enter into expenditure commitments above the approved budget.
- (c) If, at any stage, there appears to be a significant (above £25,000) difference between anticipated actual expenditure or income and the budget, virement should be exercised within the service to resolve the issue.
- (d) Where the apparent overspend cannot be resolved within the service, the Head of Financial Services must be consulted immediately in order to consider what actions are necessary.

Revenue Virements

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

Capital virements

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

Section 2

Both Capital and Revenue virements

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

7 (a) In year changes to budget

Decisions by the Cabinet, staff, area committees or joint arrangements exercising executive functions can discharge only those executive functions that are within the approved budget. No changes to the approved budget, except within the scheme of virement set out at 6 above, can be made unless approved by the Council.

(b) Use of contingency funds

- (i) The Executive Director Finance & Planning may set up a central revenue contingency fund. There will only be one such fund for the entire Council.
- (ii) The Executive Director Finance & Planning is authorised to release sums from the contingency if
- the amounts are not greater than £25,000 and the item is deemed by her as unforeseen and a relevant use of the contingency
 - where an item of expenditure has been approved by members subject to confirmation of the amounts involved
 - if the item is urgent (e.g. an emergency or threat to life) and there is insufficient time to consult with the Cabinet Member Finance
- (iii) The Cabinet Member Finance on a Cabinet Member Protocol can release all other sums from the contingency if
- the item is deemed by the Executive Director Finance & Planning as unforeseen and a relevant use of the contingency
 - in consultation with the Executive Director Finance & Planning if the item is urgent (e.g. an emergency or threat to life)
- (iii) The Chief Executive has power to incur expenditure from the Contingency fund without any further approval in exercise of his

Governance Committee, 10 February 2005

powers under paragraph 3.2 of part 3 of the Constitution to incur expenditure in connection with an emergency or disaster within the borough.

- (iv) The Executive Director Finance and Planning will also provide for a level of contingency for capital projects and sums will be released in accordance with the capital virement rules.

(c) Future year's commitments to budget

- (i) Cabinet has delegated authority to make individual future years' commitments not provided for within the budget up to a total of £500,000 per financial year subject:
- to information being included within the first available monthly Member Information pack following the decision which will show a cumulative review of decisions on future spending commitments made by Cabinet and Council respectively.
 - to a report to Council each year as part of the budget process setting out the individual sums
- (ii) Once the limit specified in (i) above is reached each and every item relating to commitments for future years needs the approval of Council
- (iii) Additional commitments that have been individually approved by the Council do not count towards the £500,000 limit for future year commitments but will be included in the yearly report referred to in (i) above.

(d) Closedown of Accounts

- (i) The Executive Director Finance and Planning will make arrangements to close the accounts in accordance with legislative arrangements, the overall strategy and her duties/powers as Chief Financial Officer
- (ii) The Cabinet Member Resources will consider and agree the setting up of any specific services earmarked reserves along with the arrangements for their use. **(NOTE: This requires a consequential amendment to Part 3, Section 2)**

8 Call-in decisions outside the budget framework

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the

Governance Committee, 10 February 2005

Chief Finance Officer who in appropriate cases will consult with the Head of Paid Service and the Monitoring Officer.

- (b) In respect of functions which are the responsibility of the Cabinet, the Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Chief Finance Officer concludes that the decision was a departure, and to the overview and scrutiny committee if the Chief Finance Officer concludes that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Chief Finance Officer is that the decision is contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting, the Council will receive a report of the decision or proposals and the advice of the Chief Finance Officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision taken as falling within the existing budget. In this case no further action is required, save that the decision of the Council must be minuted and circulated to all members in the normal way, or
 - (ii) amend the Council's budget to encompass the decision or proposal and agree to the decision or proposal with immediate effect. In this case, no further action is required save that the decision of the Council must be minuted and circulated to all members in the normal way, or
 - (iii) where the Council accepts that the decision or proposal is contrary to or not wholly in accordance with the budget, and does not amend the existing budget to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Chief Finance Officer who in appropriate cases will consult with the Head of Paid Service and the Monitoring Officer.

9 Advice to Group Leaders in Budget preparation

- (a) During preparation of the budget or alternative budgets prepared by the opposition leading to the Council Tax Setting meeting, the Council's Executive Director Finance & Planning and/or relevant finance staff designated by her will give group leaders and/or their nominated Members such advice and assistance as the Executive Director Finance & Planning deems appropriate in connection with the preparation of the budget or alternative budget.

Governance Committee, 10 February 2005

- (b) This information will be given in strictest confidence and staff will not copy other Members into the information. Members shall not share the paperwork or information provided outside the political group or outside the organisation.
- (c) The advice will specifically cover whether the proposals would allow the Chief Finance Officer to consider the budget to be balanced and the impact any proposals would have on Council balances in subsequent years.
- (d) The information will be treated as provided in the preparation of alternative budgets if provided with effect from 1st February up to and including the date of the Council Tax Setting Meeting, in any given year.

Appendix A

Financial framework: timetable for approving budget

- **November/early December**

The Cabinet will publish for advice and consideration with overview and scrutiny committees, area committees and local stakeholders as considered appropriate, detailed budget proposals.

- **January**

The overview and scrutiny committees, area committees and local stakeholders will respond to the Cabinet's proposals.

- **February**

In the light of comments from overview and scrutiny committees, area committees and local stakeholders and taking account of final Government announcements in respect of grant and borrowing allocations, the Cabinet will publish their recommended budget. The Cabinet's recommendations will include a scheme of virement to be exercised during the financial year in question.

- **By the statutory deadline**

Formal approval of the Council's budget, medium term financial plan and council tax, taking account of the notification of levies and receipts.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 March 2005	4

REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: Standards Committee: Role and number of Independent Members
– further report**

At the last meeting, the Committee deferred consideration of a report (and supplementary report) about the role and number of Independent Members on the Standards Committee, to this meeting. That report is now re-submitted, incorporating the Supplementary Report on the outcome of the Standards Committee's consideration of it, and with recommendations adjusted accordingly.

SUMMARY

It had been suggested by members of the Standards Committee that they consider whether the number of Independent Members on that Committee should be increased.

Now that the full Standards Committee has heard two matters regarding a breach of the Protocol on Probity in Planning and given the difficulties incurred in arranging adjourned meetings of the full committee, the Standards Committee was invited to review its arrangements.

At its meeting on 4 February, the Standards Committee agreed:

- 1 To recommend to this Committee and to Council that the Standards Committee be re-formed from Annual Council with a membership of 1:1:1 and 4 Independent Members, with Independent Members as Chairman and Vice-Chairman.
- 2 That subject to the views of this Committee on the number of members, a recruitment campaign takes place to recruit Independent

Governance Committee, 8 March 2005

Members to the Standards Committee for an initial term of two years for two Members and four years for two Members so that all appointments would not cease together and that all the Independent Members be permitted to apply for a further term of four years upon expiry of a term.

RECOMMENDATION

1. That the Committee considers whether to recommend to Council that the Standards Committee be re-formed with effect from Annual Council with a membership of 1:1:1 and 4 Independent Members with Independent Members as Chairman and Vice Chairman.
2. That, initially, two Independent Members be appointed for a two year term, and two for a four year term; and thereafter, all Independent Members serve for a four year term (with their appointment staggered at two yearly intervals) and be permitted to apply for a further term

REPORT DETAIL

1. Regulations provide that at least 25% of members of the Standards Committee should be Independent Members. Two members of the Council should be appointed to the Standards Committee. Only one Cabinet Member may be appointed to the Standards Committee and may not chair the committee. The Leader cannot be a member.
2. Members of the Committee at the meeting held on 21st December indicated that they might be interested in altering the balance of members of the committee in favour of Independent Members. Independent Members of the Standards Committee have full voting rights. The Standards Board now recommends that the balance is in favour of Independent Members and that the Council Members should be members who are held in high regard and able to champion standards matters within the authority. The Standards Board also recommend that an Independent Member should chair the Committee.
3. The Regulations referred to above state that where a Standards Committee has more than three members at least 25% must be Independent Members. There is no limit to the number of Independent Members on the Standards Committee but as set out above two Members of the Council should be appointed. Currently the Committee consists of 6 members (3:2:1) and two Independent Members. The Relevant Authorities (Standards Committee) Regulations 2001 enables a Standards Committee to appoint a sub-committee. The 2000 Act provides that a Sub-committee may be appointed

Governance Committee, 8 March 2005

for the purpose of discharging any of the committee's functions, whether or not to the exclusion of the Committee. A Sub-committee shall be appointed from among the members of the Standards Committee by which it is appointed. In practice therefore it is possible for a sub-committee to be comprised entirely of Independent Members for hearing complaints. The view of the Standards Board however is that the local knowledge of members is important. To a certain extent, having Independents only undertaking hearings could be viewed as the authority abrogating its responsibilities. A meeting of the Standards Committee or Sub-committee is not quorate unless at least three members (including at least one independent member) of that committee are present for its duration. Any Sub-committee must therefore be of at least three members including at least one independent. Any main Committee must have two Council Members and 25% Independents.

4. Independent Members may not be appointed unless the appointment is:
 - a. approved by Council
 - b. advertised in one or more newspapers circulating in the area of the authority
 - c. of a person who has submitted on application to the authority
 - d. of a person who has not within a period of five years immediately preceding the date of the appointment been a member or officer of the authority
 - e. of a person who is not a relative or a close friend of a member or officer of the authority

5. Members consider whether they wish to recruit additional Independent Members, subject to the views of Governance Committee and if so the number of Independent members and the number of Council members which is acceptable to them. The Council members do not have to be politically balanced although given the circumstances appertaining in Havering the Committee may form a view that a balance of 1:1:1 with either three or four Independents might be reasonable without the Committee becoming too large. The Committee might also have views about the term of the appointment of the Independent Members to be recommended to Council. Currently Annual Council has re-appointed yearly although the appointments were envisaged to be the length of this Council. There is no bar to re-appointment but ideally Independent Members should be appointed for a fixed term – perhaps 3 or 4 years. Standards Board Guidance suggests that Authorities may wish to consider during the appointment process, whether long service as an Independent Members at a single authority may affect their impartiality, or the public perception of their impartiality. This has to be balanced obviously with the need for stability and the potential that recruitment might prove difficult. It is therefore suggested that the Independent Chairman and Vice Chairman be invited to reapply so the appointment can last a further four years from Annual Council. Recruiting an additional two Independent Members would then able those Members to learn from the experience of the current Independent Members and would also ensure that the Committee was not jeopardised by the number of Independent Members falling too low.

Governance Committee, 8 March 2005

6. Standards Board guidance has been issued which states that matters referred from the Board must be determined or in cases of referrals under the recent Regulations, investigated by the Monitoring Officer and determined by the Committee within three months of the date of referral. Local procedures for breaches of the Protocol on Probity in Planning and the Protocol on Member/Officer Relations also suggest that the Committee should determine complaints in relation to these matters within three months. It was accepted however that there would be a delay in the first cases pending the adoption of the procedure and the training of committee members by District Audit.
7. The reason that the delay occurred in conducting the hearing on Maylands Field and Essex Road was the difficulty in arranging the meeting due to the availability of members given the amount of diarised meetings those members are involved in.
8. With currently only two Independent Members there could be issues for the Standards Committee if one were to resign as 25% of Independent Members is a requirement. It should be noted that the Standards Committee does not have to reflect political balance albeit this Council has chosen to date to politically balance members on the Standards Committee.
9. An advertisement has been placed for additional Independent Persons for hearings generally and the opportunity has been taken to include reference to Standards Committee Independent Members within that advertisement.

Supplementary information:

Several other local authorities in London have been reviewing their Standards Committee arrangements in the past few weeks and a summary of the position elsewhere is attached for Members' information.

Financial Implications and risks:

Independent Members receive an allowance of £100 per meeting assessed on the basis of six meetings per annum. Any increase in Independent Members will increase the expenditure. No alteration will be needed to the Members' Allowance Scheme which provides for a standard rate of allowance for statutory co-optees of £100 per meeting and reimbursement of all travel costs.

Legal Implications and risks:

The Regulations set out how Independent Members must be recruited and appointed. The Appointment must ultimately be approved by full Council.

The Committee may appoint a Sub-Committee under the 1972 Act and the Regulations.

Governance Committee, 8 March 2005

Human Resources Implications and risks:

Human Resources will be consulted and involved in any recruitment process for Independent Members

Equalities and Social Inclusion implications:

The recruitment and appointment process will ensure that all equalities implications are met.

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STEPHEN EVANS
Chief Executive

Background Papers List

None

Governance Committee, 8 March 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 March 2005	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: COUNCIL PROCEDURE RULES – Council timetable: further report

SUMMARY

At the last meeting of the Committee, a revised set of Council Procedure Rules was agreed, subject to further consideration at this meeting of the timetable for the submission of motions and amendments etc for Council meetings.

RECOMMENDATION

- 1 That the Committee determine the timetable for amendments and motions to be recommended for adoption by Council.
- 2 That the proposed new Council Procedure Rules be adjusted as necessary to conform to the new timetable.

REPORT DETAIL

- 1) The Council Procedure Rules set out a timetable for the submission of motions and amendments for Council. Revised Council Procedure Rules were approved at the last meeting for submission to Council for agreement, subject to clarification of the timetable for submission of items to be considered at Council.

- 2) These Rules are a matter of local practice. Part VA of the Local Government Act 1972 requires that the Council may not consider a matter unless either it has been published **5 clear** days before the date of the meeting. This is the only statutory element of the timetable (and the Mayor has discretion to admit late items where certain pre-conditions are met). For the purposes of the Act, “clear days” *excludes* non-working days as well as the day of the meeting and the day of the event.
- 3) The timetable enables Members to be clear about the stages at which motions, amendments and questions can be submitted, and notice can be given of addresses to Council by outside speakers or of intention to present petitions. It also assists with the logistics of publishing and circulating the agenda.
- 4) There has in the past been some ambiguity about the definition of “days” for the purpose of the timetable. It is now proposed to clarify this by adopting the statutory definition of “clear days” – the Revised Rules provide that:

the term “clear days” excludes from the period the day on which notice is to be given and the day of the meeting and it refers to working days only
- 5) The Appendix sets out the timetable currently in use, with the “clear days” (as now defined) shown. At the last meeting, Members decided to look again at the various stages and to consider whether change was possible and necessary or desirable.
- 6) As already noted, the single fixed stage is that the (final) agenda must be published five clear days before the meeting (i.e., on the Tuesday of the week preceding if the meeting is on a Wednesday), to comply with the 1972 Act. All other steps are discretionary, governed mainly by Members’ convenience but also by logistics.
- 7) On motions and amendments, so long as a motion itself is published in the final agenda, an amendment could be published later (amendments may not introduce new business). Indeed, just such an approach has recently been agreed for amendments at the Council Tax setting meeting. That could, however, greatly reduce the opportunity for Groups to consider motions and amendments prior to the meeting at which they are debated as the deadline for such amendments is midnight on the Monday immediately before Council, and logistically it cannot always be guaranteed that Members will see the consequent Supplementary Agenda before arriving for the actual meeting.
- 8) It is also often the case that Reports to Council cannot be published before the Final Agenda and the existing Rules, as well as those now proposed, provide that any amendment to them may therefore also be accepted up to the Monday midnight, with the same difficulty of publication.
- 9) It will be appreciated that the current timetable gives Members the opportunity to consider motions published in the Revised Agenda at Groups on the Monday of the week before Council and then to formulate any amendments. Such amendments are then published in the final agenda; thus, both motion

Governance Committee, 8 March 2005

and amendment(s) can be considered by Groups at their meetings on the Monday immediately before Council.

- 10) The current deadline for Questions enables sufficient time for the reply to be drafted and cleared with the Member who is to give it. Were that to be made tighter, there would be less time for any necessary research etc to be carried out. That would carry a (small) risk of inaccuracy arising.
- 10) Members will appreciate that the current timetable is logistically very tight, but clearly achievable. It should be borne in mind that the “traditional” publication date of Thursday for Initial and Revised Agendas gives leeway for unforeseen delays in publication, such as printing difficulties, as papers can still be sent to Members on the Friday. There is a small but real risk that if publication were put back to Friday, any (rare) difficulty could result in papers not being available to Members for the weekend immediately following publication.
- 11) The dates for items other than questions, motions and amendments are completely arbitrary and could be changed without affecting the preparation of the Agenda if that were thought appropriate, so long as the need for them to be included in the Final Agenda could still be achieved.
- 12) Any material not available for inclusion in the Final Agenda is published in one (or more) Supplementary Agenda(s), circulated if possible in advance of the meeting but, where necessary, tabled at the meeting.

There are no additional **Financial, Legal or Human Resource Implications and risks** to those referred to in the report to the last meeting.

STEPHEN EVANS
Chief Executive

Contact: Ian Buckmaster
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Background Papers

None

Governance Committee, 8 March 2005

**Basic Agenda Timetable for Council Meeting
as currently in use**

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of notices of motion	Tuesday: two weeks before 10
3	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before 10
4	Publication of REVISED Agenda	Thursday: two weeks before 8
5	Last date for receipt of questions	Monday: one week before 6
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before 6
7	Last date for receipt of notice of intention to present a petition	Monday: one week before 6
8	Issue of FINAL AGENDA incorporating all agenda papers (but it may be necessary to publish Supplementary Agenda(s))	Tuesday: one week before 5
9	Last date for receipt of notice of amendments to reports <u>issued for the first time with the Final Agenda</u>	Monday: same week 1

“Clear days” is defined as excluding the day of the meeting, the day of the event and any non-working day (weekends and public holidays).

The full chronological table is thus:

Day:	Th	F	M	Tu	W	Th	F	M	Tu	W	Th	F	M	Tu	W
Clear days:	13	12	11	10	9	8	7	6	5	4	3	2	1	0	Council day
Weeks before meeting:	Three		Two				One				Same week				
Agenda version:	Initial		Revised				Final				Supplementary/ies				



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	3 March 2005	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENTS TO OTHER ORGANISATIONS, 2004/05 - further report

Hornchurch Housing Trust

The Council appoints a number of nominative trustees to the Trust, for four year terms of office expiring in sequence over each four year period.

The terms of office of two Trustees, Mr R F Latchford and Councillor Chris Oliver have now expired. Mr Latchford does not wish to be re-appointed but Councillor Oliver is eligible for re-appointment.

In addition, Councillor Georgina Galpin has resigned as a Trustee. Her term of office was due to expire in February 2006 so a successor needs to be appointed for the remainder of that term.

RECOMMENDATIONS

That the Committee appoints:

- 1 Two Trustees for the term of office expiring in February 2009.
- 2 One Trustee for the remainder of the term of office expiring in February 2006.

Financial Implications and Risks

None arising directly from this report

Human Resources and Equalities and Social Inclusion Implications and Risks

None. Appointments are made with the Council's Equalities and Social Inclusion policies in mind.

Legal Implications and Risks

None.

STEPHEN EVANS
Chief Executive

Staff Contact: Ian Buckmaster
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Background Papers

None.



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 MARCH 2005	7

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

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: OVERVIEW AND SCRUTINY REVIEW - proposals for change

SUMMARY

The Committee established a Working Party to review the Council's approach to Overview & Scrutiny. This report sets out the outcome of the Working Party's deliberations with a view to recommendations being made to Council in due course.

This is the first report: in order to report to Council on 23 March it might be necessary to consider this further at an additional meeting.

RECOMMENDATIONS – of the Working Party on Overview & Scrutiny

To **recommend** to Council that, with effect from the forthcoming Annual Meeting:

A. Structure of Overview and Scrutiny Committees

- 1 The current Overview & Scrutiny Committees be abolished.
- 2 A single, new Overview & Scrutiny Committee, having the powers and duties set out in Appendix 1, be established with a membership of 23 (politically balanced, 11:7:5), with a Chairman and two Vice-Chairmen appointed by

Governance Committee, 8 March 2005

Council and that the statutory and non-voting co-opted members currently appointed to the Education Overview & Scrutiny Committee (“the Education co-optees”) be appointed to the new Committee in those capacities.

- 3 Three Scrutiny Panels be established, respectively having the powers and duties set out in Appendix 2, each with a membership of 9 (politically balanced, 4:3:2 and drawn from the membership of the Committee), the Chairman of each to be appointed by Council from the Chairman and Vice-Chairmen of the Committee; and that the Education co-optees be appointed to the Performance and Service Development Scrutiny Panels when each is considering education functions.
- 4 Each Scrutiny Panel be empowered to establish such Review Groups of Members of the Committee (and with such terms of reference) as it considers appropriate to examine the issues within its remit; and that the Chairman and Members (including one or more Education co-optees where education functions are concerned) of each Review Group be appointed by the Panel
- 5 The Scrutiny Panels be established as overview & scrutiny sub-committees for the purposes of the Local Government Acts 1972 and 2000, but that Review Groups be informal bodies to which the Act shall not apply.

B Approach to overview & scrutiny activity

- 1 A new approach to the conduct of overview & scrutiny activity be adopted and that the former approach of Head of Service-led and service-specific scrutiny be no longer pursued.
- 2 The Overview & Scrutiny Committee adopt a proactive role in co-ordinating the activities of the Scrutiny Panels and their Review Groups.
- 3 Overview & scrutiny activity be carried out on a cross-cutting rather than service-centred basis, with activity broadly divided into
 - Consideration of **policy development**
 - Examination of **service delivery**
 - Carrying out **scrutiny prior to executive decision**
 - Operation of the **call-in (requisition)** procedure
- 4 Scrutiny of services that are specific to a locality, such as StreetCare, be undertaken initially through the Area Committees, with the ability for issues of concern to a particular Area Committee to be drawn to the attention of the appropriate Scrutiny Panel for detailed attention.

C General issues

- 1 For the purpose of allocating Committee places to Members (and while recognising that a final decision is a matter for each Group), the general convention be adopted that Members serving on the Licensing Committee or the Regulatory Services Committee shall not also be expected to serve on the Overview & Scrutiny Committee (and *vice versa*).

Governance Committee, 8 March 2005

- 2 The statutory co-optees for Education matters be appointed to the Overview & Scrutiny Committee and serve, as appropriate, on the Performance and/or Service Development Scrutiny Panels and any Review Groups established by them dealing with education functions.
- 3 The Scrutiny Panels be authorised to co-opt individuals to serve (in a non-voting capacity) on specific Review Groups where the introduction to the Group of external expertise or advice would be advantageous to the review.
- 4 That, as a transitional arrangement, the existing Topic Groups continue as Review Groups until either (a) they are able to report formally their conclusions or (b) it is determined that they need no longer continue; and that each Topic Group reports to the Scrutiny Panel most appropriate to its activity.
- 5 The scheme for Members' Allowances be adjusted as necessary to reflect the reduction in the number of Members' posts attracting an SRA in consequence of the changes.
- 6 The Monitoring Officer be authorised to make all necessary consequential amendments to the Constitution.

REPORT DETAIL

1. At its meeting on 15 September 2004, the Committee established a working party to look at possible amendments to the way in which Overview and Scrutiny is carried out within Havering. The group comprised councillors Frederick Thompson (chairman), Councillor Barbara Reith and Councillor Wilf Mills. The group first met on 25 January 2005 and met on a total of three occasions during its review.
2. The group perceived a need for greater flexibility in the way overview and scrutiny is carried out. The group looked at the way in which overview and scrutiny is undertaken within other Councils, and noted that although there was a variety of approaches, few Councils seem to have adopted the direct service-based approach at Havering. Members also felt that there should be a split amongst the 44 non-executive Councillors between those undertaking statutory quasi-judicial work (Regulatory Services and Licensing) and those engaged in overview and scrutiny activity (although there was no suggestion that this should preclude some Members from doing both types of work if that were their preference).
3. Members concluded that there was a strong case for re-focusing the Council's overview and scrutiny activity, and considered how best this could be achieved.
4. The model originally adopted in Havering in 1999 (and continued on the adoption of the new Constitution in 2002) was Head of Service-led scrutiny within specific service-oriented parameters. Although there are advantages to that approach, there are also distinct drawbacks, including:

- a. the possibility that Overview & Scrutiny Committees are seen as, in effect, continuing the role of the old service Committees (abandoned in Havering as long ago as 1998), with close affinity between a Committee and its counterpart service or services
 - b. difficulties in pursuing cross-departmental or multi-service (“cross-cutting”) reviews
 - c. the potential conflict of interest for Heads of Service, given that they are required to lead scrutiny of their own services.
5. Partly as a result of this approach, the great majority of work (excluding responding to requisitions of executive decisions) undertaken by the Overview & Scrutiny Committees has been in examining service development issues; there has been some examination of service delivery work but virtually no scrutiny of the actions of the executive prior to a decision being made. Appendix 3 analyses the work done to date.
 6. Although there is no statutory definition in the Local Government Act 2000 of “overview and scrutiny”, the expectation was that local authorities would use the process to scrutinise the activities of their executives as well as to examine service delivery and development. The process was intended to provide “checks and balances” to rein in the executive, especially as the new arrangements introduced by the Act removed most Members from direct involvement in decision-making processes through the old Committee system. The current arrangements in Havering do not seem to be achieving that.
 7. The working party considered that there is need for that disparity to be addressed. The working party was also mindful that, in its Annual Letters, the Audit Commission urges Members to keep various matters under review but that presently there is no specific overview & scrutiny mechanism for that.
 8. Accordingly, the working party has concluded that the current structure of overview and scrutiny should now be abolished and a new approach adopted, more capable of undertaking cross-cutting reviews and focussed not on individual service but on performance and service delivery.
 9. To give effect to this, the working party proposes that there should be a single Overview and Scrutiny Committee with overall responsibility for the function. This Committee would also include those statutory co-optees currently members of the Education Overview and Scrutiny Committee. It is suggested that there should be 23 Members of the Committee, with a Chairman and two Vice-Chairmen appointed by the Council.
 10. This is an unusually large Committee. It would, however, need to meet in full session only rarely – principally to agree the Annual Report to Council on overview & scrutiny each year, and at other times only when there were major policy issues justifying a full meeting.

11. The day-to-day activities of the Committee would be carried out through three Scrutiny Panels, each of 9 Members and chaired by the Chairman or a Vice-Chairman of the main Committee. These Panels would be entitled:
 - Performance
 - Service Development
 - Health and Partnerships
12. The **Performance Scrutiny Panel** would investigate the Council's performance, not only in terms of CPA and Corporate Development but by looking at service-specific issues and raised through inspection or the annual letters from the Audit Commission or the Local Ombudsman; the Panel would have a particular remit to scrutinise the executive. The **Health and Partnerships Scrutiny Panel** would continue the Council's work in the growing area of Health Scrutiny but would also seek to scrutinise activity carried out in partnership with other external agencies in due course. The **Service Development Scrutiny Panel** would review various service areas, seek to understand how they function and make appropriate recommendations for improvement. This is similar to the majority of the Scrutiny work that is carried out currently in Havering. Further details of the proposed powers and duties of each Panel are given in Appendix 2.
13. The Chairmen of the Panels would each receive a Special Responsibility Allowance (SRA), at the rate currently paid to Chairmen of the present Overview & Scrutiny Committees. There would be no separate SRA for chairing the main Overview & Scrutiny Committee, in view of the limited need for it to meet in full session.
14. Each Panel would operate a number of Review Groups at any one time to carry out their work as specified by the Panel; normally, a maximum of three might be expected but the Panels would be able to appoint as many Review Groups as they felt were needed and could be resourced, both in terms of Member time and officer support. Each Review Group would consist of three Members but would be able to co-opt others to assist in the review if that were appropriate (and would need to include education co-optees as appropriate when dealing with education functions). It would be inevitable that some Members would serve on more than one Review Group.
15. Appendix 4 sets out a diagram to illustrate the new structure.
16. As part of the Area Committee review that has been proceeding concurrently, there has been a suggestion that the role of scrutinising purely local activity, such as StreetCare issues, should be undertaken in the first instance by the Area Committees. If in the course of doing that, issues of concern arose requiring more detailed consideration, the Area Committee would refer the matter to the relevant Scrutiny Panel, which would then be able to consider how best to proceed. It would also, of course, be possible for any Panel to instigate action of its own accord.
17. The law requires that an overview & scrutiny committee or sub-committee that is scrutinising education functions must include in its membership certain Education co-optees. Currently, those appointed to the Education

Overview & Scrutiny Committee are representatives of the Church of England and the Roman Catholic Church (as providers of Voluntary Aided Schools in the borough) and of parent governors (three co-optees). In addition, there are non-voting representatives of teaching staff. These arrangements must be preserved in the new approach and accordingly, it is proposed that these co-optees be appointed to the Overview & Scrutiny Committee, and to the Performance and Service Development Scrutiny Panels when they are dealing with education functions. This is an arrangement that other Councils use for their equivalent bodies.

Financial Implications and risks:

Currently, the six Chairmen of Overview & Scrutiny Committees each receive a Special Responsibility Allowance (SRA). If these proposals are accepted, it is suggested that the Chairmen of the Scrutiny Panels should receive the same SRA: one of these would also be Chairman of the Overview & Scrutiny Committee but given the restricted nature of that Committee's activity, it is suggested that no additional SRA would need to be available. Three fewer SRAs would therefore be needed than at present, reducing the cost of the Members' Allowances Scheme by £33,000.

A recommendation to Council would need to be made to ensure adjustment of the Scheme to reflect the new circumstances.

There are no other immediate financial implications or risks. In the longer term, it may be necessary to make available to Panels or Review Groups small budgetary provisions to cover the cost of site visits (these are currently funded from service budgets but as cross-cutting develops, a more central provision may be needed).

Support for the new approach would be made available using existing staff resources.

Legal Implications and risks:

The Council has an obligation to appoint at least one Overview & Scrutiny Committee. These proposals address that. The functions delegated to the Committee must conform to the requirements of the 2000 Act.

The Committee and the Panels will need to be politically balanced. Review Groups will not be: they would normally be appointed on a 1:1:1 basis but other arrangements would be possible (and, in cases where co-optees were involved, would need to be used).

Human Resources Implications and risks:

Some changes of duty may be result for individual staff within Democratic Services but it is not expected that there will be any change in the overall volume of the workload of staff within that service.

Some services may find that their workload decreases marginally as overview and scrutiny moves from the service-centric model to a cross-cutting model.

Equalities and Social Inclusion implications:

There are none in this report.

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STEPHEN EVANS
Chief Executive

Background Papers List

There are no background papers

**PROPOSED FUNCTIONS OF THE
OVERVIEW & SCRUTINY COMMITTEE**

- 1 To exercise the functions of an overview and scrutiny committee as set out in section 21 of the Local Government Act 2000 ("the 2000 Act"), namely:
 - a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.
- 2 To exercise the functions of an overview and scrutiny committee conferred by sections 7 and 8 of the Health and Social Care Act 2001, as amended ("the 2001 Act"), namely:

to review and scrutinise matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations; including where relevant joint scrutiny with other affected local authorities.
- 3 Without prejudice to the foregoing, to appoint as sub-committees the Scrutiny Panels referred to in Appendix 2 with the functions mentioned in it.
- 4 To prepare the Annual Report to Council on the exercise of overview and scrutiny.
- 6 To consider and deal with such issues within the general scope of the committee's functions as Council or Cabinet may refer to it.

FUNCTIONS OF OVERVIEW AND SCRUTINY PANELS

There shall be three Overview and Scrutiny Panels having the following functions:

Performance

To scrutinise the following:

1. The Council's performance as assessed through the CPA process
2. The outcome of inspection by any relevant agency of any of the Council's services
3. The Audit Commission's and other Annual Letters (or the like) and the action to be taken in response or any Action Plan prepared in consequence
4. Executive decisions requisitioned in accordance with the Council's call in procedure
5. Compliance with the Council's statutory policy and financial frameworks, the Medium Term Financial Strategy and any other statutory plans or strategies, and the Service Plans for individual Services (but not the PDPA s of individual staff at any level)
6. Compliance with decisions of Council, Cabinet or any Committee

Service Development

- A. To scrutinise proposals by any Service for future development or delivery of services to the public
- B. To carry out reviews and to make recommendations to Council or Cabinet as to the future provision of services to the public

Health and Partnerships

- A. To carry out the Council's obligations for overview and scrutiny of NHS Services operating within the borough
- B. To carry out jointly with the Overview and Scrutiny Committees of other relevant local authorities joint scrutiny of NHS Services to which section 8 of the 2001 Act applies
- C. To scrutinise the Council's work with other organisations, including but not limited to the agencies within the Havering Strategic Partnership and agencies providing external funding for initiatives affecting the borough where they work in partnership with the Council.

Common functions

1. Each Scrutiny Panel shall have power to appoint such Review Groups as it considers necessary to perform its functions.

Review Groups may have one purpose, or be multi-purpose; and may be time limited or continue indefinitely.

Members of Review Groups may carry out site visits or similar activities in connection with the reviews that they undertake.

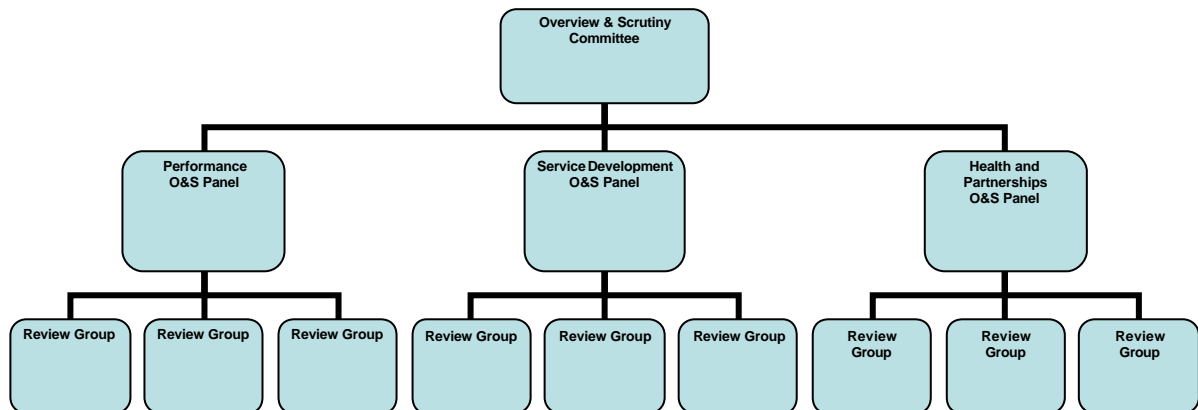
2. Scrutiny Panels may report direct to Council and/or Cabinet on issues within their remit.
3. Scrutiny Panels may co-opt individuals to serve on Review Groups where they consider that to do so would assist them in carrying out a review. When education functions are being dealt with, the Performance Scrutiny Panel or Service Development Scrutiny Panel shall appoint one or more education co-optees as members of the Review Group.
4. Scrutiny Panels may, if appropriate, appoint a Review Group as a joint Group of both or each of them.

ANALYSIS OF COMPLETED TOPIC GROUPS

Topic Group	Date of First meeting	Date of Last meeting	Total Number of Meetings	Outcome	Policy Development	Service Delivery	Pre-Decision Scrutiny	Member Initiative
Corporate OSC								
Sickness Absence	Nov-02	Mar-04	16	All recommendations adopted by Cabinet	Yes		Yes	Yes
Local Area Funding Provision	Nov-02	Feb-04	9	All recommendations accepted by Cabinet after review of two items	Yes			Yes
Members Involved in Staff Dismissal Appeals	Aug-04	Oct-04	2	Topic Group discontinued its investigations without a report going to Committee		Yes		Yes
Provision of Management Information (Phase 1)	Dec-02	Oct-04	8	All bar one recommendation accepted by Cabinet	Yes			Yes
Environment OSC								
Green Travel Plan	Oct-02	May-03	8	All recommendations adopted by Cabinet	Yes	Yes		Yes
Enforcement of Major Development	Oct-03	Oct-04	5	All recommendations adopted by Cabinet	Yes	Yes		Yes
Winter Response	Dec-03	Apr-04	3	All recommendations adopted by Cabinet	Yes	Yes		
Education OSC								
Children with Learning Disabilities	Nov-02	Aug-03	11	All recommendations adopted by Cabinet	Yes			Yes
Very Able Pupils' Provision	Oct-02	Apr-03	7	All recommendations adopted by Cabinet	Yes			Yes
Partnership Working	Sep-03	Jan-04	6	Scrutiny discontinued and returned to work programme		Yes		Yes
Primary Provision	Jan-04	Jan-05	9	To go to Committee 16 Feb 05	Yes			Yes
Girl/Boy Attainment Differences	Oct-03	Jan-05	9	To go to Committee 7 Apr 05	Yes			Yes

Governance Committee, 8 March 2005

Topic Group	Date of First meeting	Date of Last meeting	Total Number of Meetings	Outcome	Policy Development	Service Delivery	Pre-Decision Scrutiny	Member Initiative
Housing, Culture & Regeneration OSC								
Bamber House	Oct-02	Sep-03	11	All recommendations adopted by Cabinet		Yes		Yes
Housing Voids	Oct-02	May-03	7	All recommendations adopted by Cabinet	Yes	Yes		Yes
Tenants' Compact	Feb-03	Nov-03	10	All recommendations adopted by Cabinet	Yes	Yes		Yes
Hornchurch Sports Centre	Oct-02	Jun-03	6	All recommendations adopted by Cabinet		Yes		Yes
Housing Complaints	Apr-04	Oct-04	6	Scrutiny discontinued - Verbal report given to Committee	Yes			Yes
Social Care OSC								
Child Protection	Sep-03	Feb-04	3	Report noted by Committee but not referred to Cabinet.	Yes			Yes
The Grange Reprovision	Jul-03	Apr-04	6	Report noted by Committee but not referred to Cabinet.		Yes		Yes
Hospital Admission and Delayed Discharge	Aug-03	Mar-04	8	Report not referred to Cabinet, was circulated to Cabinet members for information.	Yes			Yes

DIAGRAM OF NEW OVERVIEW & SCRUTINY STRUCTURE

The Overview and Scrutiny Committee would report to Council but, as provided for by statute, would work in association with the Cabinet and have links to the Area and other Committees.

Governance Committee, 8 March 2005



MEETING	DATE	ITEM
GOVERNANCE COMMITTEE	8 MARCH 2005	7

SUPPLEMENTARY

**SUPPLEMENTARY
REPORT OF THE CHIEF EXECUTIVE**

SUBJECT: OVERVIEW AND SCRUTINY REVIEW - proposals for change

1. In order to clarify the implications of accommodating the Education co-optees, if the proposals in the report are agreed, the Overview and Scrutiny Committee would have a Membership of 23 Members and, when education matters are being dealt with, a further 5 voting co-optees and 2 non-voting representatives, 30 in all.
2. Although this may appear unwieldy, meetings of the full Committee will be rare: no more than two or three times a year at most.
3. The day-to-day activities of the Committee would be carried out through the three Scrutiny Panels, each of 9 Members (14 in total when education co-optees are also involved: as is the Education Overview & Scrutiny Committee at present). The Review Groups would need to include 1 or more education co-optees when dealing with education functions.

**STEPHEN EVANS
Chief Executive**