

GOVERNANCE COMMITTEE

AGENDA

Havering Town Hall Wednesday Main Road, Romford 7.30pm 8 October 2008

Members 10: Quorum 4

COUNCILLORS:

Conservative Group Residents' Group (6) (2)

Independent Local Residents' Group (1)

Labour Group (1)

Frederick Thompson (Chairman) Gary Adams

(Vice-Chairman)

Steven Kelly Eric Munday

Roger Ramsey Michael White

Clarence Barrett Gillian Ford

Jeffrey Tucker

Keith Darvill

For information about the meeting please contact: Ian Buckmaster (01708) 432431 e-mail ian.buckmaster@havering.gov.uk

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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

2. MOBILE COMMUNICATIONS DEVICES

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

3. CONDUCT AT THE MEETING

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

3 DECLARATION OF INTERESTS

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

4 MINUTES

To approve as correct records the minutes of the meeting of the Committee held on 9 July 2008, and to authorise the Chairman to sign them

- 5 APPOINTMENTS TO OTHER ORGANISATIONS, 2008/09 further report
- 6 MEMBER CHAMPION FOR THE ELDERLY change of title
- 7 THE PENSIONS PANEL

8 URGENT BUSINESS

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

Cheryl Coppell Chief Executive

Governance Committee, 8 October 2008					
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MINUTES OF A MEETING OF THE **GOVERNANCE COMMITTEE Havering Town Hall** 9 July 2008 (7.30pm – 8.15pm)

Present:

COUNCILLORS:

Conservative +Chris Fox, Steven Kelly, +Robby Misir, Eric

> Munday, Roger Ramsey and Michael White Group

Clarence Barrett and Gillian Ford Residents' Group

Rainham & Wennington Jeffrey Tucker

Independent Residents'

Group

+ Tom Binding Labour Group

In the absence of Councillor Frederick Thompson, Chairman of the Committee, the Chair was taken by Councillor Steven Kelly, Vice-Chairman

Substitute Member: Councillors Tom Binding (for Councillor Keith Darvill), Chris Fox (for Councillor Gary Adams) and Robby Misir (for Councillor Fredrick Thompson)

Councillor Lynden Thorpe was also present

Apologies were received for the absence of Councillors Gary Adams, Frederick Thompson and Jeffrey Tucker

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

Councillor Robby Misir declared a personal interest (see minute 10)

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

5 **MINUTES**

The Minutes of the meeting of the Committee held on 29 May and of the special meeting held on 19 June 2008 were agreed as correct records and signed by the Chairman.

A Member referred to advice recently circulated by London Councils to the effect that only Executive (Cabinet) Members could be appointed to serve on the London Boroughs' Grants Committee. It was noted that a report would be submitted to the next meeting of the Committee with a view to regularising the Council's appointments to the that body.

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

The Committee considered four further appointments.

<u>Tenant Management Organisations – appointment of Council representatives</u>

The Council had been invited to appoint a Member to serve on the management Committees of each of the three Tenant Management Organisations (TMOs) in the Borough, which together managed 640 units and undertook functions such as grounds maintenance, caretaking and cleaning, according to their local environment. It was suggested that the best way to achieve that would be to nominate a Member from the Ward where each TMO operates.

The TMOs were:

Barnstaple Estate Tenants' and Residents' Assocation - BETRA (Gooshays Ward);

Parkhill Estate Tenants' and Residents' Association - PETRA (St Andrews Ward); and

Durham Estate Leaseholders' and Tenants' Association - DELTA (Squirrels Heath Ward)

Corporate Parenting Panel

A Corporate Parenting Panel was set up in consequence of the Government's Quality Protects Initiative, which commenced in 1998, to help make all Members aware of their responsibilities as 'corporate parents' to children in care. Most Local Authorities created a formally constituted Panel but, in Havering, the Panel has not had formal status. Such a structure was, however, not consistent with national practice and was inconsistent with the Government's agenda for children in care. That being so, it was now proposed that the Panel be formally constituted with a membership of 6 Councillors, including a Chairman and a Deputy Chairman. The Head of Service for Children's Social Care would be the senior officer in attendance to act as panel advisor, it being anticipated that other officers would attend at the request of Members as relevant to the subject matter for each meeting.

The Committee noted that the simplest and most convenient way to formalise the Panel would be to designate the Councillor Members of the Children's Services Overview & Scrutiny Committee as the Panel. Panel meetings would be separate from OSC meetings but the membership would be the same (and any change in membership of the OSC would automatically be reflected in the Panel's membership). The Panel would effectively be a Sub-Committee of the OSC but meeting outside the framework of the Local Government Act 1972.

Carers Panel

The Carers Panel played a crucial role in the provision and monitoring of fostering, shared care, private fostering and kinship care for children and young people. Its role and functions were covered in the Fostering Regulations 2002 and related to approving, reviewing and terminating approvals of carers, and it also provided a quality assurance function in relation to the work presented to it.

The Committee noted that the term of office of Councillor John Mylod would expire before the end of the year.

Romford Combined Charity

The Committee was reminded that the Council appointed all four nominative trustees of the Combined Charity, for four year terms. Former Councillor Wilf Mills had been appointed a trustee in July 2004 and his term had just expired.

RESOLVED:

- 1 (a) That the appointment of a Member to serve on the Board or Committee of each TMO (and any further TMOs established in future) be agreed.
 - (b) That Members be appointed as follows:
 To BETRA (Gooshays Ward): Councillor Dennis Bull
 To PETRA (St Andrews Ward): Councillor John Mylod
 To DELTA (Squirrels Heath Ward): Councillor Lynden Thorpe
- 2 (a) That the establishment of the Corporate Parenting Panel as now proposed, be approved
 - (b) That the Councillor Members of the Children's Services OSC be appointed as the Members of the Panel, with the same Chairman and Vice-Chairman.
 - (c) To agree that the Council be RECOMMENDED to agree these propositions and to authorise the Assistant Chief Executive, Legal & Democratic Services, to amend the Constitution accordingly.
- 3 (a) To confirm the appointment of members of the Corporate Parenting Panel:

Alan Johnstone Panel Chair - Independent Cllr. John Mylod - Elected Member Carol Balfe - Social Work Member - Fostering Experience Marie Pudney - Health Representative Wendy Johnson - Social Work Member - Child Care Experience

Floyd Powell - Independent Member

Trevor Sim - Education Representative Avril Howe - Independent Member - foster parent Dr. Saminathan - Independent Member Joyce Adelakun - Independent Member

- (b) (By 6 votes to 4 see note) That Councillor Wendy Brice-Thompson be appointed to the Panel, in succession to Councillor John Mylod, with effect from the end of his term of office.
- That Wilf Mills be re-appointed as a Trustee of the Romford Combined Charity for a four year term ending in July 2012

(Note: the voting on resolution 3 was:

For Councillor Wendy Brice-Thompson: Councillors Chris Fox, Steven Kelly, Robby Misir, Eric Munday, Roger Ramsey and Michael White:

For Councillor John Mylod: Councillors Clarence Barrett, Keith Darvill, Gillian Ford and Jeffrey Tucker)

7 AMENDMENTS TO THE CONSTITUTION

The Appointments Committee had considered at a meeting on 20 May 2008 reports relating to the process of making appointments to Chief Officer posts as a consequence of the Senior Management realignment. Among the issues dealt with was a recommendation that approval be sought of an amendment to the Constitution to provide for the Head of Human Resources to have the delegated powers necessary to implement the agreed procedure for any future senior management realignment or restructuring. This was in effect:

- 1. To achieve any necessary reduction through voluntary redundancy
- To consider applications from unaffected chief officers which would create a suitable alternative employment opportunity for an affected Chief Officer
- 3. To decide upon the ring fence arrangements and invite applications for assimilation
- 4. To arrange advertisements, assessment centres and appoint external recruitment consultants, subject to Contract Procedure Rules

subject to appointments, dismissals, assimilation and redundancies for Chief Officers being authorised by Appointments Committee.

The intention was to enable the process to proceed more easily as, currently, reports were taken to Appointment Committee on each Senior Management restructuring.

RESOLVED:

That it be **RECOMMENDED** to the Council that, subject to appointments, dismissals, assimilation and redundancies for Chief

Officers being authorised by Appointments Committee, the Head of Human Resources be delegated authority to implement the agreed procedure for any senior management re-alignment or restructuring including:

- 1. Achieving any necessary reduction through voluntary redundancy;
- 2. Considering applications from unaffected chief officers which would create a suitable alternative employment opportunity for an affected Chief Officer:
- 3. Deciding upon the ring fence arrangements and inviting applications for assimilation; and
- Arranging advertisements and assessment centres, and, subject to compliance with the Contract Procedure Rules, appointing external recruitment consultants.

8 AMENDMENTS TO THE CONSTITUTION – made by Monitoring Officer

The Constitution provided that this Committee must be notified at the first reasonable opportunity of any amendment made by the Monitoring Officer in exercise of her delegated power. The Committee now noted amendments made by her and published in Notifications 32 and 33 (as set out in the Appendix to these minutes).

9 REVISION OF CONTRACT PROCEDURE RULES

The Committee was advised that the Council's Contract Procedure Rules (CPR) had last been substantially revised in 2006. A small scale revision was now proposed as a result of comments from users of the current CPR and recommendations from internal audit reports, and also incorporated additional provisions for developing forms of procurement. In addition, the revised CPR proposed alterations in the various financial limits to balance the cost of procurement with the value of the goods or services being procured and to accord with recently revised European procurement financial limits. There were also some changes in responsibilities. The Committee accepted the proposals.

The Committee also considered the means of making adjustments to the CPR in the light of future changes in European Union financial limits and/or in the Euro/Sterling exchange rate and agreed that authority to make such technical adjustments should be delegated to the Head of Finance & Performance Management.

RESOLVED:

That it be **RECOMMENDED to the Council** that:

- 1 The revised Contract Procedure Rules be adopted.
- 2 (a) Part 3, section 2.1, paragraph 25 of the Constitution be

- amended by deleting "£500,000" in line 4 and substituting it with "£1,000,000"
- (b) Part 3, section 2.2, paragraph 10 of the Constitution be amended by deleting "£144,000" in line 2 and substituting it with "£139,000"
- (c) Part 3, Section 2.2, paragraph 12 of the Constitution be amended by deleting "£144,000" in line 2 and substituting it with "£139,000" and by deleting "£500,000" in line 3 and substituting it with "£1,000,000"
- (d) Part 3, Section 3.3.4, paragraph 1 of the Constitution be amended by deleting "£144,000" in line 2 and substituting it with "£139,000"
- (e) Part 3, Section 3.3.4, paragraph 2 of the Constitution be amended by deleting "£144,000" in line 1 and substituting it with "£139,000"
- (f) Part 3, Section 3.4.4, paragraph 1 of the Constitution be amended by deleting "£144,000" in line 2 and substituting it with "£139,000"
- (g) Part 3, Section 3.4.4, paragraph 2 of the Constitution be amended by deleting "£144,000" in line 1 and substituting it with "£139.000"
- The Head of Finance & Performance Management be delegated authority to make technical adjustments to the Constitution to reflect changes in the European Union financial limits and/or in the Euro/Sterling exchange rate.

10 STANDARDS COMMITTEE: APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER

Councillor Robby Misir declared a personal interest as an acquaintance of one of the candidates who had been considered for appointment as an Independent Member of the Standards Committee

At its meeting at the beginning of May, the Committee had agreed to recommend to Council that (among other things) an additional Independent Member of the Standards Committee should be appointed. An *ad hoc* Sub-Committee (Councillors Gillian Ford, Steven Kelly and Eric Munday) had subsequently interviewed four (of eighteen) applicants and was now recommending that one of them be appointed to the vacancy.

The Committee adopted the Sub-Committee's recommendation. It also reviewed the terms of office of the Independent Members and agreed that they should remain at the current three years, with the new Independent Member being appointed for a similar period. It also agreed that it was now appropriate for the Council to implement the increase in the number of Councillor Members.

RESOLVED:

That it be **RECOMMENDED** to the Council that:

- 1 Mr Kevin Madden be appointed as the third Independent Member of the Standards Committee, for a period of three years ending at the Annual Meeting of the Council in May 2011.
- 2 Consequent upon that appointment, Council authorise implementation of its decision to increase the size of the Standards Committee to 12 Members.

Notification No. 32

Date 30th May 2008

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

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

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution effective from the respective dates shown in the attached document headed Transitional Arrangements.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3	83-138	Amendment to Scheme of Delegation in consequence of restructuring	Organisational Change
Part 3 Sections 4,5,6,7	139-176	Amendments to Functions and Responsibilities in consequence of restructuring	Organisational Change

A copy of the complete, revised text of the Constitution has been published separately.

Notification No. 33 Date 16th June 2008

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

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In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution effective from the respective dates shown in the attached document headed Transitional Arrangements.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 2, Article 8 and Part 3 Section 1	24 & 61	 Amend to 3 Independent Members and 9 Members Delete under Standards Board for England legislation 'From the date of coming into force of Regulations, made by the Secretary of State' and add To consider any initial complaints against the Assessment Framework To review any matters requested Add under Membership To sit as an Assessment Sub-Committee, a Review Sub-Committee, a Hearings Panel with at least 1 Independent Member as Chairman and no more than 3 members in total provided that the same members shall not shall not sit to hear a review if they have already been party to the Assessment Add The Chairman and Vice Chairman is an Independent Member Add in the second bullet point of Members' Code of Conduct "To monitor the operation and effectiveness of the authority's Code of Conduct" Add another bullet point at the end of this section To assess and review complaints about Members To conduct determination's hearings To grant dispensations to Members with prejudicial interests To grant exemptions for politically restricted posts 	Council Decision

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 4 Section 5	245 1(ix)	Amend three to four	Error
Part 2 Article 8 Part 3 Section 1	22 58	Add a new bullet point To approve the Annual Governance Statement	Clarification
Part 1 The Local Code of Corporate Governance	4b	Under paragraph 1 insert reference to the Council's Vision	Clarification



MEETING DATE ITEM

GOVERNANCE COMMITTEE 8 OCTOBER 2008

5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENTS TO OTHER ORGANISATIONS, 2008/09 – further report

1 LONDON BOROUGHS GRANTS COMMITTEE

The Council appoints a Member and up to four Deputy Members of the London Boroughs Grants Committee (LBGC)(a Joint Committee of London Councils that administers the London-wide grants scheme).

Hitherto, the Council has generally appointed a Cabinet Member as the LBGC Member and a cross-party group of Deputy Members. The current appointees are Councillor Roger Ramsey, Cabinet Member Finance & Commerce, as the LBGC Member and Councillors Clarence Barrett, Jeffrey Tucker and Melvin Wallace as the Deputies.

In July, the LBGC received legal advice the effect that, to accord with the requirements of the Local Government Acts 1972, 1985 and 2000, Members and Deputy Members must all be Cabinet Members as only Members of a Council's Executive can be appointed to the LBGC. A number of Councils across London had, like Havering, been appointing non-Executive Members as Deputies (and in some cases, as the full Member) but they were asked to review their appointments and make any necessary adjustment.

This report is submitted accordingly. Councillor Ramsey is unaffected but the existing Deputies need to be replaced; it is not necessary to make the full number of Deputy appointments. It should be noted that the validity of LBGC decisions taken prior to the receipt of the advice is not in doubt; but, the advice having been given, the position must be rectified. This is the first opportunity there has been to do that.

The Committee is requested to appoint one or more Members of the Cabinet as Deputy Members of the LBGC in succession to those Members who are ineligible for appointment.

2 NORTH EAST LONDON NHS FOUNDATION TRUST

The former North East London Mental Health NHS Trust recently attained "Foundation" status (which confers on it a significant degree of autonomy in its governance and financial affairs). It is now known as the "North East London NHS Foundation Trust" ("the Trust").

The Trust is governed by a Board of Governors, which includes local authority representatives. The invitation to appoint such a representative was received after the last meeting of this Committee and, in order to ensure that the Council was duly represented, the Leader of the Council nominated Councillor Steven Kelly, as Cabinet Member for Social Care & Learning, to be the Council's appointee.

The Committee is now requested to confirm the appointment, to be held as an appointment by office rather than as a personal appointment.

3 MARDYKE NEIGHBOUR BOARD

The Council appoints four Members to the Mardyke Neighbourhood Board, set up by the Old Ford Housing Association to assist in the mamagement of the Mardyke Estate.

The Committee decided to appoint the three Ward Members for South Hornchurch (Councillors Tom Binding, John Clark and the late Len Long, and Michael Armstrong (Cabinet Member for Housing, Public Protection & Regeneration).

The death of Councillor Long has caused a vacancy. As Councillor Long's successor, Councillor Michael Deon Burton is a Member of a different Group to Councillor Long, the usual arrangement for appointing a successor Member does not apply.

The Committee is requested to confirm that Councillor Michael Deon Burton is appointed to the Mardyke Neighbourhood Board in succession to the late Councillor Len Long.

Cheryl Coppell Chief Executive

Governance Committee, 8 October 2008

Staff Contact: Ian Buckmaster

Manager of Committee and Overview & Scrutiny Support

Telephone: 01708 432431

Background papers: There are no papers

Governance Committee, 8 October 2008



MEETING DATE ITEM

GOVERNANCE COMMITTEE

8 OCTOBER 2008

6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: MEMBER CHAMPION FOR THE ELDERLY – change of title

Councillor Pam Light was re-appointed Member Champion for the Elderly by the Council at its Annual Meeting in May.

She has subsequently asked that consideration be given to the alteration of her title to "Champion for the Over Fifties" as she believes that such a title will more accurately reflect the role she is carrying out.

As Council established the role of Member Champion and makes the appointments, only Council can change the title. The Committee is asked to consider Councillor Light's request and, if it supports it, to recommend to Council that the change of title be agreed.

RECOMMENDATION

That the Committee recommend to Council that the title be changed to "Member Champion for the Over Fifties"

Cheryl Coppell
Chief Executive

Staff Contact: Ian Buckmaster

Manager of Committee and Overview & Scrutiny Support

Telephone: 01708 432431

Background papers: There are no papers

Governance Committee, 8 October 2008



MEETING DATE ITEM

GOVERNANCE COMMITTEE

8 October 2008

7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: THE PENSIONS PANEL

SUMMARY

This report sets out arrangements in light of the Council restructure for the Pensions Panel.

It should be noted that the Panel is a separate, Officer body from the Pensions Committee.

RECOMMENDATION

That the Committee agree the arrangements for the Pensions Panel.

REPORT DETAIL

- 1. The Pensions Panel under the Constitution has the following powers:
 - To act and make decisions as a pensions panel consisting of the Group Director of Finance and Commercial, Assistant Chief Executive Human Resources and Assistant Chief Executive Legal and Democratic Services for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.
 - To implement the Council's early retirement, retirement and redundancy policies.
- The three members of the Pensions panel were ACE (Legal), ACE (HR)
 Director of Finance & Commercial. As a result of the high level

Governance Committee, 8 October 2008

restructure the new Director of Finance & Commerce now has responsibility for HR. In view of this it is proposed that the panel should now consist of ACE (Legal) , Head of Finance & Procurement and Head of HR.

Financial Implication and risks:

None arising directly

Legal Implications and risks:

This will ensure the Council Constitution reflects the current structure.

Human Resources Implications and risks:

The Head of Human Resources will need to attend the Panel as necessary.

Equalities and Social Inclusion Implications and risks:

This will ensure the Panel has a balanced Membership.

Rita Greenwood Group Director Finance & Commerce 01708 432218 rita.greenwood@havering.gov.uk

Cheryl Coppell Chief Executive

Background Papers List

None



MEETING DATE ITEM

GOVERNANCE COMMITTEE

8 OCTOBER 2008

8A

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

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF SCHOOL GOVERNORS

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

The Governor Appointment Panel has now submitted for formal approval the nomination of Councillor Gillian Ford for appointment to the Governing Body of Branfil Primary School.

RECOMMENDATION

That Councillor Gillian Ford be appointed to the Governing Body of Branfil Primary School.

Contact Officer: Ian Buckmaster, Manager of Committee and Overview

& Scrutiny Support

Telephone: 01708 432431

Cheryl Coppell
Chief Executive

Governance Committee, 15 October 2008

Background Papers: None