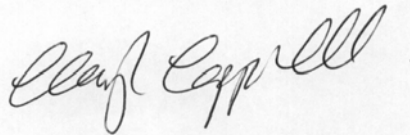


COUNCIL

**7.30pm WEDNESDAY, 9 DECEMBER 2009
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business



Chief Executive

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



Webcast

Please note that this meeting will be webcast.

Members of the public who do not wish to appear on the webcast will be able to sit in the balcony, which is not in camera range.

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

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

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 of the Council 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 Council, 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 public areas of the Council Chamber 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.

PLEASE REMEMBER THAT THE MAYOR 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 Council Chamber.

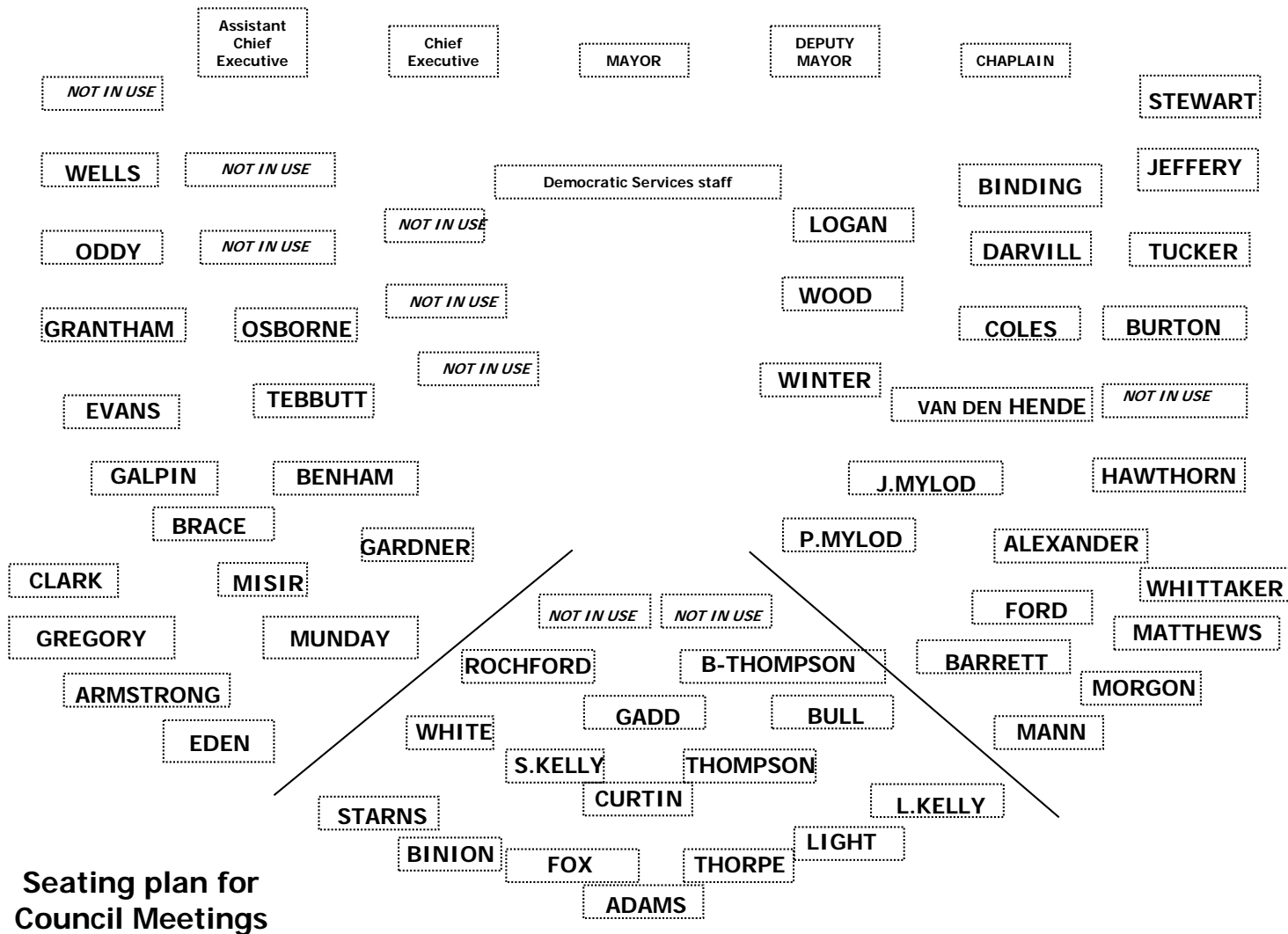
4. WEBCASTING

Council meetings are usually webcast. The webcast may be viewed at www.havering.gov.uk/webcast from 7.30pm on the day of the meeting and a recording will be available afterwards.

Members of the public attending the meeting who do not wish to be seen in the webcast may sit in the balcony, which is not viewable by the webcasting cameras.

If there are any reports to be considered that contain confidential or exempt material that the Council will consider in private, the webcast will be ended before they are discussed.

Council, 9 December 2009 - Agenda



AGENDA

1 PRAYERS

2 To receive apologies for absence (if any)

3 MINUTES

To sign as a true record the minutes of the Extraordinary and Ordinary Meetings of the Council held on 21 October 2009

4 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.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (if any)

6 PETITIONS

Councillors John Mylod and Keith Darvill have each given notice of an intention to present a petition.

Council, 9 December 2009

REPORTS FOR CONSIDERATION

NOTE: The deadline for amendments is midnight, Monday 7 December 2009

7 NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION

To consider a report of the Governance Committee

Amendment by the Residents' Group

That Council agrees to retain the Overview and Scrutiny Liaison Committee, comprising the Chairman and Vice Chairman of each overview and scrutiny committee, to exercise the following functions:

- Oversight of the work programme of each overview & scrutiny committee, including the resources available to service the programme
- Consider the contribution of overview and scrutiny committees to the wider Council agenda
- Ensuring overview and scrutiny committees do not duplicate work
- Co-ordinating contact with the Executive on behalf of overview and scrutiny committees
- Social Inclusion

and authorises the Monitoring Officer to amend the revised section 1.4 of Part 3 of the Constitution as necessary to give effect to this decision.

8 CONTRIBUTION TO THE LONDON COUNCILS GRANTS SCHEME – 2010/11 BUDGET

To consider a report of the Chief Financial Officer

9 HOUSING FINANCE ANNOUNCEMENTS AND THE DECENT HOMES PROGRAMME

To consider a report of the Cabinet

Council, 9 December 2009

**MEMBERS'
QUESTIONS**

10 **MEMBERS' QUESTIONS**

**MOTIONS
FOR DEBATE**

11 **RAINHAM VILLAGE CONSERVATION AREA: HIGH RISE FLATS**

Motion on behalf of the Independent Local Residents' Group

This Council will support and promote Rainham Village with its unique heritage, historical buildings, character and appearance.

The Council therefore asks Cabinet to reconsider any current Council-supported proposals to build high rise flats in the Rainham Village Conservation Area

12 **10:10 CLIMATE CAMPAIGN**

Motion on behalf of the Labour Group

That this Council agrees to join the 10:10 Climate Campaign and resolves to reduce its carbon emissions by 10% before 31 December 2010.



**MINUTES OF AN EXTRAORDINARY MEETING OF THE
COUNCIL OF THE LONDON BOROUGH OF HAVERING**
Havering Town Hall, Romford
21 October 2009 (7pm – 7.10pm)

Present: The Mayor (Councillor Roger Ramsey) in the Chair

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Roger Evans, Gillian Ford, Chris Fox, Georgina Galpin, Peter Gardner, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Mark Logan, Andrew Mann, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Jeffrey Tucker, Melvin Wallace, Keith Wells, Michael White, Steve Whittaker, Linda Van den Hende, Mike Winter and John Wood

Some 25 Civic and Members' Guests and members of the public and a representative of the press also attended.

Apologies were received for the absence of Councillors Gary Adams, Ted Eden, Mark Gadd and Fred Osborne.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The meeting had been called by the Mayor in exercise of his powers under paragraph 3 of Schedule 12 to the Local Government Act 1972 and Paragraph 4.1 of the Council Procedure Rules, for the purposes of section 33F of the Local Government Act 2000 as inserted by, and Schedule 4 of, the Local Government and Public Involvement in Health Act 2007, which required that a meeting be specifically convened for the purpose of deciding on future executive arrangements.

33 LOCAL GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH ACT 2007: PROPOSALS FOR EXECUTIVE ARRANGEMENTS

The Governance Committee reported that Part 3 of the Local Government and Public Involvement in Health Act 2007 required local authorities to change their Executive Arrangements as necessary to accord with the Act's provisions. The Act had introduced two models, both of which placed all

executive powers in the hands of one individual, either an elected Mayor or a “strong” Leader, who – in the normal course of events – would serve an uninterrupted term of four years. Under the new arrangements, the Mayor or Leader, once elected, would appoint and dismiss his or her Cabinet of between two and ten Councillors and would decide what (if any) executive powers they were to exercise.

Before deciding between the Mayor or strong Leader model, local authorities were required by the Act to take reasonable steps to consult local electors and other interested persons in their area and give them an opportunity to express a preference for one of the models. Once that had been done, they were required to take account of the results of the outcome of that consultation and then to decide on the form and substance, including operational details, of the new Executive Arrangements.

Council was now advised the outcome of the consultation exercise had revealed little interest: 75 responses had been received, with responses as follows:

- for Elected Mayor and Cabinet = 56
- for Leader and Cabinet = 19

Council noted that this response level was so low and statistically so insignificant that it was of no assistance in determining how to proceed.

Accordingly, the Governance Committee had considered, agreed and now recommended for endorsement by the Council proposed Executive Arrangements, as appended to these minutes.

At the invitation of the Mayor, each of the Group Leaders made a brief statement about the proposals.

The report was considered and adopted by 48 votes to 2 (see below) and it was **RESOLVED**:

- 1. That the outcome of the public consultation on the proposals for Executive Arrangements be noted.**
- 2. That, having considered the response to the consultation, it be agreed to proceed with new Executive Arrangements based on the status quo of a Leader and Cabinet model.**
- 3. That the Council adopt the Proposals for Executive Arrangements in the form set out in the Appendix to this report, based on the Leader and Cabinet Model, to be implemented on 9 May 2010.**
- 4. That, in order to comply with the legislation, the proposal be published describing the main features and the extent to which they secure continuous improvement and the proposals be**

advertised in one or more newspapers and made available at the Council's offices.

- 5. That a draft Constitution be prepared for decision by the Council in due course, to meet the requirements of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and the chosen, new Executive Arrangements.**
- 6. That the Proposals and the Constitution contain the power to Council that the term of office granted to the Leader can be taken away by majority vote in full Council.**

Note – the voting was as follows:

For the proposal (48)

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Roger Evans, Gillian Ford, Chris Fox, Georgina Galpin, Peter Gardner, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Mark Logan, Andrew Mann, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Roger Ramsey, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Melvin Wallace, Keith Wells, Michael White, Steve Whittaker, Linda Van den Hende, Mike Winter and John Wood

Against the proposal (2)

Councillors Michael Deon Burton and Jeffrey Tucker

Mayor
9 December 2009

Appendix

PROPOSALS FOR EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**1. Introduction**

These proposals for Executive Arrangements set out how the London Borough of Havering will take decisions. They comply with the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 and with regulations and guidance made under that Act. They take account of the views of local people. They also take account of the political character of the Borough which has only rarely produced a majority party administration, and which requires a flexibility of arrangements to allow differing political circumstances.

2. Form of Executive

- (1) The Executive is a Leader and Cabinet, consisting of:
 - (a) the Leader of the Council, chosen for a four year term by Council at its Annual Meeting or an extraordinary meeting of the Council called for that purpose; and
 - (b) Between two and ten other Members appointed by the Leader of the Council.
- (2) A Deputy Leader must be appointed by the Leader from amongst the Executive and the term of the office of the Deputy Leader is to be until the end of the term of office of the Leader.
- (3) The Leader may remove the Deputy Leader from office but must appoint another person in his place.
- (4) Cabinet Members may be removed from office by the Leader
- (5) If for any reason the Leader is unable to act or the office is vacant the Deputy Leader must act in his place.
- (6) If for any reason either the Leader or Deputy are unable to act or the office(s) are vacant then the Executive must act in the Leader's place or must arrange for a Member of the Executive to act in his place.
- (7) The term of office may be taken away from the Leader by a majority vote in full Council.
- (8) The delegated functions and responsibilities of individual members of the Executive will be determined by the Leader of the Council.
- (9) The delegated functions of staff of the Council is set out in the Scheme of Delegation within the Constitution

3. Functions and Roles of the Executive

- (1) The Executive:
 - (a) leads the Council's community planning process and the search for best value
 - (b) leads the preparation of the Council's policies and budget

- (c) takes decisions on resources and priorities to deliver and implement the Council's policies and budget
 - (d) is the focus for forming partnerships with other organisations to address local needs
 - (e) has responsibility for all functions of the Council which are not excluded from its remit by Regulations made under Section 13(3) of the Local Government Act 2000
 - (f) has responsibility for "local choice" functions as specified in Attachment 2.
 - (g) delegates functions which are its responsibility to staff of the Council in accordance with the Scheme of Delegation from the Executive to staff.
- (2) Individual members of the Executive may be allocated portfolios by the Leader. A member with such a portfolio in relation to a particular area of the Council's work (in relation to that work):
- (a) shall oversee the development and implementation of policy
 - (b) shall propose an appropriate course of action when a matter comes before the Executive for decision
 - (c) may establish a Panel of Councillors to assist them in drawing up proposals for policy development for consideration by the Executive
 - (d) may bring proposals for policy development before an Overview and Scrutiny Committee or a Panel thereof
- (3) The Leader shall notify the Chief Executive in writing of the allocation of the portfolio to a member of the Executive, and of any change to a portfolio.

4. Role of the Officers

Officers' delegations are set out within the Constitution and amended from time to time by the agreement of Governance Committee and Council.

5. Role of the Council

- (1) All Councillors, acting together as the full Council, have the following roles
- (a) adopting and changing the Constitution
 - (b) approving the policy framework and the budget
 - (c) adopting the Code of Conduct
 - (d) taking decisions about any matter in the discharge of an executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or the budget
 - (e) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees or staff
 - (f) appointing the Leader
 - (g) agreeing and amending the terms of reference for Committees
 - (h) adopting a Scheme of Members' Allowances
 - (i) confirming the appointment of Head of Paid Service

- (j) performing “local choice” functions as set out in Attachment 2
 - (k) dealing with all matters which by law must be reserved to the Council.
 - (l) remove the term of office of the Leader by majority vote in full Council
- (2) (a) “The Policy Framework” means those policies either required by law to be approved by the Council or adopted by the Council as local choice:
- (i) **Children’s Services Plan (Children and Young People’s Plan)**
 - (ii) **Local Implementation Plan (Transport Plan)**
 - (iii) **Plans and alterations which together comprise the Development Plan**
 - (iv) **Youth Justice Plan**
 - (v) **Licensing Authority Policy Statement**
 - (vi) **Sustainable Community Strategy**
 - (vii) **Corporate Development Plan**
 - (viii) **Crime and Disorder Reduction Strategy**
- (b) Any other matters which are determined as requiring the approval of the Council within the Constitution from time to time.

6. Arrangements for Overview and Scrutiny

The Council will carry out its duty to appoint at least one overview and scrutiny committee by the establishment of eight overview and scrutiny committees. The arrangements in the constitution will be based on the current arrangements which were agreed by Council at its Annual meeting on 21st May 2009.

Areas of Responsibility

Committee	Membership	Area of responsibility
Overview and Scrutiny Liaison Committee	To include the Chairman and Vice Chairman of each overview and scrutiny committee ¹	<ul style="list-style-type: none"> • Oversight of the work programmes of each overview and scrutiny committee, including the resources available to service the programme • Considering the contribution of overview and scrutiny committees to the wider Council agenda • Ensuring overview and scrutiny committees do not duplicate work • Co-ordinating contact with the Executive on behalf of overview and scrutiny committees • Social inclusion
Corporate Overview and Scrutiny Committee	6 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Community safety • Customer access • E-government and information communications technology • Finance (although each committee is

¹ The Council agrees that this committee should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee	Membership	Area of responsibility
		responsible for budget process that affect its area of oversight) <ul style="list-style-type: none"> • Human resources • Oversight of best value functions (although each committee is responsible for best value functions in its area of oversight) • Property resources • Social inclusion • Diversity • Councillor call for action
Housing Overview and Scrutiny Committee	6 councillors, or number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Overview of ALMO • Housing Retained Services • Social Inclusion • Councillor call for action
Environment Overview and Scrutiny Committee	6 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Environment • Transport • Social inclusion • Regulatory Services • Environmental Strategy • Planning & Building Control • Councillor call for action
Children's Services Overview and Scrutiny Committee	<ul style="list-style-type: none"> • 6 councillors, or the number of councillors determined by Council from time to time • 5 co-opted members • 3 non-voting members representing local teacher unions and professional associations² 	<ul style="list-style-type: none"> • School Improvement • Pupil and Student Services (including the Youth Service) • Strategy and Commissioning • Children's Social Services • Children's Health Services • Social Inclusion • Councillor call for action
Culture and Regeneration Overview and Scrutiny Committee	6 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Leisure, art, culture • Social and economic regeneration • Social inclusion • Adult Education

² The Council invites local teacher unions and professional association representatives to nominate, in each municipal year, three teacher representatives (one primary sector representative, one secondary sector representative and one head teacher representative).

Committee	Membership	Area of responsibility
		<ul style="list-style-type: none"> • Councillor call for action
Adult Services Overview and Scrutiny Committee	6 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Adult Services • Social inclusion • Councillor call for action
Health Overview and Scrutiny Committee	6 councillors, or the number of councillors determined by Council from time to time	<ul style="list-style-type: none"> • Health • Scrutiny of NHS Bodies under the Council's Health Scrutiny function
Crime and Disorder Committee	6 councillors, or the number of councillors determined by Council from time to time, and such other members as may be co-opted pursuant to the Crime & Disorder (Overview & Scrutiny) Regulations 2009	<ul style="list-style-type: none"> • Exercise of the functions conferred on the Committee by the Police and Justice Act 2006, Section 19-22 and Schedules 8 and 9.

The Terms of Reference, in the context of their respective areas -

To consider decisions that have been **requisitioned** (see Attachment 1) under the Requisition procedure and, where appropriate, make recommendations on them to the Cabinet

To consider decisions where the policies have been **referred** under the Referral procedure and agree whether any further review is necessary.

To undertake a **monitoring/review role** in terms of budget expenditure, best value reviews, service development plans and performance: the Committees can consult Community Area Forums about specific proposals.

To undertake **service and cross cutting reviews** of policies and including their application and their effect and to report to Council via Cabinet on these reviews.

7. Other features of the arrangements

- (1) The constitution will provide for nine Area Committees with the following terms of reference:

The committees are not required to be politically balanced.

Committee	Membership	Wards included	Purpose
North Romford Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Havering Park • Mawneys 	See paragraphs 10.02 (c) to (d)
Harold Hill Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Heaton • Gooshays 	As above
Romford	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Brooklands • Romford Town 	As above
Gidea Park Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Pettits • Squirrels Heath 	As above
Emerson Park & Harold Wood Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Harold Wood • Emerson Park 	As above
Upminster Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Upminster • Cranham 	As above
Hornchurch	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Hacton • St Andrews 	As above
Elm Park & Hylands Area Committee	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Elm Park • Hylands 	As above
South Hornchurch & Rainham	All councillors from the wards concerned (6 councillors)	<ul style="list-style-type: none"> • Rainham & Wennington • South Hornchurch 	As above

(a) Delegations

The Council and the Executive will include details of the delegations to area committees in Part 3 of this constitution, including the functions delegated, showing which are the responsibility of the Executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

- (b) To empower the area committees to undertake the following responsibilities:
1. To consider local issues, consult with local people, and make recommendations to the Council or Cabinet;

2. To be responsible for local highway management decisions, subject to certain limitations within the policies and practices set by the Regulatory Services Committee; and
 3. To be responsible for any budgets allocated to them and that these responsibilities be exercised in accordance with the principles of the Rules and Conventions for Area Committees.
- (c) To delegate to Area Committees decision making powers incorporating:
1. local highway management matters
 2. local environmental improvement budgets – expenditure on capital projects, for the well being of the local community, of any budget that Council may make available for this purpose
- (d) That the process for approving highway schemes be that:
1. Where only one Area is concerned, the Area Committee shall receive a report on initial design of scheme and
 - (a) approve it in principle for public consultation or, if changes are required to the scheme before it goes to consultation, delegate approval of them to the Head of Streetcare in consultation with the Chairman of the Area Committee; and
 - (b) delegate approval of the final scheme in the light of the results of the public consultation to the Head of Streetcare in consultation with the Chairman of the Area Committee.
 2. Where a scheme is set within more than one Area:
 - (a) the views of the relevant Area Committees shall be sought on the initial design for public consultation;
 - (b) the Head of Streetcare in consultation with the Chairman of the Regulatory Services Committee and in the light of the views of the Area Committees may approve the scheme for public consultation; and
 - (c) the Head of Streetcare shall approve the final scheme in the light of results of the consultation and in consultation with the Chairman of the Regulatory Services Committee and the Chairmen of the relevant Area Committees.

(e) Area committees: access to information

Area committees will comply with the Access to Information Rules in Part 4 of this constitution.

Agendas and notices for area committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

(f) Executive members on area committees

A member of the Cabinet may serve on an area committee if otherwise eligible to do so as a councillor.

(g) Area Committees shall –

- (i) make decisions in respect of traffic matters or (the parameters to be defined) from time to time by the Governance Committee to be recommendation-makers to those taking the decisions;
- (ii) be allocated a budget of £5,000 and be delegated authority to spend on minor locally-focused environmental initiatives (on the basis of criteria established by the Governance Committee from time to time).
- (iii) be entitled to bid for an allocation from a £45,000 budget held on behalf of Cabinet, such bid to be accompanied by a business case

8. Implementation

It is intended that the new arrangements will come into effect on 9 May 2010 and that a new Constitution to reflect these arrangements will be agreed by Council before that date. The Constitution will encompass all other arrangements for the Executive and the Council and its committees including meetings; delegations; quorum and terms of reference, etc.

9. Transitional Arrangements and Alterations to the Constitution

It should be noted that whilst there are no particular transitional arrangements proposed, amendments to the Constitution are delegated to Governance and full Council with some limited delegations to the Monitoring Officer. The Constitution together with numbers and types of committees, delegations etc., is kept under constant review and alterations to these proposals may be made in the Constitution from time to time in accordance with procedure and the latest version of the Constitution will be adopted prior to the May 2010 implementation date. The Constitution contains provisions for the Chief Executive or Group Director to take decisions on the basis of urgency if it is necessary that action is taken before the appropriate body can meet.

10. Implementation Timetable

Activity	Target Date
Verbal update to Governance Committee on outcome of consultation	July 2009 <i>(done)</i>
Special meetings of Governance Committee to decide (taking into consideration the results of consultation) on: <ul style="list-style-type: none"> • the form and role of executive, role of authority, arrangements for the operation of overview and scrutiny committees and such other features, involved in proposed executive arrangements: • the extent to which the full council and the executive leader will be responsible for determining the scheme of delegations for functions which are the responsibility of the executive. 	9 September 2009 <i>(done)</i>
Special meeting of the Council recommended to adopt the Executive Arrangements as set out in the Proposals	21 October 2009 (and no later than 31 December 2009)
As soon as practicable after passing the resolution the local authority must ensure that copies of a document setting out the provisions of the arrangements are publicly available and notice has been published in one or more of newspapers circulating in the area. Note: this is only a statutory minimum publicity requirement. In practice local authorities should achieve this through making their constitution widely available to the public.	Post decision – and immediately after 31 December 2009 at the latest

Constitution to reflect the new arrangements	No later than 9 May 2010
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11. Best Value and Ethics

(i) Best Value

The Council has considered the extent to which these proposals are likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

There has been a period of political stability under the Leader and Executive Model adopted in 2002 and the continuation of this Model will enable the Council and the Executive to continue to develop and expand the Model bearing in mind that the legislation requires an alteration from the previous 'weak' Leader Model adopted by this Council to a 'strong' Leader Model.

Any proposed alteration to an Executive Mayor model is unlikely to provide any reduction in terms of costs as both an Executive Mayor and Executive Leader have similar powers under new Executive arrangements and therefore it will be for any Mayor or Leader to choose the number of Cabinet Members. Council will retain the right to set Members' Allowances.

Bearing in mind the statistically low response to the consultation it would appear to be inappropriate to choose a Mayoral model given that it is within the ability of the electorate to petition for a Mayoral model should they so wish.

(ii) Ethics

When developing the proposals for Executive Arrangements, the Council has considered the requirement to ensure that measures for probity and high ethical standards are incorporated in a rigorous and fair way in accordance with the provisions in and under legislation and in accordance with Regulations issued and Guidance issued by the Standards Board for England (now Standards for England). The Council has a fully compliant Standards Committee and Sub-Committees, the terms of reference of which are set out in the Constitution.

(iii) Conclusion

In adopting the Leader and Cabinet model, together with Overview and Scrutiny Committees the Council can be satisfied that the proposals laid out here will continue improvement in transparency accountability and effective management of the Council's functions, and will continue to meet the duty of delivering continuous improvement and Best Value.

Attachment 1

REQUISITION AND REFERRAL PROCEDURE

Requisition (“call-in”) procedure

- (a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by staff or area committees, will be notified weekly to all members, and non-Executive members shall be entitled to requisition that decision. Notification will be by the weekly Calendar Brief (or supplementary Calendar Brief) to all members, indicating the latest date for submission of a requisition.
- (b) If the Chief Executive is notified of a requisition of a decision shown on that notification within three working days of the deemed receipt of a decision, then (subject to (g) following) that decision shall not be acted upon but shall be submitted to the next overview and scrutiny committee meeting, or one convened for the purpose, for determination.
- (c) At that meeting, the overview and scrutiny committee may resolve to initiate either of the specific call-in procedures set out in rule 5 of the Policy Framework Procedure Rules or in rule 6 of the Budget Framework Procedure Rules.
- (d) Any requisition submitted under (b) above must be in writing and must be signed by:
 - (i) at least two non-Executive members representing more than one group, or
 - (ii) at least one co-opted member and one non-Executive member.Additionally, the requisition must give the grounds for the requisition.
- (e) Following the consideration of the matter by members if the requisition submitted under (b) above is upheld, the matter shall be referred to either
 - (i) the Council where the committee considers the matter is contrary or not wholly in accordance with the policy or budgetary framework, or otherwise
 - (ii) the Cabinet
- (f) A requisition under (b) above shall be determined at the committee meeting by simple majority.
- (g) The members may indicate at the time of submitting any requisition that it is “holding” requisition, to permit informal discussion with the Cabinet member as to the merits of the decision. Time shall be of the essence when dealing with “holding” requisitions. A “holding requisition” shall be treated as withdrawn if, eight working days having passed from the publication of the decision, both members have not confirmed by notice in writing to the Chief Executive that the requisition should be subject to the full requisition procedure provided for in the preceding paragraphs.
- (h) Any requisition may be withdrawn at any time prior to it being disposed of.
 - (i) For the avoidance of doubt, “notice given in writing” for the purpose of this Rule includes notice given by fax or by email from an address or number recognised as associated with the member sending it, and shall be regarded as validly signed by both members if either an identical fax or email is received from both of them or one clearly associates him or herself with a submission by the other,

Exception to the call-in (“requisition”) procedure

- (a) The call-in procedure set out above shall not apply where a decision being taken by Cabinet or an individual Cabinet member, or a key decision made by a member of staff or an area committee is urgent. A decision will be urgent if any delay likely to be caused by

the call in process would seriously prejudice the Council's or the public interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

- (b) The decision making person or body can only take an urgent decision and avoid the call-in procedures after obtaining agreement from the Chairman or in the absence of the Chairman, the vice Chairman of the relevant overview and scrutiny committee that the decision be treated as urgent. If there is no Chairman or vice Chairman of a relevant overview and scrutiny committee, or if the Chairman or vice Chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.
- (c) Any agreement obtained under this provision should be evidenced in writing.
- (d) The leader will submit quarterly reports to Council on decisions taken by Cabinet or individual Cabinet members, or key decisions made by a member of staff or area committees, in the circumstances set out in rule 17 (exception to the call-in ("requisition") procedure) in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.
- (e) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

Attachment 2

Local Choice Functions

The following functions are specified as local choice functions in schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the regulations).

Function	Decision-making body	Membership
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the regulations	Cabinet	Leader and Cabinet
2. Determining an appeal against any decision made by or on behalf of the authority	Adjudication and Review Committee	9 Councillors and 9 independent persons
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Adjudication and Review Committee	9 Councillors and 9 independent persons
4. The making of arrangements pursuant to Sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Adjudication and Review Committee	9 Councillors and 9 independent persons
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	Adjudication and Review Committee	9 Councillors and 9 independent persons
6. Conducting best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999	Cabinet	Leader and Cabinet
7. Any function relating to contaminated land	Head of Housing & Public Protection	
8. Discharging any function relating to the control of pollution or the management of air quality	Head of Housing & Public Protection	
9. Serving an abatement notice in respect of a statutory nuisance	Head of Housing & Public Protection	
10. Passing a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Regulatory Services Committee	Leader and Cabinet
11. Inspecting the authority's area to detect any statutory nuisance	Head of Housing & Public Protection	
12. Investigating any complaint as to the existence of a statutory nuisance	Head of Housing & Public Protection	
13. Obtaining information under section 330 of the Town and Country Planning Act 1990 about interests in	<ul style="list-style-type: none"> • Head of Housing & Public Protection • Head of 	

Function	Decision-making body	Membership
land	Regeneration and Strategic Planning <ul style="list-style-type: none"> • Head of Development and Building Control • Assistant Chief Executive Legal & Democratic Services • Head of Streetcare 	
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	<ul style="list-style-type: none"> • Head of Development and Building Control • Assistant Chief Executive Legal & Democratic Services • Head of Regeneration and Strategic Planning 	
15. Making agreements for the execution of highways works	<ul style="list-style-type: none"> • Head of Streetcare • Assistant Chief Executive Legal & Democratic Services 	
16. Appointing any individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: <ul style="list-style-type: none"> • the authority • a joint committee of two or more authorities, or (c) to any committee or sub-committee of such a body And the revocation of such appointment	Governance Committee	10 Councillors
17. Making agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Leader and Cabinet



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
21 October 2009 (7.30pm – 10.45pm)**

Present: The Mayor (Councillor Roger Ramsey) in the Chair

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Roger Evans, Gillian Ford, Chris Fox, Georgina Galpin, Peter Gardner, David Grantham, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly*, Pam Light, Mark Logan, Andrew Mann, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Paul Rochford, Geoff Starns*, Mark Stewart, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Jeffrey Tucker, Melvin Wallace, Keith Wells, Michael White, Steve Whittaker, Linda Van den Hende, Mike Winter and John Wood

* for part of the meeting

Some 25 Civic and Members' Guests and members of the public and a representative of the press also attended.

Apologies were received for the absence of Councillors Gary Adams, Ted Eden, Mark Gadd and Fred Osborne.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Father Shiels, of Corpus Christi Church, Collier Row, opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

34 MINUTES (agenda item 3)

It was **RESOLVED:**

That the minutes of the Meeting of the Council held on 22 July 2009 be signed as a true record.

35 DECLARATIONS OF INTEREST (agenda item 4)

There were no declarations of interest.

36 **ANNOUNCEMENTS BY THE MAYOR (agenda item 5)**

Mayor's Announcements are attached as **Appendix 1 to these minutes**.

In the course of his announcements, the Mayor made the following presentations:

Royal British Legion Band

Congratulatory diploma – to Band Director Ian Yeoman and Drum Major Sam Jepson (representing the Band), marking the award of two Gold Diplomas in the World Music Championships in Holland.

Mayor's Civic Award

Civic Award – to Father Shiels, marking 33 years' service as Priest at Corpus Christi Church, Collier Row, and his great service to the local community and the borough.

London in Bloom

Silver Award – for the second time in two years, to Bob Wenman, Head of StreetCare on behalf of his department.

Allotment Award, second place – to Mr and Mrs Wilcox, on behalf of the Norfolk Road Allotment Site users.

37 **PROCEDURAL MOTION**

Procedural motion on behalf of the Administration

That agenda item 15 be considered by the Regulatory Services Committee when it considers, as consultee, any planning application.

In accordance with Council Procedure Rule 12.1(iii), the motion was put to a vote without debate and agreed by 45 votes to 2 (see division 1). It was accordingly **RESOLVED:**

That agenda item 15 be considered by the Regulatory Services Committee when it considers, as consultee, any planning application.

38 **PETITIONS (agenda item 6)**

Under paragraph 24 of the Council Procedure Rules, three petitions were presented to the Mayor by:

Councillor Andrew Mann

- (a) by 575 signatories from the area of the Collier Row Shopping Centre against the installation of parking meters in Collier Row; and
- (b) by every resident of Lytten Close, Collier Row against proposed double yellow line parking restrictions in the Close.

Councillor Pam Light, on behalf of a group of residents of Harlesden Walk, Harold Hill.

It was noted that the petitions would be passed to the appropriate Heads of Service for attention or report to members.

39 DELEGATION OF POWERS TO THE LONDON ILLEGAL MONEY LENDING TEAM (agenda item 7)

The Council noted a report of Governance Committee concerning the London Illegal Money Lending Team, one of a number regional teams funded jointly by HM Treasury and The Department for Business, Innovation and Skills. On behalf of a number of London councils, the London Borough of Tower Hamlets was facilitating and servicing the Team, which focussed on illegal money lenders (or "loan sharks") who preyed on the vulnerable, charging extortionate interest rates.

It was proposed that delegation to the Team would speed up enforcement action against unlicensed lenders within Havering, enhance confidentiality of operations and help avoid Havering officers being placed in possibly dangerous situations.

The report of the Governance Committee was considered without debate and adopted without division, and it was:

RESOLVED:

- 1. In pursuance of Section 101(1)(b) of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, to delegate to Tower Hamlets London Borough Council:**
 - (A) Enforcement of Parts III and IV of the Consumer Credit Act 1974, and**
 - (B) the enforcement functions and powers under Parts XI and XII of the Consumer Credit Act 1974, and**
 - (C) the power of prosecution under section 222 of the Local Government Act 1972**

all in connection with money-lending or the activities of money lenders and/or their agents and associates, and the laundering of the proceeds of illegal money-lending.

2. That Part 3, Section 2.3 of the Constitution (functions exercised by another authority on behalf of this authority) be amended accordingly
3. That the Assistant Chief Executive be authorised to agree the terms of the delegation agreement with the Tower Hamlets Council.
4. That the Council will enter into a joint Cross Border Working Protocol with the Tower Hamlets Council in respect of illegal money lending.
5. That the exercise by the Chief Executive of her powers within Part 3, Section 3.1.8 of the Council's Constitution temporarily to delegate the above powers to Tower Hamlets Council to allow an investigation to proceed prior to this meeting, be noted.

40 **REVISIONS TO THE PROTOCOL ON PROBITY IN PLANNING AND MEMBERSHIP OF REGULATORY SERVICES COMMITTEE (agenda item 8)**

Following revision of the Local Government Association's Guidance Note on good planning practice (the previous version of which had been incorporated in the Council's Protocol on Probity in Planning) and a suggestion by the Administration of an amendment to the membership of Regulatory Services Committee (so as to permit the attendance of up to two Cabinet Members at that Committee), the Governance Committee now invited the Council to approve a revised version of the Protocol, amended in the light of the new Guidance. Also included were some new proposals by the Standards Committee, with which the Governance Committee had concurred.

The report was considered without debate and agreed without division.

RESOLVED to:

1. Approve the appended, revised Protocol on Probity in Planning (see Appendix 2 to these minutes)
2. Increase to two the number of Members of the Executive permitted to serve on the Regulatory Services Committee to enable substitution to take place, as necessary.

41 **WEBCASTING OF COUNCIL AND OTHER MEETINGS (agenda items 9 and 14/14A)**

In accordance with Council Procedure Rule 7(iv), the Mayor had directed that these two agenda items be dealt with together:

Webcasting of Council and other meetings (agenda item 9): report of Governance Committee

Live Webcam broadcasting of meetings (agenda item 14/14A):

14 Motion on behalf of the Independent Residents' Group

That meetings of Full Council and Special Interests be made accessible via a live webcam to residents

14A Amendment by the Administration

That meetings of Full Council and Cabinet be made accessible via a live web cam to residents. Any further expansion of web cam facilities to be reported to and agreed upon at Governance Committee and Council

Council considered the motion, amendment and report.

The report of the Governance Committee followed discussion of the issue at its meetings in July and October. It referred to the growth in the use of webcasting by a number of local authorities, outlined the uses to which the Council might put webcasting and addressed concerns that had been raised by Members.

It was noted that:

- Members present at meetings of the Council and its Committees convened under the Local Government Act 1972 enjoyed qualified privilege from action for defamation – comments made in the course of meetings would not be liable to action for libel or slander provided that they were not made with malicious intent; qualified privilege would apply to webcasts as it would to the meetings themselves.
- The Monitoring Officer would prepare guidance for the Mayor and Committee Chairmen on the conduct of meetings that are being webcast. The Council would retain copyright in all webcast material, whether webcast live or held as a recording, either on the website or as an archived electronic file.
- In relation to malicious extracts from webcast material, the contractor had advised that it was highly unlikely that extracts could be made, although not impossible.
- Members of the public attending meetings who did not wish to appear in the webcast would be warned in advance that it would be

webcast and given the opportunity not to participate in it if they did not wish to appear in the webcast.

- The annual cost of equipment etc of around £18,000 would be met from existing budget provision and that it was not anticipated that any extra staff costs would be incurred in webcasting Council and Cabinet meetings. The webcasting equipment was compatible with the existing IT equipment in the Council Chamber and, other than an external internet connection, no change was needed.

Following debate, the Administration amendment was carried by 32 votes to 0 (see division 2) and then carried as the substantive motion without division. The Governance Committee report was also adopted without division.

RESOLVED:

- 1 **That meetings of Full Council and Cabinet be made accessible via a live web cam to residents. Any further expansion of web cam facilities to be reported to and agreed upon at Governance Committee and Council.**
- 2 **That the Council delegate to the Governance Committee:**
 - (a) **determination of the uses to which it will be put and the terms of such use; and**
 - (b) **approval of any requisite changes to the Council's Constitution.**

42 **REVENUE BUDGET STRATEGY STATEMENT (agenda item 10)**

In June, Cabinet had approved a revenue budget strategy statement as part of the MTFs, based on a robust approach seeking to ensure financial stability, whilst continuing to invest in services critical to the well-being of the local community, and that underpin the Council's Living Ambition. Given the current economic pressures, it was essential that this robust and sustainable approach be maintained.

Cabinet therefore proposed a minor amendment to the strategy statement, of which approval was accordingly sought.

The report was considered without debate and agreed without division.

RESOLVED:

That the amendment to the revenue budget strategy statement set out in Appendix 3 to these minutes be approved.

43 **SAFEGUARDING CHILDREN – USE OF CONTINGENCY FUNDS (agenda item 11)**

Cabinet reported that, in the light of emerging central government requirements for improving local authorities' safeguarding of children in the light of the Laming Report, following the Baby P case in Haringey, it had considered the steps that needed to be taken by the Council to ensure that its arrangements for safeguarding were compliant.

There was no alternative but to comply with the national safeguarding policy and to absorb the resultant financial pressure relating to staffing and legal costs. The number of child assessments had risen significantly, leading to resource capacity issues that needed to be addressed by changes to existing staffing. Use of external legal services would be more costly than use of in house services so the rationale was to increase in house capacity.

Cabinet had endorsed the recommendation that costs of £176k in 2009/10 be met from contingency. The actions will have base budget implications of inbuilt growth for 2010/11 amounting to £668k. The matter had therefore been referred to the Council to agree the inbuilt growth and that it be taken into account in the 2010/11 budget process.

No provision had been made for potential increases in children's placements or any other related resource implications that may arise as, currently, it was considered that any pressure could be contained within existing resources. The situation would be closely monitored as part of the ongoing budgetary control process and any emerging pressure would be subject to the monthly reporting process.

Details were submitted of the proposed additional staffing.

The report was considered by the Council without debate and agreed without division.

RESOLVED:

That the allocation of the funds from contingency for 2009/10 approve and it be agreed that the inbuilt growth be taken into account in the 2010/11 budget process.

44 **MEMBERS' QUESTIONS (agenda item 12)**

19 questions were asked under the Council Procedure Rules. The questions and answers, together with a summary of answers to supplementary questions where asked, are set out in **Appendix 4**.

45 **CAR PARKING CHARGES (agenda item 13/13A)**

Motion on behalf of the Residents' Group

In order to aid local businesses during the recession, this Council agrees to suspend car parking charges in out of town centres to support and stimulate local economies.

Amendment by the Administration

In order to aid local businesses during the recession, this Council support this administrations policy of not allowing our outer town car parks to be filled with commuters.

Following debate, the Administration amendment was carried as the substantive motion by 27 votes to 21 (see division 3) and agreed, also by 27 votes to 21 (see division 4).

RESOLVED that:

In order to aid local businesses during the recession, this Council support this administrations policy of not allowing our outer town car parks to be filled with commuters.

46 **RAINHAM COMPASS – NEW RAINHAM LIBRARY (agenda item 15/15A)**

In accordance with the procedural motion (see minute 37 above), the following stood referred to the Regulatory Services Committee:

Motion on behalf of the Rainham Residents' Group

That the Council abandon the proposal in the Rainham Compass plans to include 16 residential units in the design of the new Rainham Library.

Amendment by the Administration

Amend to read:

That the Council supports the proposal in the Rainham Compass plans to include 16 residential units in the design of the new Rainham Library

Mayor
9 December 2009

Note: the record of voting divisions is attached as **Appendix 5 to these minutes.**

**Appendix 1
(Minute 35)**

MAYOR'S ANNOUNCEMENTS

May I start by thanking the talented musicians from Havering Music School who played so beautifully for us. You will be pleased to know that they will also play during the interval. I invited the Havering Music School to perform here tonight to both mark the success of being commended in a joint assessment, and for you to hear for yourself the quality of their work.

On that note, I would now like to congratulate Ian Yeoman of the Royal British Legion Band. The band was awarded two Gold Diplomas in the World Music Championships in Holland.

The band is the most successful traditional youth marching band on the competition field in the United Kingdom. May I say how proud we are of this achievement. The band is truly a great representative for Havering, a shining example of everything that is good about the borough. Indeed a credit to us all.

It is now my great pleasure to welcome Father Sean Sheils who led us in prayer tonight. Father Shiels has been a priest at Corpus Christie Church in Collier Row for 33 years, and a great servant to the local community and the borough. To mark this, and his visit with us tonight, I am presenting my Civic Award to him.

Havering has again won the London in Bloom Silver award for the second time in two years. May I ask Bob Wenman, Head of Streetcare, to accept this award on behalf of his department and his team, who have worked so hard to achieve this.

Havering's catering team, led by Gerry Clinton, will receive a special award next month at The Good Food on the Public Plate awards. This is part of the Mayor of London's Food Strategy and is in recognition of the changes the service has made to increase the amount of sustainable food bought by public procurement.

It has been a very busy time for the borough since we last met, hosting successful events such as the Havering Show, Romfest, and the Havering Business Awards. And there is more to come with the Community Cultural Celebration event at the Queen's Theatre on 24 October, along with the Christmas Lights Switch On in the Market Place on 12 November.

I am especially pleased to say that work has started on the new state-of-the-art play area at Raphael Park, which is being built with £250,000 secured by the Council from the Big Lottery and the Department of Children, Schools and Families, through the Havering Playbuilder project.

Our children are the future of this borough and they will reap what we sew. That is why I would urge you all to come along to the free screening of the film *Age of Stupid* on climate change in this Council Chamber tomorrow at 7pm, as part of national Energy Saving Week.

We should all do something to protect Havering's legacy. With this in mind, I would like to highlight the actions of the Paperless Councillor Topic Group of the Corporate Overview & Scrutiny Committee. The group is making simple changes that make a difference – such as reducing the amount of printed agendas we receive – of which I give my full support.

PROTOCOL ON PROBITY IN PLANNING MATTERS**Summary**

The Council's function of development raises various issues of conduct and procedure for members including sometimes difficult matters of reconciling their role as ward member with their role as decision maker. The planning process allows decisions to be challenged either through the appeal process or the courts, or to be tested through the Ombudsman for maladministration or the District Auditor in some cases, with potentially severe consequences if decisions cannot be justified.

Consequently, it is of the utmost importance that the Council's processes and decision making should be open, accountable and objective.

This protocol applies to members and staff involved in the planning process and is concerned with maintaining the integrity of the planning system, including the conduct of members and staff in its processes and procedures. This Protocol should be read in conjunction with the Members Code of Conduct, the Staff Code of Conduct, and the Protocol on Member/Officer Relations.

It has been drafted in accordance with the guidance issued by the Local Government Association (LGA) in May 2009.

Provisions

The following general areas of advice take into account LGA guidance on planning issues for local authorities. They require members and staff involved in the planning process to conduct themselves according to certain standards.

1 Declaration and registration of interests

- (a) Members are required to declare and register their interests, and should review their interests regularly. A register of members' interests will be maintained by the Monitoring Officer.
- (b) Where a member has a personal interest in a matter, he must declare it, but he is not necessarily debarred from participation in the discussion of the matter.
- (c) If a member has personal interest which is also a prejudicial interest, then he should leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter either because they have a statutory right to do so or because the Constitution permits them to do so. In this case a member can attend the meeting to exercise this right but must immediately leave the room afterwards and cannot remain in the public gallery. A member with a prejudicial interest cannot participate in the discussion of the item by the committee or vote, and must not seek to improperly influence a decision on the matter.
- (d) A member must regard him or herself as having a personal interest in a planning matter:
 - (i) if the matter relates to an interest in respect of which the member has given notice in the statutory register of members' interests; or
 - (ii) if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the ward, the well-being or financial position of themselves, members of their family, or people with whom they have a close association or
 - an employment or business carried on by such persons

- any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors
 - any corporate body in which such persons have a personal interest in a class of securities exceeding the nominal value £25,000 or one hundredth of the total issued share capital (whichever is the lower)
 - any body which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.
 - The interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £25 within a period of 3 years before the date of the meeting.
- (e) A member with a personal interest in a planning matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest and (i) the matter does not fall within any exempt categories (ii) the matter affects a member's financial interests or relates to a licensing or regulatory matter. Further information on personal and prejudicial interests is contained in the Members' Code of Conduct and the Guide for Members 2007 issued by the Standards Board.
- (f) Members who are unsure whether an interest should be declared should seek advice of the Monitoring Officer. However, the ultimate decision is for the member.

2 Role and Conduct of Members and Officers

(a) Role of Councillors

- (i) It is most inadvisable for Members of the planning committee to become directly involved in pre- or post-submission discussions or negotiations with applicants or objectors.
- (ii) Members serving on planning committees or who become involved in making planning decisions (where the full Council deals with a planning application) must not in their official capacity, or in any other circumstances, use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- (iii) Members should take account of opposing interests involved in planning decisions, but should not favour any person, company or group or locality, nor put themselves in a position where they appear to do so.
- (iv) Members must treat others with respect and must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- (v) Members should not bully staff nor seek to put undue influence on staff for a particular recommendation nor to instruct staff to make a particular recommendation. Instructions to staff may only be given through a decision of the Council, Executive, or committee decision.
- (vi) Members can seek information from staff on behalf of constituents in the normal way. Members will need to be aware that there is often a fine line between seeking information and appearing to support or oppose an application. Further advice is given in the section on lobbying.
- (v) Confidential information must not be disclosed save for and strictly in accordance with the limited circumstances set out in the Members' Code of Conduct and only after seeking legal advice.

(b) Role of staff

- (i) Unless given clear delegation by the Council to act on behalf of the authority, staff can only advise.

- (ii) It is part of the normal role of staff, and acknowledged as good practice, to give advice and guidance to potential applicants, landowners, or interested third parties in relation to an application being made.
- (iii) All advice is given "without prejudice" either to the applicant's rights or the Council's decision.
- (iv) Staff must always act impartially.
- (v) It is part of the role of staff to facilitate consultation with appropriate interest groups and third parties – for example, statutory consultees, nearby occupiers to a proposal etc. – and to guide them, as necessary, to enable their participation and understanding of schemes.
- (vi) Wherever possible, staff of the Council should decline offers of hospitality from people with an interest in a planning matter. If the receipt of hospitality is unavoidable, officers should ensure that it is of a minimal level and declare its receipt as soon as possible in the hospitality register. Offers of hospitality should be recorded whether accepted or not and the register will be reviewed regularly by the Monitoring Officer. Reference should be made to the Gifts and Hospitality Protocol which contains more detailed advice.
- (vii) Professionally qualified staff are bound by the relevant codes of conduct of their own institutes or societies and the Staff Code of Conduct. All officers involved in the planning process should comply with the relevant parts of the Royal Town Planning Institute's Code of Professional Conduct
- (viii) The Council as a whole is entitled to unbiased and carefully considered professional opinion.

3 Development proposals submitted by the Council, members and all Planning staff, Chief Officers and Heads of Service

Proposals for a Council's own development can easily give rise to suspicions of impropriety. So indeed can proposals to their own authority by Members and staff and their close friends and relatives. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

- (a) Proposals for a Council's own development should be treated in the same way as those by private developers.
- (b) Members who act as agents for people pursuing planning matters with the authority should play no part in the decision-making process for those proposals.
- (c) Members who submit their own proposals to the authority on which they serve, should play no part in its processing and a member should not seek to improperly influence a decision about the matter. The consideration of a proposal from a member in such circumstances would be considered a prejudicial interest and the member would be required to withdraw from any consideration of the matter, save that a member attends on the same basis as a member of the public in accordance with the Constitution and in order to make representations but must not attend any other part of the meeting.
- (d) Staff responsible for processing planning applications shall not act as agents for people pursuing a planning matter within the borough.
- (e) Staff described above who submit their own planning proposals to the authority, shall take no part in its processing.

- (f) The Monitoring Officer shall be informed of development proposals submitted by the Council, members and staff described above when they occur.
- (g) Proposals by Members and staff described above should be reported to the Regulatory Services Committee as main items and not dealt with by staff under delegated powers; as part of the report the Monitoring Officer should confirm whether it has been processed normally.

4 Pre-application/post submission discussions

Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit. However it would be easy for such discussions to be seen as part of a lobbying process by the applicant. In order to avoid this perception pre-application and post-application discussions should take place within the guidelines outlined below.

- (a) It should be made clear at the outset that any discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- (b) Any advice given to an applicant should be consistent and based upon the development plan and material considerations. Advice should only be given after careful consideration and must be unbiased. Members should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Members should not become drawn in to any negotiations.
- (c) All members and staff taking part in such discussions should make clear whether or not they are the decision-maker.
- (d) A written note should be made of all potentially contentious meetings. At least one member of staff should attend such meetings and a follow-up letter should be written. A note should be made of all similarly contentious telephone discussions.
- (e) Care should be taken to ensure that any advice given is not partial.

5 Lobbying

- (a) In making a decision on a planning application the need for impartial assessment is sometimes at variance with the role which a member may feel they should fulfil as a ward member representing their own constituents' views.
- (b) Lobbying is a normal and proper part of the political process. Those who may be affected by a planning decision or an applicant who is aware of a likely adverse recommendation by a member of staff will often seek to influence it by approaching their elected ward member or a member of the committee which will determine the application.
- (c) However such lobbying can, if not properly handled, lead to the impartiality of a member serving on the committee which determines the application being called into question.
- (d) Ward members and members of the planning committee who are lobbied should avoid expressing an opinion that may be taken as indicating they have already made a decision on the issue before they have been exposed to all the evidence and arguments.
- (e) Members of the planning committee should not openly declare which way they intend to vote in advance of the planning meeting, and of hearing evidence and arguments on both sides.

- (f) A member can easily find his or her position prejudiced by inadvertently participating in advocacy, lobbying and the use of pressure on other members. Unless common sense is exercised by all parties concerned, such situations could lead to the impartiality of a Councillor being called into question and the need for an interest to be declared.
 - (i) If a member expresses an opinion in public on a planning application before it comes to committee it will be virtually impossible for that member to argue convincingly when the committee comes to take its decision that he or she has carefully weighed the evidence and arguments presented. Many of these may only become apparent when the item is discussed at committee.
 - (ii) If it is difficult or inappropriate not to express an opinion members are advised to make it clear that they have yet to hear all the arguments and see the evidence before forming a final view. Ideally this caveat should be put in writing to the applicant/objector.
 - (iii) Political group meetings prior to the planning committee meeting should not be used to decide how Councillors should vote. The use of political “whips” at group meetings over planning applications is contrary to the guidance and could amount to maladministration.
 - (iv) If a meeting or phone call with objectors or applicants is likely to be contentious, members are advised to make a note at the time of what is said and, preferably, to arrange for a member of staff to be present.
 - (v) In committee, members should ensure that they are able to concentrate on the application and the discussion.
 - (vi) If a member decides that they must lobby for or against a proposal, or publicly expresses support of a particular outcome, they should attend the committee as an individual and not take part in the decision making process for any matter being considered at that meeting.

6 Pre-disposition and Pre-determination

In addition to declaring personal or prejudicial interests under the Members' Code of Conduct, members of a planning committee need to avoid any appearance of bias or having pre-determined their views before taking a decision on an application. The Standards Board has provided guidance on pre-determination, pre-disposition and bias.

The following should be noted:

- (a) Pre-determination occurs where a Member has clearly expressed an intention to vote in a particular way before a meeting and/or has made his views known and is firm in those views. Such a Member should not take part in the Committee discussion or vote on the matter.
- (b) Pre-disposition is where a Member expresses an initial view but where the Member is clear and has made it clear to applicants &/or objectors that he is willing to listen to all the material considerations before deciding how to exercise his vote.
- (c) In cases of pre-determination a Member should also consider whether this is such that a personal interest should also be declared.
- (d) Bias or the appearance of bias must be avoided and the passing of notes between Members of the planning committee and objectors or applicants or discussions with applicants or objectors before or during the meeting should be avoided.

7 Written reports to committee

To avoid public concern and loss of confidence in the probity, quality and consistency of decision making and the possibility of maladministration or judicial review, committee reports will:

- (a) normally be available to the public five clear days prior to the meeting
- (b) be accurate, objective and fair and cover amongst other things, the proposal, policy and background issues, the substance of any objections, and the views of those consulted
- (c) include an exposition of the development plan; site or related history; and any other material considerations
- (d) contain a recommendation clearly justified by technical appraisals.
- (e) if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.
- (f) oral reporting to committee will as far as possible be confined to updating the meeting on developments since the publication of the report – for example, late representations or suggested additional conditions.

8 Decisions contrary to staff recommendation and/or the development plan

- (a) Decisions on planning applications are to be made in accordance with the development plan unless material considerations dictate otherwise. This is a requirement of the Planning and Compensation Act 2004.
- (b) Decisions contrary to the development plan should:
 - (i) be identified as soon as possible.
 - (ii) be advertised in accordance with the Planning and Compensation Act 2004
 - (iii) if it is intended to approve such an application, the material considerations leading to the conclusions must be clearly identified, and how the considerations justify overriding the development plan clearly identified.
- (c) If a member of the Planning Committee is minded to move a motion contrary to staff recommendation the following steps should be actively considered:
 - (i) encouraging the formation of tentative reasons by discussing a pre-disposition with planning staff prior to the meeting
 - (ii) writing down the reasons as part of the mover's motion
 - (iii) adjourning for a few minutes for those reasons to be discussed
 - (iv) if there is a strong objection by staff on the validity of those reasons, considering deferring to another meeting to have the putative reasons tested and discussed
- (d) Where the planning committee makes a decision contrary to a staff member's recommendation:
 - (i) a detailed minute of the committees reasons should be made and a copy placed on the application file.
 - (ii) the staff member should be given the opportunity to explain the implications of the contrary decision.
 - (iii) reasons for departing from the recommendation should be clear and convincing. The personal circumstances of an applicant will rarely provide

such grounds (a notable exception is where a planning policy allows for this).

- (iv) Members should be prepared to explain in full their reasons for not agreeing with staff recommendations and in doing so should take all material considerations into account and ignore all non-material matters.
- (e) A senior legal officer will always attend committee meetings to ensure appropriate procedures are followed.

9 Committee site visits

- (a) Site visits are used for fact finding and members are always accompanied by staff.
- (b) Committee site visits can only be authorised by the Regulatory Services committee, should only be made where the expected benefit is substantial, and will be arranged by staff.
- (c) A site visit will only be necessary if the impact of the proposed development is difficult to visualise from the plans and supporting material, or there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- (d) Site visits are not decision-making meetings.
- (e) All committee members will be invited and will be accompanied by staff. Relevant ward members will be invited.
- (f) Where applicant and objector are present it is important that the interested parties are not allowed to make further submissions so as to avoid inappropriate lobbying. The format and conduct of the meeting will be clearly established at the outset by staff.
- (g) To avoid prejudice to third parties, the landowner/operator/ applicant will be advised that only factual answers/information should be given and that lobbying will be unacceptable.
- (h) Where the committee consider it appropriate, objectors premises may also be visited and similar rules on lobbying will apply. Members should be aware that a site visit would be official business and therefore the Members' Code of Conduct would apply.
- (i) Site visits consisting simply of an inspection by a 'viewing' panel, with staff assistance are in most cases, the most fair and equitable approach. An inspection could be unaccompanied (i.e. without applicant and objectors) or accompanied but run on the strict lines of a planning inspector's site inspection with no arguments to be expressed on site.
- (j) site visits and the reasons they were made will be recorded.

10 Call in of planning decisions and Ward Councillors

The Head of Development and Building Control has certain constitutional delegations to approve planning permission, subject to Member call in. If a planning application is called in it will be referred to the Planning Committee. Such call in operates:

- (a) In accordance with paragraph 4 of Section 3.7.8 of the Constitution.

- (b) Any request for call in by a Member must be received by the Head of Development and Building Control in writing (to include e-mail and facsimile) and setting out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.
- (c) A Councillor calling in a planning matter must attend the Planning Committee or appoint a substitute to explain the reasons for the call in.
- (d) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Planning Committee.
- (e) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

11 Public speaking at Planning Committee

Where one or more objections have been received to an application, the objector(s) shall have an opportunity to address the committee before the application is determined provided:

- (a) Any objector wishing to speak must notify the Head of Development and Building Control not less than three working days before the meeting at which the objection is to be heard
- (b) If there is more than one objector, they shall be invited to agree among themselves before the meeting, who shall speak for them all. In the event that no agreement can be reached, the Chairman shall draw lots.
- (c) If an objector speaks against an application, the applicant or their designated representative shall be entitled to respond.
- (d) Addresses by both objector and applicant shall not exceed two minutes each unless the Chairman extends this time in relation to a specific application.

12 Members of Planning Committee

- (a) Members should ensure they are careful in the way they phrase questions at planning committee to ensure balance, lack of bias and that they are seen to have a fair approach.
- (b) The Chairman should not give any direction as to the decision of any planning application.

13 Reviews

- (a) A review of planning decisions should be undertaken annually. Such a review should include samples from a broad range of planning decisions and briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

**Appendix 3
(Minute 41)**

REVENUE BUDGET STRATEGY

- The Council will ensure that there is an effective Medium Term Financial Strategy in place to drive forward the financial planning process and resource allocation. The financial strategy will be determined by policies and priorities contained within the Sustainable Communities Strategy, together with other key Strategies, and with appropriate linkages in place to the Service Planning process.
- The Council is clear about its Living Ambition, to provide our residents with the highest quality of life in London, the five key goals for the future development of the borough and the priorities in the Sustainable Communities Strategy, and will redirect resources to support their achievement.
- The Council recognises the pressures on its budget, and while seeking to protect and enhance front-line services as far as possible, will aim to contain these pressures within existing resources. Cabinet Members will examine all budget pressures and seek reductions where possible.
- The Council will wherever possible seek new funding and new ways of working. The Council will continue to look at new methods of service delivery to improve services to the public and the value for money that they provide.
- The Council will continue to seek to improve efficiency and deliver value for money, in particular, the Council will aim to identify efficiencies that will not impact on service delivery, and to identify options that will improve the value for money of its services through improving performance, and/or reducing service costs.
- The Council will ensure that, given the severe financial pressures it is facing, growth will only be supported in priority areas, or where the Council is required to fund new responsibilities.
- The Council will however ensure that the most vulnerable members of its community are protected, will continue to lead in the development of social cohesion, and will ensure that the services provided and resources allocated reflect the diverse nature and needs of our local community and our responsibilities to the local environment.
- The Council will lobby to ensure that the Government provides adequate funding to take on any new responsibilities and to illustrate the impact of the low funding basis for Havering and its residents.
- The Council will ensure that it engages with its local community, its partners and individual stakeholders in developing financial plans, and will reflect on the outcome of its consultation process in the identification of priorities and the allocation of resources.
- That, while addressing its priorities and setting a balanced and prudent budget, the Council will seek to keep any increase in the Council Tax to the lowest possible level and in line with its stated aspirations whilst maintaining reserves at the minimum level of £10m.
- And as part of that process, the Council will not utilise those reserves, or any reserves earmarked for specified purposes, to subsidise its budget and reduce Council Tax levels as this is neither a sustainable nor a robust approach.

MEMBERS' QUESTIONS AND ANSWERS

1. Freedom Pass funding

To the Leader of the Council (Councillor Michael White)

By Councillor Andy Mann

In a recent Conservative newsletter which included a feature on the Freedom Pass, you were quoted as saying: "*The Government decided to withhold this year's payment in Havering*". Can you confirm if the Government have actually slashed the £1.8 million as stated in the leaflet?

Answer:

We were responding to a letter received by London Councils from Lord Adonis, the Secretary of State for Transport and have joined together on a cross-party basis with the 31 other London Boroughs to fight this issue. I would therefore like to invite you to join the Collier Row Conservative Action Team and Havering Conservative's campaign to lobby on behalf of the elderly and most vulnerable in our borough.

Supplementary question and answer

In response to the supplementary question, it was reported that the Government had clearly stated its intention to reduce funding for travel concessions for the elderly.

2. Litmus Towers along the A13

To the Cabinet Member for StreetCare & Customer Services (Councillor Barry Tebbutt)

By Mark Stewart

Could the Administration tell us the total amount spent on the installation and maintenance of the Litmus Towers along the A13?

Answer:

The overall project costs were £256,800. This was entirely grant funded and came from London Riverside Ltd £110,000. ODPM £86,800. Cleanaway Trust £30,000. and £30,000 from private sponsorship. To date the Council has not allocated or spent any funds on the maintenance of the Towers.

The operation of the towers has been deteriorating over time and they are now not functional.

Specialist contractors are being commissioned by Regeneration and Strategic Planning to do a full assessment of economic viability of the options for repair, costs and future maintenance programme.

3. Cancelled penalty charge notices: Havering Show

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member explain why a number of people who were issued parking tickets in the streets around Harrow Lodge during the Havering Show had their tickets cancelled?

Answer:

Due to the success of this year's Havering Show the main car park became full. We understand that some visitors who were unable to park there tried to find a space in nearby streets. They may have been under the wrong impression that parking restrictions were not being enforced on those two days, and so as a gesture of goodwill, we decided to cancel tickets issued in that area over that period.

Supplementary question and answer

It was affirmed that the cancellation of charges was solely related to the streets in the vicinity of the Show and for the time of the Show.

4. Investment policy

To the Cabinet Member for Finance & Commerce

(Councillor Eric Munday)

By Councillor Jeffrey Tucker

Taking into consideration the recent significant increases in value of silver and gold, does this Council regret not investing in them when they had the opportunity?

Answer:

No. It is not a function of local authorities to speculate with public money. We have a duty to conserve funds and to this end whilst we put surplus funds to work earning interest, we do not seek to obtain capital gains in speculative ventures.

Supplementary question and answer

In response to a supplementary question, the questioner was reminded that the Council could not speculate to gain capital funding.

5. Hazardous household waste

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Councillor Linda Van den Hende

What procedures do the council have in place to ensure that there is safe collection, disposal and recycling of hazardous household waste to comply with legislation?

Answer:

The City of London manages the hazardous waste collection service on behalf of the majority of the London Boroughs, including Havering.

Residents who have chemicals or asbestos contact the City of London directly and arrangements are made for collection and disposal. This service is funded through the East London Waste Authority.

Alternatively residents can dispose of asbestos and some other types of hazardous waste at the Gerpins Lane Re use and Recycling Centre (RRC), because of the nature of this type of waste, options for recycling are limited.

Whilst the most common batteries (alkaline AAA, AA, A) can still be disposed of safely in the normal household waste stream, battery banks have recently been installed at the RRC. The collected batteries are then sent for recycling. We are currently working with ELWA to see if battery collection/recycling banks can be established at the orange recycling sack distribution points around the Borough.

Supplementary question and answer

In relation to the disposal of expired light bulbs, particularly those containing mercury, the Cabinet Members undertook to make enquiries and to ensure all Members were advised of the procedure to be followed.

6. Thames Chase Joint Committee

To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)

By Councillor Keith Darvill

Will the Lead Member Finance and Commerce make a statement about progress in the negotiations with the other four partner authorities in renewing the Thames Chase Joint Funding contract due to come into effect at the end of March 2010.

Answer:

The current Thames Chase Joint Committee Agreement runs for a five year period until March 2010. There are five constituent Local Authorities represented by elected Members from Essex County Council (who are the Lead Authority), Brentwood District Council, the London Borough of Havering, the London Borough of Barking and Dagenham, and Thurrock Council. All authorities now need to confirm their future commitment to a new Thames Chase Joint Agreement. To this end the Joint Committee has established a Working Group of Members from each Local Authority to consider future arrangements, which has met on two occasions. I have represented Havering on this Working Group.

At its meeting on 7 October 2009 the Joint Committee resolved that each Local Authority should be asked to report back on their future commitment to its next meeting on 9 December 2009.

The Member will be aware that, further to a report by the Culture and Regeneration Overview and Scrutiny Committee on 15 July 2009, Havering's Cabinet has confirmed this Council's commitment to the Thames Chase Joint Agreement until March 2015, subject to there being no major change in the financial circumstances of Havering or the other

contributing Authorities. I do not have any further information on the position of the other constituent Authorities.

The Essex representative has stated that the County wishes to relinquish the Lead Authority role, but will continue its financial contribution. Brentwood D.C. will also continue its support, subject to final budget approval and this also appears to be the position with LB Barking & Dagenham, although its representative was absent from the meeting on 7th October. The Thurrock D.C. stance is ambivalent and will not be made known until after the finalisation of its budget.

There is an undercurrent of feeling from the other authorities that Havering receives the lion's share of benefit from the project.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member gave assurance that he would make known to the Joint Committee the view of Havering that all existing partners should continue to support the project.

7. Numbers of licensed premises in town centres

To the Cabinet Member for Corporate Services
(Councillor Peter Gardner)

By Councillor Pat Mylod

With increasing numbers of premises obtaining licenses to sell alcohol, would the Cabinet Member set out what measures are being taken to avoid our town centres and neighbourhoods being overrun with licensed premises?

Answer:

Any premises selling alcohol must be appropriately licensed by the Council under the Licensing Act 2003. The Council undertakes its licensing duties in accordance with a Statement of Licensing Policy, which must be reviewed every 3 years. Our policy is due to be reviewed next year, in order that a revised policy can take effect from January 2011. The review will consider whether to include a special policy relating to the cumulative impact of licensed premises along with other matters.

Legislation empowers the Council, as the licensing authority to implement a special policy within the Statement of Licensing Policy relating to the cumulative impact of licensed premises on the promotion of the four statutory licensing objectives subject to, there being an evidential basis for the decision. Guidance issued by the Department of Media, Culture and Sport under section 182 of the Licensing Act which the Council is obliged to follow states, that it would not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Therefore a limitation of introducing a special policy is that it would only apply to alcohol sales for consumption on licensed premises.

As part of our review work, we will research the effectiveness of special policies in areas where they have been adopted.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member accepted that many residents were of the view that the number of licensed premises in borough was reaching saturation point but

reminded Members that the Council was obliged to act within the terms of the Licensing Act in carrying out its regulatory responsibilities.

8. 10:10 Climate change campaign

To the Cabinet Member for Finance & Commerce **(Councillor Eric Munday)**

By Councillor Jonathan Coles

Will the Council be signing up to the 10:10 climate change campaign?

Answer:

No. The Council is fully committed to setting firm, realistic, and deliverable targets for reducing its carbon emissions and has agreed a target with the Government Office for London to achieve a 3% reduction in CO2 emissions by 2010 and a further 4% by 2012, and has allocated resources accordingly. The Council is not, however in a position to sign up to the 10:10 climate change campaign.

9. Killed and seriously injured road incidents

To the Cabinet Member for StreetCare & Customer Services **(Councillor Barry Tebbutt)**

By Councillor Andy Mann

Would the Cabinet Member set out how many KSI (killed and seriously injured) road incidents have occurred in Havering in each of the last four years, and this year to date?

Answer:

The number of road incidents classified as KSI are:

2005 – 83

2006 – 120

2007 – 129

2008 – 84

2009 (January to May, which are the latest figures available) - 28

10. Street lighting: times of operation

To the Cabinet Member for StreetCare & Customer Services **(Councillor Barry Tebbutt)**

By Councillor Andy Mann

Would the Cabinet Member explain why street lights on Havering roads are coming on later at night and going off earlier in the mornings?

Answer:

New energy saving switching gears have been installed in some street lights which saves half an hour of energy per day. The Authority has applied to the Carbon Trust for external funding to extend this programme.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member undertook to arrange for the Head of StreetCare to provide details of the lighting columns in question to be supplied to the Member.

11. Use of external consultants: cost**Redirected:****To the Leader of the Council (HR Portfolio)****(Councillor Michael White)**

By Councillor Clarence Barrett

In respect of expenditure for external consultants, would the Cabinet Member set out how much has been spent, broken down by Directorate, in each of the last three years and the projected figure for 2009/10?

Answer:

On levels of consultancy spend it should also be remembered the levels of savings that the Council has driven out over the same period. The figures for 2009/10 are provisional figures and this early in the financial year could be subject to change.

The figures are -

	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009/10 £000's
Costs	1,504	1,551	1,949	1,397
Savings	5,304	5,710	6,331	6,442

Supplementary question and answer

In response to a supplementary question, the Leader undertook to provide a full breakdown of those figures.

12. Support for schools not receiving Building Schools for the Future funding**To the Cabinet Member for Education & Children's Services****(Councillor Geoffrey Starns)****(By arrangement, reply given by Cllr. Paul Rochford)**

By Councillor Gillian Ford

Would the Cabinet Member advise this Council what support is being given to schools that are now at the top of the priority list for improvement, but are not currently identified as receiving Building Schools for the Future funding?

Answer:

I am grateful to Cllr Ford for giving me the opportunity to describe how we and schools are preparing to engage with the government's Building Schools for the Future programme should our bid be successful.

We have made a submission to Partnership for Schools the outcome of which is awaited. The only funds we have available currently are those agreed by Cabinet to provide a resource to make this application and make initial preparations for the next stage called Strategy for Change. From those funds we arranged with the National College for School Leadership to provide a support programme for all schools to help them prepare for Strategy for Change. On 29th and 30th September all schools with secondary age pupils attended a two day development session. There are two further sessions planned, one in November and another in March. On 14 November all governors are invited to a briefing session so that they can contribute to our preparations.

If we are successful all schools will need to do some more work and those schools in the first wave will need significantly more support. We will match support to need as best we can.

Part of our bid is to obtain early draw down of Information and Communications Technology funding for the benefit of all schools and, therefore, all learners and by extension their families.

While we await the outcome of our bid we, with schools, will continue to strive to improve the quality of learning irrespective of the availability of capital funds.

Supplementary question and answer

In response to a supplementary question, an undertaking was given that the questioner would be provided with the cost of bringing all schools up to an acceptable standard.

13. Welfare of animals kept in schools

To the Cabinet Member for Education & Children's Services
(Councillor Geoffrey Starns)
(By arrangement, reply given by Cllr. Paul Rochford)

By Councillor Linda Hawthorn

Would the Cabinet Member please explain the policy in respect of welfare of animals kept at schools?

Answer:

We do not have a specific council policy that covers Animal Welfare in schools. However there is a booklet widely available to all schools in the series Health & Safety in Primary Schools, Science and Technology called 'Be Safe'.

This advises schools on looking after pets and animals in a school environment. We advise schools to use this, along with the generic risk assessment, before any pets or animals are permitted on the school site.

There is also a borough Health and Safety generic risk assessment. This addresses the risks associated with schools keeping animals from the Health and Safety perspective of staff and pupils i.e. hand washing etc, along with some advice on welfare considerations.

14. Surface water management: DEFRA funding

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)
By Councillor Ray Morgon

DEFRA has awarded the Drain London Forum £3.2million to fund surface water management across London. Would the Cabinet Member confirm if Havering has bid for any of this money?

Answer:

The deadline for bids is 30 November 2009. Staff are reviewing the eligibility criteria following which the scope and basis for a bid will be assessed through the Council's Cross-Service Flood Group.

15. Highway works: signage

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Councillor Gillian Ford

Would the Cabinet Member please advise this Council the signage requirements of contractors carrying out work on the public highway?

Answer:

The Council and the Utility Companies have a duty to abide to the 'Safety At Street Works and Road Works' Code of Practice under the New Roads & Street Works Act 1991 & Traffic Management Act 2004 regarding the use of signage on the public highway.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member undertook to ensure that contractors were reminded of the need for them to identify the utility on whose behalf they were carrying out street works.

16. Responding to Members' enquiries

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)

By Councillor Cllr Andy Mann

Would the Cabinet Member state:

- a) What time scale does the Cabinet member feel should be appropriate for StreetCare to reply to a member's enquiry?
- b) Does he have in place a Service Level Agreement (SLA) for such member enquiries?

Answer:

As the Member may be aware, StreetCare are currently part of a pilot scheme to record the volume of Member enquiries received by individual services. The scheme states that Members queries should be answered within 10 working days but due to the complexity of some enquiries, to is not always possible to achieve that.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member advised that in August 70% of 138 Members' enquiries had been dealt with within the deadline, and undertook to confirm to the questioner whether the CRM system was identifying Members' enquiries that had not been dealt with in that time.

17. Rex Close Car Park, Collier Row

To the Cabinet Member for StreetCare & Customer Services (Councillor Barry Tebbutt)

By Councillor Andy Mann

Would the Cabinet Member state how much capital funding has been spent on Rex Close Car Park, Collier Row, in each of the last two financial years and 2009/10 to date?

Answer:

Capital spend - Rex Close Car Park:

2007/08 - £14,268.42

2008/9 - £ NIL

2009/10 (To date) - £ NIL

A consultation is underway to bring the car park up for Park Mark standard in 2010/11.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member undertook to ensure that the questioner was provided with details of the proposed consultation.

18. Monitoring highway repairs

To the Cabinet Member for StreetCare & Customer Services (Councillor Barry Tebbutt)

By Councillor Gillian Ford

Would the Cabinet Member provide details of the monitoring process that takes place after all highway repairs?

Answer:

On major works, repairs are inspected throughout the works period, and measurements agreed before invoices are signed off. A Clerk of Works or Engineer is assigned to all major schemes to ensure the quality of works. 10% of minor repairs are checked before sign off. In addition all carriageways and footways have routine safety inspections carried out at least every 6 months. The frequency of safety inspections is determined by the hierarchy and usage.

19. Housebound people: recycling of glass items

To the Cabinet Member for StreetCare & Customer Services

(Councillor Barry Tebbutt)
By Councillor Cllr Gillian Ford

Would the Cabinet Member set out what measures are taken to enable residents who are housebound to recycle items made of glass?

Answer:

There are no specific measures in place to enable housebound residents to recycle items made of glass. Glass that is placed in black sacks is captured through the Bio-MRF process which is recycled at the Bio-MRF facility at Frog Island.

Supplementary question and answer

In response to a supplementary question, the Cabinet Member advised Members that the possibility of extending the collection of recyclable materials would be looked at once the current pilot scheme of separating refuse and recyclables collections had been evaluated.

VOTING RECORD

<u>DIVISION NUMBER:</u>	1	2	3	4
The Mayor [Cllr. Roger Ramsey]	✓	✓	✓	✓
The Deputy Mayor [Cllr. Melvin Wallace]	✓	✓	✓	✓
<u>CONSERVATIVE GROUP</u>				
Cllr. Michael White	✓	✓	✓	✓
Cllr. Gary Adams	A	A	A	A
Cllr. Michael Armstrong	✓	✓	✓	✓
Cllr. Robert Benham	✓	✓	✓	✓
Cllr. Sandra Binion	✓	✓	✓	✓
Cllr. Jeff Brace	✓	✓	✓	✓
Cllr. Wendy Brice-Thompson	✓	✓	✓	✓
Cllr. Dennis Bull	✓	✓	✓	✓
Cllr. John Clark	✓	✓	✓	✓
Cllr. Andrew Curtin	✓	✓	✓	✓
Cllr. Ted Eden	A	A	A	A
Cllr. Roger Evans	✓	✓	✓	✓
Cllr. Christine Fox	✓	✓	✓	✓
Cllr. Mark Gadd	A	A	A	A
Cllr. Georgina Galpin	✓	O	✓	✓
Cllr. Peter Gardner	✓	✓	✓	✓
Cllr. David Grantham	✓	✓	✓	✓
Cllr. Kevin Gregory	✓	✓	✓	✓
Cllr. Lesley Kelly	✓	✓	✓	✓
Cllr. Steven Kelly	✓	✓	A	A
Cllr. Pam Light	✓	✓	✓	✓
Cllr. Robby Misir	✓	✓	✓	✓
Cllr. Eric Munday	✓	✓	✓	✓
Cllr. Barry Oddy	✓	✓	✓	✓
Cllr. Frederick Osborne	A	A	A	A
Cllr. Paul Rochford	✓	✓	✓	✓
Cllr. Geoffrey Starns	✓	✓	A	A
Cllr. Barry Tebbutt	✓	✓	✓	✓
Cllr. Frederick Thompson	✓	✓	✓	✓
Cllr. Lynden Thorpe	✓	✓	✓	✓
Cllr. Keith Wells	✓	✓	✓	✓
<u>RESIDENTS' GROUP</u>				
Cllr. Clarence Barrett	✓	O	X	X
Cllr. June Alexander	✓	O	X	X
Cllr. Gillian Ford	✓	O	X	X
Cllr. Linda Hawthorn	✓	O	X	X
Cllr. Andrew Mann	O	O	X	X
Cllr. Barbara Matthews	✓	O	X	X
Cllr. Raymond Morgon	✓	O	X	X
Cllr. John Mylod	✓	O	X	X
Cllr. Patricia Mylod	✓	O	X	X
Cllr. Linda van den Hende	✓	O	X	X
Cllr. Steve Whittaker	✓	O	X	X
Cllr. Mike Winter	✓	O	X	X
Cllr. John Wood	✓	O	X	X
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>				
Cllr. Jeffery Tucker	X	O	X	X
Cllr. Michael Deon Burton	X	O	X	X
<u>LABOUR GROUP</u>				
Cllr. Keith Darvill	✓	✓	X	X
Cllr. Tom Binding	✓	✓	X	X
<u>RAINHAM RESIDENTS' GROUP</u>				
Cllr. Mark Stewart	O	O	X	X
Cllr. Coral Jeffrey	O	O	X	X
<u>Liberal Democrat Member</u>				
Cllr. Jonathan Coles	✓	✓	X	X
<u>British National Party Member</u>				
Cllr. Mark Logan	✓	✓	X	X
TOTALS				
YES	45	32	27	27
NO	2	0	21	21
ABSTAIN/NO VOTE	3	18	0	0
DECLARATION OF INTEREST/NO VOTE	0	0	0	0
ABSENT FROM MEETING	4	4	6	6
	54	54	54	54

IN FAVOUR ✓ **AGAINST X**
NOT VOTING O **ABSENT A**
INTEREST DECLARED ID

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GOVERNANCE COMMITTEE

7

SUBJECT: NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION

At its extraordinary meeting on 21 October 2009, the Council approved new Executive Arrangements that are to come into force in May 2010, as required by the Local Government & Public Involvement in Health Act, 2007.

One consequence of this is that a comprehensive review of the Council's Constitution (which has not been reviewed in its entirety since 2002, when it was first agreed) is needed. A working group of Members and officers has been established by the Governance Committee to undertake this task and, at its meeting on 25 November, the Committee considered the first three of a number of reports as to changes required in order to improve the effectiveness of the Constitution, and to reflect legislative, operational and other changes since its inception.

The Committee now invites the Council to approve the changes to Parts 1, 2 and 3 (so far as relates to the Council and its decision-making processes) appended to this report.

Certain areas of text are high-lighted and in italic font. These areas of text are subject to adjustment, depending on changes made in other parts of the Constitution that have yet to be reviewed and will therefore feature in future reports.

These changes will take effect on 9 May 2010, immediately following the election of Councillors, as required by the Act.

Recommendation

That the Council approve the revised Parts 1, 2 and 3 (Council functions) appended to this report, subject to adjustment where necessary to reflect changes elsewhere in the Constitution.

Constitution Part 1 – Summary

Throughout this document, according to context, “The Council” means either:

- the 54 Members of the Council (“Councillors”) meeting together in full Council or
- the statutory body administering local government in the London Borough of Havering

The Council’s constitution

The London Borough of Havering has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are properly made and are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been decided by the Council itself.

The constitution is divided into 12 articles which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What’s in the constitution?

Article 1 of the constitution commits the Council to deliver its priorities under the community strategy and the corporate development plan, and to provide clear community leadership in partnership with local people, partners, businesses and others with a stake in the well being of the London Borough of Havering. The rest deal with:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council and the Mayor (Article 4)
- The Executive – Leader of the Council and Cabinet (Article 5)
- Overview and scrutiny (Article 6)
- Joint arrangements (Article 7)
- Staff (Article 8)
- Decision making (Article 9)
- Finance, contracts and legal matters (Article 10)
- Review and revision of the constitution (Article 11)
- Suspension, interpretation and publication of the constitution (Article 12).

How the Council operates

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their electoral ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code and standards.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies, and set the budget each year. The Council elects a Leader, who then appoints between two and ten other members who together form the Cabinet. The Leader and Cabinet are responsible for implementing the policies decided by the Council within the budget. The functions of the Cabinet as a body are set by the Council but the functions of individual Cabinet members are decided by the Leader. The Council is required by law also to appoint overview and scrutiny committees to assist in policy formulation and to hold the Cabinet to account for its performance.

How decisions are made

The Executive is accountable for most day-to-day decisions. The Executive is made up of the Leader and the Cabinet. When major decisions are to be discussed or made, these are published in the Leader's Forward Plan. If these major decisions are to be taken at a meeting of the Executive, the meeting will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

While most decisions are taken by the Executive (i.e. by or on behalf of the Cabinet or an individual Cabinet member), important decisions are also taken by the full Council, or by its committees and sub-committees

Overview and scrutiny

There are eight overview and scrutiny committees which support the work of the Executive and the Council as a whole. They have statutory powers to report and make recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the Executive. They can "call-in" a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The overview and scrutiny committees also deal with Councillor Calls for Action and have power to scrutinise a number of partner agencies in relation to matters

concerning the National Health Service, crime and disorder and the Local Area Agreement.

Area committees

There are nine area committees. These provide a platform for local people to express their views regarding important community issues, to review the operation of services locally, to allow representatives and recommendations to be made to the Executive and Council and to take certain important decisions, including some traffic management matters, on a local basis. They involve councillors for each particular area and are held in public.

Other Committees

The Council also appoints a number of other Committees to undertake functions on its behalf that cannot be undertaken by the Executive. These include the Regulatory Services Committee (which deals with planning issues), the Standards Committee and the Audit and Pensions Committees.

The Council's staff

The Council has staff to give advice, implement decisions and manage the day-to-day delivery of its services. Some staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the Council.

Citizens' rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Citizens have the right to:

- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- obtain a copy of the constitution
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of Executive
- find out, from the Leader's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or staff, and when
- attend meetings of the Executive where key decisions are being discussed or decided
- see reports and background papers, and any record of decisions made by the Council and Executive
- complain to the Council about any aspect of the borough's services using the Council's formal complaints systems

Council, 9 December 2009

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints process
- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's code of conduct, and
- inspect the Council's accounts and make their views known to the external auditor.
- Inspect the Register of Members' Interests

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they may have additional rights. These are not covered in this constitution.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend meetings is available.

Part 2: the Articles of the Constitution

Article 1: The constitution

1.01 Purpose of the Constitution

The purpose of the constitution is to set the frameworks within which the Council operates and in particular to:

- 1 enable the Council to provide clear leadership to the community in partnership with citizens, partners, businesses and other organisations
- 2 support the active involvement of citizens in the process of local authority decision-making
- 3 help councillors represent their constituents more effectively
- 4 enable decisions to be taken efficiently and effectively
- 5 create a powerful and effective means of holding decision-makers to public account
- 6 ensure that no person will review or scrutinise a decision in which he or she was directly involved
- 7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
- 8 provide a means of improving the delivery of services to the community.

1.02 Interpretation and review of the constitution

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in Article 11.

1.03 Definitions

For the purposes of this constitution:

- (a) Where appropriate, any reference to a member includes a co-opted member (that is a member who is not a member of the Council but who is entitled to vote on the committee or sub-committee on which he or she sits).
- (b) The following staff are Chief Officers:
 1. Head of Paid Service (**i.e. the Chief Executive**)

2. Monitoring Officer (**i.e the Assistant Chief Executive, Legal & Democratic Services**)
3. Director of Children's Services (appointed under s.18 Education Act 2004) (**i.e. the Group Director, Social Care & Learning**)
4. Director of Adult Social Services (appointed under s.6(A1) Local Authority Social Services Act 1970) (**i.e. the Group Director, Social Care & Learning**)
5. the s.151 Officer (**i.e. the Group Director, Finance & Commerce**)
6. Any person who for most of their duties (other than clerical or admin) reports directly to the Head of Paid Service or directly to the Council or a committee or sub-committee of the Council. (**i.e. the Group Director, Culture & Community**)

Those in categories 1 – 5 are statutory chief officers, those in category 6 are non-statutory chief officers.

- (c) The following staff are Deputy Chief Officers (i.e. staff who for all or most of their duties report directly to or are directly accountable to a Chief Officer:
1. Assistant Directors
 2. Heads of Service
- (d) "Policy Framework" means the following plans and strategies (which are statutory, except where shown otherwise):
- Sustainable Community Strategy
 - Children & Young People's Plan
 - Documents that together make up the Development Framework
 - Licensing Authority Policy Statement
 - Local Transport Plan
 - Youth Justice Plan
 - Corporate Plan (non-statutory)
- (e) "Budget" includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. For the purpose of rules **4 – 8** of the Budget & Policy Framework Procedure Rules the budget shall not include reserves and balances.
- (f) "Housing land transfer" means the approval or adoption of applications (whether in draft form or not) to the Secretary of State

for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Article 2: Members of the Council

2.01 Composition and eligibility

The Council comprises 54 members, otherwise called councillors. Three councillors are elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Only registered voters of the London Borough of Havering or those living or working there are eligible to hold the office of councillor.

The regular election of councillors is held on the first Thursday in May every fourth year from 2002. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

Vacancies in the office of Councillor are filled by a by-election; those elected at a by-election hold office until the fourth day after the date of the next regular election.

2.02 Roles and functions of all councillors

(a) Key roles

All councillors will:

- (i) collectively be the ultimate policy-makers;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making; participate in the governance and management of the Council
- (iii) effectively represent the interests of their constituents, fairly, impartially and without unlawful discrimination;
- (iv) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or member of staff entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this constitution.

(c) **Champions**

Council has established seven positions to act as and be a

- (i) Champion for Over Fifties
- (ii) Champion for Younger Persons
- (iii) Champion for Diversity
- (iv) Champion for the Historic Environment
- (v) Champion for Standards
- (vi) Champion for the Voluntary Sector Compact
- (vii) Champion for the 14-19 Diploma Scheme

Such appointments are made at Annual Council.

In relation to the issues for which they are responsible, the Champions shall be required to report annually to Council, shall have the right to report to Council or to Cabinet at any ordinary meeting and may be questioned at an ordinary meeting of the Council by any member

2.03 Conduct

Councillors will at all times observe the Members’ Code of Conduct, the Protocol on Member/Staff Relations, the Protocol on Probity in Planning matters and the Protocol on Gifts and Hospitality set out in Part 5 of this constitution.

2.04 Allowances

Councillors are entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this constitution.

Article 3: Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this constitution.

(a) Voting and petitions

Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected mayor.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and its committees except any part where confidential or exempt information is likely to be disclosed
- (ii) find out from the Forward Plan what key decisions will be taken by the Executive, and when
- (iii) see reports and background papers, and any records of decisions made by the Council and the Executive
- (iv) inspect the Council's accounts and make their views known to the external auditor.

(c) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme
- (ii) the Ombudsman
- (iii) the Standards Committee

3.02 Participation

Overview and scrutiny and other committees may invite Citizens to:

- (a) contribute to their investigations
- (b) speak at their meetings .

Article 4: The Council and the Mayor

4.01 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the constitution
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget
- (d) appointing the Leader
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them
- (f) adopting an allowances scheme under **Article 2.04**
- (g) changing the name of the area or conferring freedom of the borough
- (h) confirming the appointment and dismissal of the Head of Paid Service
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (j) all local choice functions set out in Part 3 of this constitution which the Council decides should be undertaken by itself rather than the Executive
- (k) all other matters which, by law, must be reserved to Council.

4.02 Council meetings

There are four types of Council meeting:

- (a) annual meetings
- (b) ordinary meetings
- (c) extraordinary meetings
- (d) council tax and budget setting meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this constitution.

4.03 Role and function of the Mayor

The Mayor is elected at the Annual Meeting of the Council from among its members. The Mayor is the civic and ceremonial head of the Council. The Mayor appoints the Deputy Mayor.

The Mayor and, in his or her absence, the Deputy Mayor will have the following roles and functions:

- To uphold and promote the purposes of the constitution and, when Chairing the Council meeting, to interpret the constitution when necessary.
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. [In the case of an equality of votes, then, as the Chairman of the meeting, the Mayor has a second or casting vote.]
- As Chairman of the meeting, to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account.
- To promote public interest in the Council's activities.
- To be the Returning Officer for the parliamentary constituencies within the Borough.
- To attend civic and ceremonial functions

4.04 Committees of the Council

The Council will appoint committees and sub-committees, with the membership arrangements shown in the Table appended to this Part. The full functions of each are set out in Part 3 of this constitution.

The Council is required – with a few exceptions – to make appointments to Committees in accordance with the principles of political balance. The number of Members' seats on each Committee shown in the table (except the Area Committees) may be varied by resolution of the Council in order to achieve political balance.

4.05 Responsibility for functions

The Council will maintain the tables in Part 3 of this constitution, which set out the responsibilities for those functions of the Council that are not the responsibility of the Executive.

Article 5: The Executive – Leader of the Council and Cabinet

5.01 Role

The Leader is responsible for arranging for the exercise of all executive functions.

5.02 Leader of the Council

The Council will elect a Councillor to the position of Leader of the Council. The Leader will hold office for a term of four years from the Annual meeting until the day on which the next post-election Annual meeting is held or until:

- he or she resigns from the office, or
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a councillor, or
- he or she is removed from office by resolution of the Council.

5.03 Cabinet

The Leader will appoint a Cabinet, which will consist of between two and ten councillors, one of whom will be Deputy Leader.

5.04 Deputy Leader

The Leader is required to appoint a Deputy Leader who shall hold office until the end of the term of office of the Leader or until

- he or she resigns from office
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension), or
- he or she is no longer a councillor, or
- he or she is removed from office by the Leader

Where a vacancy occurs in the office of Deputy Leader the Leader must appoint another person in his place.

The Deputy Leader must act in the Leader's place if at any time the Leader is unable to act or the office of Leader is vacant.

5.05 Other Cabinet members

Other Cabinet members shall hold office until:

- they resign from office, or
- they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension), or
- they are no longer councillors, or
- they are removed from office by the Leader of the Council.

If for any reason the Leader or Deputy Leader are unable to act or the office(s) is vacant then the Cabinet Members collectively must act in the Leader's place or must arrange for a member of the Cabinet to act in his place.

5.06 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this constitution.

5.07 Allocation of portfolios and executive functions

The portfolios and functions of individual Cabinet members will be allocated by the Leader of the Council.

The Leader will give notice in writing to the proper officer, and maintain a list, setting out which individual members of the Cabinet, committees of the Cabinet, staff or joint arrangements are responsible for the exercise of particular executive functions.

Article 6: Overview & Scrutiny

6.01 Areas of responsibility

The Council will appoint the overview and scrutiny committees to discharge the functions conferred by section 21 of the Local Government Act 2000 (or regulations made under section 32 of the Local Government Act 2000), the National Health Service Act 2006, the Police & Criminal Justice Act 2006 and the Local Government & Public Involvement in Health Act 2007.

6.02 Overview & Scrutiny activities

Section 21 of the Local Government Act 2000 sets out the powers and functions of the overview and scrutiny committees, which are dealt with more fully in Part 3, section 1.4.

Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.03 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution.

6.04 **Joint scrutiny of health service**

The Health Overview & Scrutiny Committee is authorised pursuant to Regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 to establish together with the health overview & scrutiny committees of one or more other local authorities a joint overview & scrutiny committee.

Any such joint overview & scrutiny committee shall have such terms of reference, and shall exist for so long, as the appointing overview & scrutiny Committees may agree.

Article 7: Joint arrangements

Joint arrangements for the exercise of functions

- (a) The Council may establish joint arrangements with one or more local authorities for the exercise of non-executive functions, or to advise the participating authorities. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader may appoint only Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint non-executive members to a joint committee that has functions for part only of the borough, provided that the part in question is smaller than two-fifths of the borough by area or population. In such cases, the Leader may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

Article 8: Staff

8.01 Management structure

(a) General

The Council may engage such staff as it considers necessary to carry out its functions.

(b) Corporate Management Team

The Council will engage persons for the following posts which will form the corporate management team:

- Chief Executive
- Group Directors (as necessary)
- Assistant Chief Executive

Their duties and areas of responsibility will be as set out below and in Part 3 of this constitution

(c) Statutory Officers

The Council will designate the following statutory posts:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Assistant Chief Executive Legal & Democratic Services	Monitoring Officer
Group Director Finance & Commerce	Responsible officer under section 151 of the Local Government Act 1972 (Chief Finance Officer)
An appropriately qualified Group Director	Director of Adult Social Services
An appropriately qualified Group Director	Director of Children's Services

8.02 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Council will provide the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are in those officers' opinion sufficient to allow their duties to be performed.

8.03 Other staff

- (a) The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of staff. This description is set out in Part 7 of this constitution.
- (b) The recruitment, selection and dismissal of staff will comply with the Staff Employment Procedure Rules set out in Part 4 of this constitution
- (c) Staff will comply with the Staff Code of Conduct and the Protocol on Member/Staff Relations set out in Part 5 of this constitution.

Article 9: Decision making

9.01 Responsibility for decision making

The Council and/or the Leader, as appropriate, will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this constitution.

Principles

9.02 All decisions will be made:

- (a) proportionately (meaning that the action must be proportionate to the desired outcome)
- (b) after due consultation and the taking of professional advice
- (c) with respect for human rights as set out in the Human Rights Act 1998
- (d) with the presumption in favour of openness
- (e) with clarity of aims and desired outcomes, and
- (f) after due consideration for the interests of residents and other stakeholders.

Decisions will be recorded in an appropriate manner. The record of executive decisions will provide an explanation of the options considered in making the decision and will give the reasons for the decision.

9.03 “Executive decisions” are those that are required to be taken by the Leader or in accordance with delegations agreed by the Leader to Cabinet, Area Committee, to individual members of the Cabinet or to specific officers.

9.04 Decisions that are not executive decisions shall be taken by the Council, by a Committee to which Council has delegated power to act on its behalf, or by specific officers to whom powers have been delegated. In reaching such decisions, officers to whom powers have been delegated may consult the Chairman of the relevant Committee where to do so is expedient, and shall do so where an earlier decision so requires.

9.05 An individual or body to whom power to make a decision has been delegated may decline to make that decision and refer it for decision by the relevant Committee, Cabinet Member, the Leader or by Council as appropriate.

Decision making

9.06 Subject to paragraph 9.07 below

- (a) the Council meeting will follow the Council Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (b) the Executive will follow the Executive Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (c) the overview and scrutiny committees will follow the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (d) other Council committees and sub-committees will follow those parts of the Committee Procedure Rules set out in Part 4 of this constitution as apply to them.

9.07 Decision making by Council bodies acting as tribunals

Quasi-judicial decisions of the Council, Cabinet, Committee or an officer shall be taken in accordance with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

9.08 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 initial assessments and reviews, consideration of investigating officers' reports and 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.

Article 10: Finance, contracts and legal matters

10.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this constitution.

10.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this constitution.

10.03 Legal proceedings

The Assistant Chief Executive Legal & Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where she considers that such action is necessary to protect the Council's interests.

10.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Chief Executive Legal & Democratic Services or other person authorised by her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Contracts with a value exceeding £50,000 must be made under the common seal of the Council, in accordance with rule 26 of the Council Procedure Rules set out in Part 4 of this constitution. Contracts under £50,000 may, in most circumstances, be signed by the Chief Executive or the appropriate Group Director, Assistant Chief Executive, Assistant Director or Head of Service, in accordance with the Contracts Procedure Rules set out in Part 4.

10.05 Common seal of the Council

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	A Group Director
	Assistant Chief Executive Legal & Democratic Services
	Head of Legal Services
	A Legal Manager

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.

Article 11: Review and revision of the constitution

11.01 Duty to monitor and review the constitution

The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

Protocol for monitoring and review of constitution

A key role for the Governance Committee is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Governance Committee may:

- observe meetings of different parts of the member structure
- undertake an audit trail of a sample of decisions
- record and analyse issues raised by members, staff, the public and other relevant stakeholders, and
- compare practices in this authority with those in other comparable authorities, or national examples of best practice.

11.02 Changes to the constitution

(a) Approval

Changes to the constitution will be approved by the full Council only after consideration of the proposal by the Governance Committee.

(b) **Change from a Leader form of executive to alternative arrangements or vice versa**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

(c) **Delegated powers of the Monitoring Officer**

The Monitoring Officer shall have power to:

- amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure
- insert recommendations made pursuant to a written report agreed by Council
- clarify the Constitution, make non-contentious amendments, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, Standards for England and/or any other government appointed inspection regime (on giving five working days' notice to Group Leaders and the other Members of the Governance Committee).

If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.

Article 12: Suspension, interpretation and publication of the constitution

12.01 Suspension of the constitution

(a) **Limit to suspension**

The articles of this constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.

(b) **Procedure to suspend**

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in Article 1.

(c) Rules capable of suspension

The following rules may be suspended:

- (i) all of the Council Procedure Rules set out in Part 4 of this constitution except rules 6, 18, 19 and 20
- (ii) all of the Committee Meeting Procedure Rules set out in Part 4 of this constitution except rule 6.

12.02 Interpretation

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

12.03 Publication

- (a) The Assistant Chief Executive Legal & Democratic Services will make a printed copy of this constitution available for members of the Council.
- (b) The Assistant Chief Executive Legal & Democratic Services will ensure that a copy is available for inspection at the Town Hall, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Appendix

Committee	Number of Members and any special requirements
Adjudication and Review Committee <i>See annex 1</i>	9 Councillors, of whom no more than one may be an Executive Member; there is also a pool of Independent Persons who may serve on specific Hearings Panels
Appointments Committee	6 Councillors at least one of whom must be an Executive Member
Audit Committee	8 Councillors
Governance Committee	10 Councillors, at least one of whom must be an Executive Member
Licensing Committee See annex 2	10 Councillors
Pensions Committee See annex 3	7 Councillors, one co-opted Member and two non-voting observers
Regulatory Services Committee	10 Councillors, of whom no more than two may be Executive Members
Standards Committee <i>See annex 4</i>	9 Councillors, of whom, only one may be an Executive Member (and may not be the Leader of the Council) 3 Independent Members

Committee	Number of Members and any special requirements
Adult Services Health Overview and Scrutiny Committee	6 Councillors
Children's Services Overview and Scrutiny Committee See annex 5	6 Councillors, together with two statutorily co-opted and three voluntarily co-opted Members with voting rights, and three non-voting staff representatives
Corporate Overview and Scrutiny Committee	6 Councillors
Crime & Disorder Committee <i>See annex 6</i>	6 Councillors; the Committee has statutory authority to co-opt certain individuals as required
Culture and Regeneration Overview & Scrutiny Committee	6 Councillors
Environment Overview and Scrutiny Committee	6 Councillors
Health Overview and Scrutiny Committee	6 Councillors
Housing Overview and Scrutiny Committee	6 Councillors
Elm Park and Hylands Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Emerson Park and Harold Wood Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Gidea Park Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Harold Hill Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Hornchurch Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
North Romford Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Romford Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
South Hornchurch and Rainham Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)
Upminster Area Committee	6 Councillors (Every Member for the Wards in the Area) (exempt from political balance requirements)

Annexes

1: Adjudication and Review Committee

1.1 The major part of the work of this Committee is carried out through Hearings Panels. The composition of Hearings Panels varies according to the nature of the issue adjudicated – as indicated in the following table:

Type of hearing	Membership of Panel
Corporate complaints procedure (including housing tenants' complaints)	Three Members and a non-voting independent person

Type of hearing	Membership of Panel
Children Act complaints	Three independent persons (one as chairman) with voting rights (<i>to accord with legal requirements, elected Members may not serve on this type of Panel</i>)
Adult Care complaints	One independent person (as chairman) with voting rights and two Members
Housing tenancy appeals	Three Members

- 1.2 The independent persons used for such hearings are taken from a pool of such people appointed on behalf the Adjudication & Review Committee, managed by Democratic Services, who have received training appropriate to that role.
- 1.3 The substitute rule does not apply to Hearings Panels, which are not required to be politically balanced.

2: Licensing Committee

- 2.1 Most of the work of this Committee is carried out through Licensing Sub-Committees comprising a Chairman and two other Members, all drawn from the main Committee. In general, Sub-Committees will be chaired either by the Chairman of the main Committee, or one of the three Vice-Chairmen.
- 2.2 The substitute rule does not apply to Licensing Sub-Committees which are not required to be politically balanced.

3: Pensions Committee

- 3.1 The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.
- 3.2 The Admitted and Scheduled Bodies who are members of the pension fund jointly appoint a representative as a non-voting, co-opted Member of the Committee.
- 3.3 Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are present during the discussion of any exempt business.
- 3.4 The membership of the Pension Committee is expected to remain static for the life of the Council in order that members are fully trained in matters relating to investment, unless exceptional circumstances require a change. Each Group is entitled to nominate named substitutes for their committee in order that they may receive appropriate training.

4: Standards Committee

- 4.1 There are three Independent Members on this Committee, one of whom is Chairman and another Vice-Chairman, as required by law.
- 4.2 In accordance with legal provisions for the work of Standards Committees, the Committee has established four Sub-Committees that consider individual complaints:
- The Assessment Sub-Committee: to carry out an initial assessment of a complaint and to determine the response to it;

- The Review Sub-Committee: to review decisions of the Assessment Sub-Committee if so requested by a complainant
- The Consideration Sub-Committee: to consider the outcome of investigations into complaints and determine whether a hearing is required
- The Hearings Sub-Committee: to conduct hearings into complaints and the outcome of investigation of them

4.3 The substitute rule does not apply to these Sub-Committees which are not required to be politically balanced.

5: Children's Services Overview & Scrutiny Committee

5.1 The law requires that the Council co-opt to this Overview & Scrutiny Committee one representative of each of the Anglican and Roman Catholic Churches, with voting rights, to attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. In practice, they are also able to contribute to other discussions.

5.2 In addition, there are three voting co-opted members representing governors of schools in the three sectors of education, primary, secondary and special. Again, they may attend when issues relating to Education are being discussed and have call-in rights in relation to executive decisions. They are also able to contribute to other discussions.

5.3 Finally, there are three non-voting representatives of local teacher unions and professional associations, nominated by those organisations.

5.4 The Councillor Members of the Committee are also automatically Members of the Council's Corporate Parenting Panel.

6: Crime & Disorder Committee

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 confer on the Committee the ability to co-opt certain members or employees of crime and disorder partner bodies. It is for the Committee to determine whether such co-optees are to have voting rights and the issues in respect of which they may attend meetings as co-optees.

Part 3: Responsibility for Functions

This part sets out which body or individual is responsible for exercising each of the functions assigned to the Council by law. Under the Local Government Act 2000, each of the Council's functions falls into one of the following categories:

- Council functions, which are the responsibility of the full Council and/or its committees and sub-committees
- executive functions, which are the responsibility of the Executive, meaning the Cabinet or individual Cabinet members.
- local choice functions, where the Council determines whether the function is the responsibility of the Council or of the Executive.

Both Council functions and executive functions may (with some exceptions) be delegated to staff.

This part sets out responsibility for functions as follows:

1 Council functions

- 1.1 Functions exercised by full Council alone
- 1.2 Functions delegated to general council committees
- 1.3 Statutory and non-statutory bodies
- 1.4 Functions delegated to overview and scrutiny committees
- 1.5 Functions delegated to area committees

2 Executive functions

- 2.1 Functions exercised by Cabinet alone
- 2.2 Functions delegated to individual Cabinet members
- 2.3 Functions exercised by another authority on behalf of this authority
- 2.4 Functions exercised by joint arrangements with another authority or other authorities

3 Functions delegated to staff

- 3.1 General provisions and limitations
- 3.2 Powers of Chief Executive
- 3.3 Powers of Group Directors
- 3.4 Powers of Assistant Chief Executive, Assistant Directors and Heads of Service
- 3.5 Social Care and Learning
- 3.6 Culture and Community
- 3.7 Finance & Commerce

3.8 Chief Executive

4 **Functions not to be the responsibility of an authority's Executive**

5 **Local choice functions**

6 **Proper officer functions**

7 **Appendices**

Appendix A: Names, addresses and wards of individual Cabinet members

Appendix B: Functions delegated to staff: specified sums of expenditure

Appendices C to F to be amalgamated

Appendix C: Enactments enforceable by Head Housing & Public Protection

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

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

Appendix F: Enactments enforceable by Head of Housing & Public Protection

Appendix **G**: Code of practice: disposal of surplus property

1 Council functions

1.1 Functions exercised by full Council alone

The functions listed in Article **4.02 of Part 2** are reserved to Council.

The Council undertakes those functions assigned **under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group D, E, F, G and I functions)**.

1.2 Functions delegated to general council committees

The following functions are delegated to the general council committees. Any reference to "the regulations" is a reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2002, as subsequently amended. Reference is made to the following functions:

- functions not to be the responsibility of an authority's Executive, set out in Part 3, section 4 (delegated in accordance with schedule 1 of the regulations)
- local choice functions, set out in Part 3, section 5 (delegated in accordance with schedule 2 of the regulations).

Council committee	Functions
Adjudication and Review	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive (group B functions) and Part 3, section 5: local choice functions) - see Hearings Panels below</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none">• To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals)• To make arrangements pursuant to Chapter V of Part II of the School Standards and Framework Act 1998 (exclusion appeals and children to whom section 87 applies: appeals by governing bodies) <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies</p> <p>Governor removal</p> <p>To remove LA governors from governing bodies where appropriate</p>
Appointments	<p>Appointments and dismissals</p> <ul style="list-style-type: none">• To make recommendations to Council about appointing and dismissing the Head of Paid Service• To appoint and dismiss Group Directors and Heads of Service, in accordance with the procedures set out in the Staff Employment

Council committee	Functions
	<p>Procedure Rules in Part 4 of this constitution</p> <p>Terms and conditions</p> <p>To determine the local terms and conditions, pay and grading arrangements of the Head of Paid Service, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service</p>
Audit	<p>Internal control</p> <ul style="list-style-type: none"> • To consider and monitor the adequacy and effectiveness of the authority's risk management and internal control environment and to make recommendations to full Council where necessary <p>External audit</p> <ul style="list-style-type: none"> • To monitor the adequacy and effectiveness of the External Audit Service and respond to its findings <p>Internal audit</p> <ul style="list-style-type: none"> • To support the Group Director Finance & Commerce with his or her delegated responsibility of ensuring arrangements for the provision of an adequate and effective internal audit • To monitor the adequacy and effectiveness of the internal audit service and to receive and monitor an annual internal audit plan from the audit manager • To receive and approve the Annual Statement of Accounts • To monitor proactive fraud and corruption arrangements
Governance	<p>Monitoring constitution</p> <p>In accordance with Part 2, Article 15 of this constitution:</p> <ul style="list-style-type: none"> • To monitor and review operation of the constitution to ensure that the aims and principles of the constitution are given full effect • To make recommendations to the Council about amending the constitution • To monitor and review the Members' Allowance Scheme and make recommendations to Council • To monitor and review the role of Overview and Scrutiny including numbers, operation and responsibility of Overview and Scrutiny Committees and their terms of reference and make recommendations • To monitor and review all aspects of Corporate Governance • To approve the Annual Governance Statement <p>Staff disciplinary, capability and grievance procedures</p> <ul style="list-style-type: none"> • Where necessary, to establish a panel to consider and determine any allegation under the Council's disciplinary or capability procedures against the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service and, where necessary, to establish a second panel to hear an appeal by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service from the decision of the first panel • Where necessary, to establish a panel to hear a grievance submission

Council committee	Functions
	<p>made by the Head of Paid Service, a Group Director, Assistant Chief Executive, Assistant Director or a Head of Service</p> <ul style="list-style-type: none"> • Where necessary to establish a panel to consider and determine any appeal against dismissal or final stage grievance lodged by "Havering Grade" staff. <p>Appointments</p> <ul style="list-style-type: none"> • To appoint (or in the case of appointments to be made by the Executive, to recommend for appointment) any individual: <ul style="list-style-type: none"> (a) to any office (other than an office in which he is employed by the authority) in the authority's gift (b) as the authority's representative to any body other than the authority or to any committee or sub-committee of such a body and to revoke any such appointment (see Part 3, section 5: local choice functions) • To approve delegated arrangements for such appointments • To interview candidates for the independent member positions on the Standards Committee and to make recommendations to Council about the appointment of the independent members <p>Member support</p> <p>To oversee matters related to the facilities available to support members</p> <p>Miscellaneous</p> <p>To undertake those functions assigned under Part 3, section 4: functions not to be the responsibility of an authority's Executive (group I functions)</p>
Pensions	<p>Pension fund</p> <p>To consider and agree the investment strategy and statement of investment principles for the pension fund and subsequently monitor and review performance</p> <p>Advisers and investment managers</p> <p>Where appropriate and above staff delegation levels to recommend staff to invite tenders and award contracts for actuaries, advisers and fund managers or other related investment matters</p> <p>To appoint and review the performance of advisers and investment managers for Council and pension fund investments</p> <p>Non-executive matters</p> <p>To take decisions on those matters not to be the responsibility of the Cabinet under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to those matters concerning pensions made under Regulations set out in Sections 7, 12 or 24 of the Superannuation Act 1972</p>
Regulatory Services	<p>Health and safety</p> <p>To carry out functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p> <p>Highways use and regulation</p> <p>To exercise powers relating to the regulation of the use of highways as</p>

Council committee	Functions
	<p>set out in Part 3, section 4: functions not to be the responsibility of an authority's Executive and that are not delegated to the area committees (see Part 3, section 1.4) or to staff</p> <p>Planning and conservation</p> <p>To carry out functions relating to town and country planning and Planning Control as specified in:</p> <ul style="list-style-type: none"> • Part 3, section 4: functions not to be the responsibility of an authority's Executive • Part 3, section 5: local choice functions <p>that are not delegated to staff</p> <p>Urban Development Corporation</p> <p>To form planning views on behalf of the Council in its role as consultee on applications to be decided by the Board of the Urban Development Corporation</p>
Standards	<p>General</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority • To assist members and co-opted members of the authority to observe the authority's code of conduct • To monitor, advise on, and educate members in matters relating to Council guidelines on conduct and/or probity • To hear, determine and report upon any local matters including the application of relevant and permitted sanctions • To make any report to the Council and to take any appropriate action arising from the terms of reference, legislation and regulations • hearing, determining and reporting upon any matters relating to breach of the Rules regarding the Party Whip set out in Article 13.09 including the application of relevant and permitted sanctions. <p>Members' code of conduct</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of a code of conduct • To monitor the operation and effectiveness of the authority's code of conduct • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's code of conduct • 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 <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Guidelines on members dealing with staff • To monitor the operation of the authority's Guidelines on members dealing with staff

Council committee	Functions
	<ul style="list-style-type: none"> • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Guidelines on members dealing with staff <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Protocol on Probity in Planning • To monitor the operation of the authority's Protocol on Probity in Planning • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Protocol on Probity in Planning <p>Whistleblowing Policy and Procedure</p> <p>To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet</p> <p>Adjudication</p> <ul style="list-style-type: none"> • To consider a notice from a case tribunal or interim case tribunal of the Adjudication Panel for England and prepare a report on the notice as required by the Local Government Act 2000 • To prepare a report responding to any recommendations made to the authority by a case tribunal of the Adjudication Panel for England, and to take any appropriate action as a result of those recommendations <p>Standards for England</p> <ul style="list-style-type: none"> • To consider any matters as may be referred by Standards for England • To consider any initial complaints against the Assessment Framework • To review any matters requested • To consider any report and recommendations made by the monitoring officer to the committee • To take any action prescribed by the regulations, including censuring a member or suspending or partially suspending a person from being a member <p>Register of members' interests</p> <ul style="list-style-type: none"> • To issue guidelines to members about how to make a declaration of interest • To grant a dispensation to a member participating in a business which is prohibited under the members' code of conduct, in accordance with any regulations made by the Secretary of State
Licensing	<ul style="list-style-type: none"> • To exercise the functions required by the Licensing Act 2003 and the Gambling Act 2005. • To determine applications for licences and registration under Schedule 1 to the regulations not otherwise dealt with

Sub-Committees

By convention, the Council agrees that the following sub-committees should be exempt from political balance requirements imposed under section 17(1) of the Local Government and Housing Act 1989.

Committee establishing sub-committee	Name of sub-committee	Functions
Adjudication and Review Committee	Hearings Panel	<p>In relation to each category of hearing listed below, the Hearings Panel is empowered to make such awards as it considers appropriate in the interests of justice provided that it does not act outside of Council Policy.</p> <p>If the Hearings Panel is of the view that Council Policy is erroneous the Chairman of the Panel shall draw the policy provision to the attention of the relevant Head of Service and Cabinet Member for consideration and possible review.</p> <p><u>General hearings</u></p> <p>To consider complaints by service users relating to the service made available to them, in accordance with the authority's agreed complaints procedure</p> <p><u>Hearings under the Children Act 1989 Representations Procedure (England) Regulations 2006</u></p> <p>To consider representations by or on behalf of users of children's services in accordance with the Regulations</p> <p><u>Hearings under the Local Authority Social Services Complaints and NHS (England) Regulations 2009</u></p> <p>To consider representations by or on behalf of users of adult services in accordance with the Regulations</p> <p><u>Secure accommodation hearings</u></p> <p>To carry out reviews for the purposes of the Secure Accommodation Regulations 1991</p> <p><u>Housing Service appeals</u></p> <ul style="list-style-type: none"> • To consider the case of any tenants' association which is not recommended for recognition by the Council in accordance with the criteria from time to time adopted by the Council for that purpose. (Part IV of the Housing Act 1985) • To consider non-Homes in Havering cases referred where: <ul style="list-style-type: none"> (a) a suspended order for possession of a dwelling-house on grounds of non-payment of rent has been granted by the court, and (b) the tenant has failed to comply with the terms on which the court suspended that order, and (c) it is considered that, in all the circumstances, it is now appropriate to obtain and execute a warrant for possession of the premises on grounds of continued non-payment of rent and breach of the terms of suspension of the possession order, and (d) the tenant concerned is desirous of being heard by the Hearings Panel before authority is given for the warrant of

Committee establishing sub-committee	Name of sub-committee	Functions
		<p>possession to be executed, so that the panel may have opportunity to consider the circumstances</p> <ul style="list-style-type: none"> To consider and determine representations from tenants made under the following section of the Housing Act 1996: <ul style="list-style-type: none"> (a) section 164 (applicants' right to request review of decisions in respect of inclusion etc. on the housing register) (b) section 202 (review of decisions in respect of people who are homeless) <p><u>Access to files</u></p> <ul style="list-style-type: none"> To review decisions made pursuant to the: <ul style="list-style-type: none"> (a) Access to Personal Files (Housing) Regulations 1989 (b) Access to Personal Files (Social Services) Regulations 1989 <p>where the applicant is aggrieved</p>
Licensing	Licensing Sub-Committee	To carry out functions relating to licensing and registration as set out in Schedule 1 to the regulations
Standards	Assessment Sub-Committee	To assess complaints referred for attention by the Standards Committee
	Review Sub-Committee	To review decisions of an Assessment Sub-Committee where the complainant is aggrieved
	Consideration Sub-Committee	To consider the outcome of investigations and determine whether to proceed to a hearing, to refer the matter to an Adjudication Panel of Standards for England, or that there is no case to answer.
	Hearings Sub-Committee	To consider findings that there is a case to answer following formal investigations into complaints alleging breached of the Members' Code of Conduct

1.3 Statutory and non-statutory bodies

The Council has established (or convenes as necessary) various bodies in accordance with legislative requirement or Government guidelines. These bodies will continue to meet (or be convened) as necessary. The bodies are as follows:

Name of body	Functions
Admissions Forum	To undertake the functions assigned by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
Adoption Panel	To undertake the functions assigned by the Adoption Agencies Regulations
Corporate Parenting Panel	To co-ordinate Councillors' response to the Government's Care Matters Protects Initiative and to raise awareness of their responsibilities as corporate parents
Standing Advisory Council on Religious Education (SACRE)	To advise the Council as Local Education Authority on matters relating to Religious Education.
Children's Trust	To uphold and champ the vision, principles and commitments for children and young people in Havering.

1.4 Functions delegated to overview and scrutiny committees

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny Committees be empowered to undertake the following activities:

- 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 Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or
 - (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (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 Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

All Overview & Scrutiny Committees have powers in relation to scrutiny of the Local Area Agreement and partner bodies' contributions to it under the Local Government & Public Involvement in Health Act 2007; the Health Overview & Scrutiny Committee has powers under the National Health Service Act 2006; and the Crime & Disorder Committee has powers under the Police & Criminal Justice Act 2006.

Overview and Scrutiny Committee	Area of responsibility
Corporate	<ul style="list-style-type: none">• Community safety• Customer access• E-government and information communications technology• Finance (although each committee is responsible for budget process that affect its area of oversight)• Human resources• Oversight of best value functions (although each committee is responsible for best value functions in its area of oversight)• Property resources• Social inclusion• Diversity

Overview and Scrutiny Committee	Area of responsibility
Housing	<ul style="list-style-type: none"> • The contractual relationship with the ALMO • Housing Retained Services • Social Inclusion
Environment	<ul style="list-style-type: none"> • Environment • Transport • Social inclusion • Regulatory Services • Environmental Strategy • Planning & Building Control
Children's Services	<ul style="list-style-type: none"> • School Improvement • Pupil and Student Services (including the Youth Service) • Strategy and Commissioning • Children's Social Services • Children's Health Services • Social Inclusion
Culture and Regeneration	<ul style="list-style-type: none"> • Leisure, art, culture • Social and economic regeneration • Social inclusion • Adult Education
Adult Services	<ul style="list-style-type: none"> • Adult Services • Social inclusion
Health	<ul style="list-style-type: none"> • Scrutiny of NHS Bodies under the Council's Health Scrutiny function
Crime and Disorder	<ul style="list-style-type: none"> • Exercise of the functions conferred on the Committee by the Police & Justice Act

1.5 Functions delegated to area committees

The Council will appoint the area committees set out below, composed of members of the authority representing the wards included in each area. The committees are not required to be politically balanced.

Area Committee	Wards included
Elm Park & Hylands	<ul style="list-style-type: none"> • Elm Park • Hylands
Emerson Park & Harold Wood	<ul style="list-style-type: none"> • Emerson Park • Harold Wood
Gidea Park	<ul style="list-style-type: none"> • Pettits • Squirrels Heath
Harold Hill	<ul style="list-style-type: none"> • Gooshays • Heaton
Hornchurch	<ul style="list-style-type: none"> • Hacton

Council, 9 December 2009

	<ul style="list-style-type: none">• St Andrews
North Romford	<ul style="list-style-type: none">• Havering Park• Mawneys
Romford	<ul style="list-style-type: none">• Brooklands• Romford Town
South Hornchurch & Rainham	<ul style="list-style-type: none">• Rainham & Wennington• South Hornchurch
Upminster	<ul style="list-style-type: none">• Cranham• Upminster

Area committees are empowered to undertake the following functions relating to their areas:

1. To consider local issues, consult with local people, and make recommendations to the Council or Cabinet;
2. To decide local highway management schemes, subject to certain limitations within the policies and practices set by the Regulatory Services Committee and in accordance with the agreed process for such decisions appended below; and
3. To be responsible for any budgets allocated to them and that these responsibilities be exercised in accordance with the principles of the Rules and Conventions for Area Committees (set out in the Appendix to the Committee Procedure Rules in [Part 4](#))

Process for approving highway schemes:

1. Where only one Area is concerned, the Area Committee shall receive a report on initial design of scheme and
 - (a) approve it in principle for public consultation or, if changes are required to the scheme before it goes to consultation, delegate approval of them to the Head of Streetcare in consultation with the Chairman of the Area Committee; and
 - (b) delegate approval of the final scheme in the light of the results of the public consultation to the Head of Streetcare in consultation with the Chairman of the Area Committee.
2. Where a scheme is set within more than one Area:
 - (a) the views of the relevant Area Committees shall be sought on the initial design for public consultation;
 - (b) the Head of Streetcare in consultation with the Chairman of the Regulatory Services Committee and in the light of the views of the Area Committees may approve the scheme for public consultation; and

- (c) the Head of Streetcare shall approve the final scheme in the light of results of the consultation and in consultation with the Chairman of the Regulatory Services Committee and the Chairmen of the relevant Area Committees.



COUNCIL, 9 DECEMBER 2009

8

REPORT OF THE CHIEF FINANCIAL OFFICER

SUBJECT: CONTRIBUTION TO THE LONDON COUNCILS GRANTS SCHEME – 2010/11 BUDGET

The Council is required to make a contribution to the London Councils Grants Committee. The budget must be agreed by two thirds of constituent councils before 1st February 2010. Under an order made by the Secretary of State for Communities and Local Government, if the required number of authorities do not agree the budget, they shall be deemed to have approved the 2010/11 budget at the same level as the 2009/10 budget. The planned budget for the Grants Committee is £30,116,000.

Financial implications and risks

The Council's contributions to the London Councils Grants Committee are as follows:

2009/10	Budget	£795,956
2010/11	Proposed Budget	£795,104

It is proposed that the overall level of Councils contributions will remain at 2009/10 levels. The Havering contribution has fallen due to changes in population relative to other London Councils. It is therefore financially advantageous to the Council to agree the proposed budget.

The overall budget for 2010/11 is £30,116,000. Overall borough contributions total £26,330,000. The shortfall of £3,786,000 is being met from a European Social Fund Grant of £2,070,000 with the balance being met from reserves and additional interest earnings. As a consequence there is a risk that future contribution rates will need to increase by more than the rate of inflation in 2011/12 and future years if spending is maintained at current levels.

Legal implications and risks

Under an order made by the Secretary of State for Communities and Local Government, if the required number of authorities do not agree the budget, they shall be deemed to have approved the 2010/11 budget at the same level as the 2009/10 budget. If two-thirds of the Councils do agree the new budget it is then compulsory on the other one-third. The Council has the choice of agreeing or rejecting the proposed budget and contribution.

Environmental implications and risks

None arising directly

Equalities implications and risks

The London Councils Grants committee supports a range of charitable and voluntary groups.

RECOMMENDATIONS

1. That the proposed total budget of £30,116,000 for the London Councils Grants Committee for 2010/11 be agreed.
2. That the Council's proposed contribution of £795,104 to the London Councils Grants Committee for 2010/11 be agreed.

Staff Contact: Mike Board
Designation: Corporate Finance Manager
01708 432217
Email: mike.board@haverling.gov.uk

Background Papers

London Borough's Grants Committee Reports
London Borough's Committee Reports and Minutes

SUBJECT: HOUSING FINANCE AND DECENT HOMES

Over the summer of 2009, the Government made two important announcements regarding the revenue and capital funding of council housing. Together, these announcements will have potentially very significant impacts on the financing of council housing in the borough. The second of these related to the Housing and Community Agency's announcement in July that councils whose Arm's Length Management Organisations, ALMOs, had not already attained a two star rating from the Audit Commission would have any promised Decent Homes funding deferred until 2011/12. This came a shock to the housing sector.

Cabinet received a report in November 2009 briefing members on the judicial review of this decision the borough is seeking together with three other authorities. The report also sought approval to ameliorate the impact of the Government's decision to some extent by investigating options for applying up to £2 million of the Council's capital resources to supplement to HRA capital programme in 2009/10.

Cabinet agreed that the HRA capital programme for 2009-10 be expanded by £2 million to fund priority works in the Decent Homes programme subject to full Council agreeing the budget expansion. This is a requirement for any additions to the Council's capital programme. Cabinet also agreed that authority be delegated to the Group Director – Finance and Commerce and Group Director – Culture and Community to investigate the options for funding the £2 million expansion and report to full Council accordingly.

RECOMMENDATION:

- 1 That the expansion of the HRA capital programme for 2009-10 by £2 million to fund priority works in the Decent Homes programme be approved.
- 2 That a further report be received from the Group Director – Finance and Commerce and Group Director – Culture and Community on the recommended funding route.

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COUNCIL, 9 DECEMBER 2009

10

QUESTIONS

NOTE: Questions are listed in the order in which they will be dealt with at the meeting.

1 LIABILITY ORDERS: COUNCIL TAX DEBT

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Clarence Barrett

Given that residential council tax debt stood at £13.8 million at 31st March 2009 and that £2.8 million has been written off over the last three years, would the Cabinet Member state how many liability orders have been issued over each of the last three years?

2 DEPARTMENTAL RESPONSIBILITY FOR LAND ADJOINING PETERSFIELD AVENUE AND GOOSHAYS DRIVE HAROLD HILL

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Keith Darvill

Which Council Department has responsibility for the land between Petersfield Avenue, Ingrebourne Brook, Gooshays Drive and the Health Centre Gooshays Drive?

3 VEHICLE CLAMPING, PARKWAY, RAINHAM

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Jeffrey Tucker

Local residents are concerned to know whether the vehicle clamping firm working in Parkway, Upminster Road South, Rainham are operating legitimately? Any

Council, 21 October 2009

assistance given to local residents who are being fined many hundreds of pounds would be very much appreciated.

4 SALE TO EAST THAMES HOUSING ASSOCIATION

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Mark Logan

How much was the bungalow sold for at Heaton Avenue, to East Thames housing association?

5 FUNDING OF FREEDOM PASS

**To the Leader of the Council
(Councillor Michael White)**

By Councillor Andy Mann

Would the Leader state 'yes' or 'no' as to whether the Government have withheld £1.8m of future funding for the Freedom Pass from Havering?

6 FIRE RISK ASSESSMENTS ON HIGH RISE DWELLINGS

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Keith Darvill

Have Annual Fire Risk Assessments been carried out on all of the Borough's High Rise Dwelling during the past 4 years?

7 CLEANING OF ST HELEN'S & ST GILES' CHURCH, RAINHAM

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Jeffrey Tucker

I have been approached by Rev. Henry Pradella if assistance could be given by a way of a grant to clean the outside walls of St Helen's and St Giles' Church, Rainham Village. Could the Council please work with Rev. Henry Pradella to find a solution or a sponsor that could assist in this matter?

8 **ELDERLY PERSONS' BUNGALOWS, BRIDGEWATER ROAD/CHIPPENHAM ROAD**

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Mark Logan

Why did cabinet decide to remove the OAP's from their beloved complex of bungalows at Bridgwater Road and Chippenham Road?

9 **OFFICERS' REPLIES TO MEMBERS' ENQUIRIES – RESPONSE TIME**

**To the Leader of the Council
(Councillor Michael White)**

By Councillor Andy Mann

Would the Leader please set out what he considers an acceptable timescale for officer responses to Member enquiries?

10 **FIRE SAFETY IMPROVEMENTS**

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Keith Darvill

What improvements for Fire Safety are to be carried out to the Councils High Rise Dwellings as a result of Fire Risk Assessment carried out in the past 12 months?

11 **ASTRO TURF PITCH: BRITTONS PARK**

**To the Cabinet Member for Culture & Leisure
(Councillor Andrew Curtin)**

By Councillor Michael Deon Burton

To whom is the new astro turf football pitch, located at Brittons Park, specifically of benefit, given that its creation cost the existence of two full size fields of play which were not only available for clubs to hire and the general public to use, but, by virtue of being grass, they were acceptable for the playing of league matches?

12 **NEW-BUILDING OF COUNCIL HOUSING**

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Mark Logan

Is the London Borough of Havering planning to new build council housing with secure tenancy tenure, now that sound-bites are filtering down from government, that they are going to allow local authorities to retain the monies from rents and capital receipts?

13 **REFERENCES TO MEMBERS IN *LIVING***

**To the Leader of the Council
(Councillor Michael White)**

By Councillor Clarence Barrett

With the exception of the Leader, Cabinet, Mayor and Deputy Mayor would the Leader state how many articles in the 'Living' newspaper (excluding the ward by ward pull-out) include, by name and appearance, any of the other 43 elected members of the Council?

14 **BUILDING SCHOOLS FOR THE FUTURE PROGRAMME: PROGRESS**

**To the Cabinet Member for Education & Children's Services
(Councillor Geoff Starns)**

By Councillor Keith Darvill

Will the Lead Member make a statement about progress with the Borough's application to Government for inclusion in the next wave of the Building Schools for the Future?

15 **SPENDING ON TAXI SERVICES, 2007/08**

To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)

By Councillor Mark Logan

In the statement of accounts for 2006 – 2007 it shows that £88,000 was spent with minicab companies, Romford Mini Cab Limited and Spencer Cab's. How much has Havering spent with the aforementioned during the 2007 – 2008 period?

16 **BUDGET CONSULTATION MEETINGS**

To the Leader of the Council
(Councillor Michael White)

By Councillor Andy Mann

In respect of the 2009/10 Budget Consultation Public Meetings, would the Leader state:

- a) how many members of the public attended each meeting?
- b) how many councillors attended each meeting?
- c) how many officers attended each meeting?

17 **SALE OF PROPERTIES: LEAMINGTON ROAD AREA**

To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)

By Councillor Mark Logan

Thirteen homes were sold in and around Leamington Road on a very below market value around £8,500. How has this benefited the resident's of Havering?

18 **ENCOURAGING CIVIC PARTICIPATION: SPENDING**

To the Leader of the Council
(Councillor Michael White)

By Councillor Clarence Barrett

Would the Leader set out how much the Council spent on encouraging civic participation last year (2008/09) and 2009/10 to date?

19 **ST. BERNARD'S DAY CENTRE**

**To the Cabinet Member for Social Care & Learning
(Councillor Steven Kelly)**

By Councillor Mark Logan

Has St Bernard's day centre for disabled adult in the London Borough of Havering been earmarked for closure?

20 **CABINET MEMBERS' EXPENSES**

**To the Cabinet Member for Finance & Commerce
(Councillor Eric Munday)**

By Councillor Ray Morgon

Would the Cabinet Member confirm the expenses claimed by Cabinet Members over each of the last three financial years?

21 **REVISED TENANCY AGREEMENT**

**To the Cabinet Member for Housing, Public Protection and Regeneration
(Councillor Michael Armstrong)**

By Councillor Mark Logan

As part of the revised tenancy agreement 2001 implemented by Labour for the benefit of asylum seekers and refugees, the landlord must furnish them with a new twenty inch coloured television with licence, how many have benefited from this legislation in Havering? What has been the financial cost ?

22 **DECISION-MAKING: SKILLS AND YOUNG PEOPLE**

**To the Cabinet Member for Skills & Young People
(Councillor Paul Rochford)**

By Councillor Andy Mann

Would the Cabinet Member for Skills and Young People state:

- a) How many reports he has brought to Cabinet in 2008/09 and 2009/10 to date?
- b) How many Executive Decisions he has signed over the same period?

23 **ACTION ON PETITIONS**

To the Cabinet Member for Corporate Services
(Councillor Peter Gardner)

By Councillor John Mylod

Where petitions are presented to the Council by members, could an open record be made available as to the content of the petition, the progress and conclusion of the matter/s raised in the petition?

24 **ADVERTISING INCOME: INCREASE**

To the Leader of the Council
(Councillor Michael White)

By Councillor Clarence Barrett

Further to the Administration's decision to increase advertising income by £500,000 (to £550,000) in 2008/09, would the Leader state how much income has been generated to date in 2009/10, and projected to the year end against budget, from advertising on Council assets?

25 **PARKING TICKETS: CCTV CAR**

To the Cabinet Member for StreetCare & Customer Services
(Councillor Barry Tebbutt)

By Councillor Andy Mann

Would the Cabinet Member state how many CCTV parking tickets have been issued to date this year (2009/10)?

26 **STAFF VACANCIES**

To the Leader of the Council
(Councillor Michael White)

By Councillor Clarence Barrett

Would the Cabinet Member state the number of FTE (Full Time Equivalent) vacancies in the Council (excluding schools) exceeding six months in duration?

27 **RAPHAEL PARK: SPENDING**

**To the Cabinet Member for Culture & Leisure
(Councillor Andrew Curtin)**

By Councillor Andy Mann

Would the Cabinet Member state how much money has been spent and is due to spent (including capital, revenue and grant funding) at Raphael Park since May 2006 to date?

28 **PARKING CHARGES: VAT**

**To the Cabinet Member for StreetCare & Customer Services
(Councillor Barry Tebbutt)**

By Councillor Linda Van Den Hende

Since the temporary reduction of VAT to 15 per cent from 17.5 per cent in December last year, would the Cabinet Member state how much the Council has gained by not passing on the benefit to those paying car park charges?

29 **MAYLANDS CAR WASH: ENFORCEMENT ACTION**

**To the Chairman of the Regulatory Services Committee
(Councillor Barry Oddy)**

By Councillor Clarence Barrett

Would the Chairman of the Regulatory Services Committee advise in full the latest position with regard to enforcement action relating to the Maylands Car Wash on the A12?

30 **CENTRAL LIBRARY CAPITAL PROJECT**

**To the Cabinet Member for Culture & Leisure
(Councillor Andrew Curtin)**

By Councillor Clarence Barrett

In respect of the Central Library Capital Project, would the Cabinet Member provide an update as follows:

- a) Original budget for project
- b) Expenditure to date
- c) Projected expenditure upon completion
- d) Source and extent of any additional funding



Havering
LONDON BOROUGH

COUNCIL 9 DECEMBER 2009

SUPPLEMENTARY AGENDA

7 NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION

To consider a report of the Governance Committee

The following was submitted within the deadline provided for in Council Procedure Rule 13.9(i) and 13.9(ii):

Amendment by the Residents' Group

That Council agrees to retain the Overview and Scrutiny Liaison Committee, comprising the Chairman and Vice Chairman of each overview and scrutiny committee, to exercise the following functions:

- Oversight of the work programme of each overview & scrutiny committee, including the resources available to service the programme
- Consider the contribution of overview and scrutiny committees to the wider Council agenda
- Ensuring overview and scrutiny committees do not duplicate work
- Co-ordinating contact with the Executive on behalf of overview and scrutiny committees
- Social Inclusion

and authorises the Monitoring Officer to amend the revised section 1.4 of Part 3 of the Constitution as necessary to give effect to this decision.