

London Borough of Havering  
***ANNUAL MEETING OF  
THE COUNCIL***

**7.30pm WEDNESDAY, 25 MAY 2005  
AT HAVERING TOWN HALL  
MAIN ROAD, ROMFORD**

**Members of the Council of the London Borough of Havering are hereby summoned to attend the Annual 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@haverling.gov.uk***

## **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.**

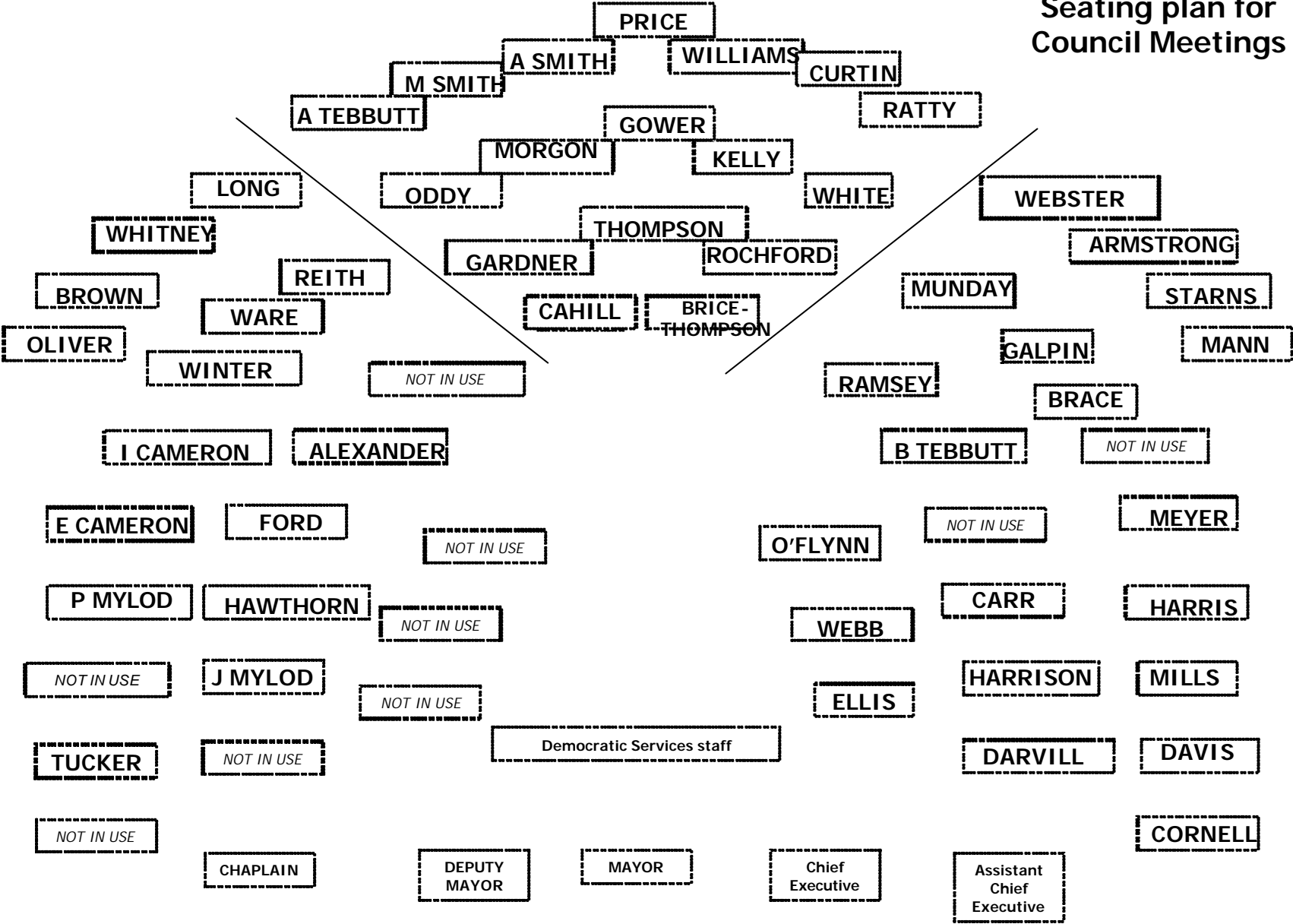
**PLEASE REMEMBER THAT THE MAYOR MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.**

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

**Council, 25 May 2005 - Agenda**

leave quietly and do not engage others in conversation until you have left the Council Chamber.

# Seating plan for Council Meetings



# INFORMATION FOR MEMBERS

## Commencement of Meeting

As an aid to Members, a single ring of the division bell will sound 5 minutes before the meeting is due to begin, followed by a double ring at 2 minutes before, at which time Members are asked please to take their seats for the commencement of the meeting.

## Control of microphones

Members are reminded that, at Council meetings, the microphones are controlled centrally under the direction of the Mayor. Consequently, Members do not need to press the **MIC ON** button in order to speak, nor to turn off the microphone when they have finished.

The Mayor would find it helpful, however if Members would press the **MIC ON** button in the following instances:

- to indicate that they wish to speak in the course of debate on any motion (including movers and seconders)
- to rise to a point of order, of information or in personal explanation

## Voting

When the Mayor calls a division, the division bell will sound briefly. In order to ensure that votes are recorded correctly, Members are asked to wait until the division bell has finished ringing before pressing the appropriate voting button.

Members are, of course, free to change their vote as they choose at any time until the Mayor directs that the votes be counted. Once a count has been called, however, no further change is possible. In the event that a Member's vote appears not to have been recorded, the clerks should be informed immediately, before the result is declared, so that account can be taken of the vote.

**Council, 25 May 2005 - Agenda****AGENDA****1 PRAYERS**

Prayers will be said by the Reverend Canon Hugh Dibbens

**2 To receive apologies for absence (if any)****3 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting.

*Members may still declare an interest in an item at any time prior to the consideration of the matter.*

**4 MAYORALTY**

(1) To elect the Mayor of the Borough for the Municipal Year 2005/06.

**3A Motion on behalf of the Conservative Group**

That **Councillor Martin Smith** be elected Mayor for the Municipal Year 2005/06.

**3Ai Amendment on behalf of the Conservative Group**

**Delete** Councillor Martin Smith and **insert** Councillor Barry Oddy

**3B Motion on behalf of the Residents' Group**

That **Councillor John Mylod** be elected Mayor for the Municipal Year 2005/06.

(2) To receive notice of the appointment of the Deputy Mayor of the Borough for the Municipal Year 2005/06.

**Note:** *Separate guidance on the Ceremonial Procedure for the Election of the Mayor will be issued to Members before the meeting*

## **Council, 25 May 2005 - Agenda**

### 5 **MINUTES**

To sign as a true record the minutes of the meeting of the Council held on 23 March 2005.

### 6 **ANNOUNCEMENTS BY THE MAYOR OR BY THE CHIEF EXECUTIVE**

### 7 **LEADER OF THE COUNCIL**

#### **Motion on behalf of the Conservative Group**

That **Councillor Michael White** be elected to the office of Leader of the Council for the Municipal Year 2005/06

### 8 **DEPUTY LEADER OF THE COUNCIL**

#### **Motion on behalf of the Conservative Group**

That **Councillor Steven Kelly** be appointed Deputy Leader of the Council for the Municipal Year 2005/06

### 9 **MEMBERS OF THE CABINET**

The Cabinet may consist of up to nine members (together with the Leader of the Council, *ex officio*)

#### **Motion on behalf of the Conservative Group**

That **Councillors**

**Steven Kelly  
Andrew Mann  
Ray Morgon  
Michael Armstrong  
Roger Ramsey  
Geoff Starns  
Georgina Galpin  
Joe Webster  
Eric Munday**

be elected to the Cabinet for the Municipal Year 2005/06

**Council, 25 May 2005 - Agenda**

**10 TO APPOINT THE COMMITTEES OF THE COUNCIL, ETC**

To consider the report of the Chief Executive

**11 ARRANGEMENTS FOR COMMITTEES FOR THE 2005/06 MUNICIPAL YEAR, AND POLITICAL BALANCE**

To consider the report of the Chief Executive

**12 COMMITTEE CHAIRMEN AND VICE-CHAIRMEN**

**12A Motion on behalf of the Conservative Group**

That the following Chairmen and Vice Chairmen be appointed -

<b>Committee</b>	<b>Chairman</b> Councillors	<b>Vice-Chairman *</b> Councillors
Adjudication & Review	<b>Wendy Brice-Thompson</b>	<b>Barry Oddy *</b>
Appointments	<b>Paul Rochford</b>	<b>Steven Kelly</b>
Audit	<b>Graham Price</b>	<b>Eddy Cahill</b>
Governance	<b>Frederick Thompson</b>	<b>Michael White</b>
Investment	<b>Barry Tebbutt</b>	<b>Georgina Galpin</b>
Licensing	<b>Peter Gardner</b>	<b>Alex Smith *</b>
Regulatory Services	<b>Geoff Brace</b>	<b>Barry Oddy</b>

**Note:** \* denotes Conservative Group nomination to one of several Vice-Chairman positions for that specific Committee

**12Ai Amendment of behalf of the Conservative Group**

Chairman of Appointments Committee: **delete** Councillor Paul Rochford and **insert** Councillor Andrew Curtin



## **Council, 25 May 2005 - Agenda**

### **12B Motion on behalf of the Labour Group**

That the following Chairmen and Vice Chairmen be appointed

<b>Committee</b>	<b>Chairman</b> Councillors	<b>Vice-Chairman *</b> Councillors
Licensing		<b>Jeff Stafford *</b>
Corporate Overview & Scrutiny	<b>Wilf Mills</b>	
Culture & Regeneration Overview & Scrutiny	<b>Jan Davis</b>	<b>Jan Davis</b>
Education Overview & Scrutiny		<b>Keith Darvill</b>
Environment Overview & Scrutiny		<b>Bill Harrison</b>
Housing Overview & Scrutiny		<b>Denis O'Flynn</b>
Social Care & Health Overview & Scrutiny	<b>Yve Cornell</b>	

### **12C Amendments on behalf of the Residents' Group**

That the following Chairmen and Vice Chairmen be appointed

<b>Committee</b>	<b>Chairman</b> Councillors	<b>Vice-Chairman *</b> Councillors
Adjudication & Review		<b>Patricia Mylod *</b>
Licensing		<b>Malvin Brown *</b>
Regulatory Services		<b>Reg Whitney</b>
Corporate Overview & Scrutiny		<b>Barbara Reith</b>
Culture & Regeneration Overview & Scrutiny	<b>Louise Sinclair</b>	<b>Louise Sinclair</b>
Education Overview & Scrutiny	<b>Owen Ware</b>	
Environment Overview & Scrutiny	<b>Ivor Cameron</b>	
Housing Overview & Scrutiny	<b>June Alexander</b>	
Social Care & Health Overview & Scrutiny		<b>Eileen Cameron</b>

\* **Note:** denotes a nomination to one of several Vice-Chairman positions for that specific Committee

## **Council, 25 May 2005 - Agenda**

**Note:** The amalgamated list of appointments proposed in these motions and amendments is as follows (entries in bold type indicate that a vote will be necessary for an appointment to be made):

<b>Committee</b>	<b>Chairman</b> Councillors	<b>Vice-Chairman</b> Councillors
Adjudication & Review	Wendy Brice-Thompson	Patricia Mylod Barry Oddy
Appointments	Paul Rochford (Andrew Curtin)	Steven Kelly
Audit	Graham Price	Eddy Cahill
Governance	Frederick Thompson	Michael White
Investment	Barry Tebbutt	Georgina Galpin
Licensing	Peter Gardner	Malvin Brown Alex Smith Jeff Stafford
<b>Regulatory Services</b>	Geoff Brace	<b>Barry Oddy OR Reg Whitney</b>
Corporate Overview & Scrutiny	Wilf Mills	Barbara Reith
<b>Culture Overview &amp; Scrutiny</b>	<b>Jan Davis OR Louise Sinclair **</b>	<b>Jan Davis OR Louise Sinclair **</b>
Education Overview & Scrutiny	Owen Ware	Keith Darvill
Environment Overview & Scrutiny	Ivor Cameron	Bill Harrison
Housing Overview & Scrutiny	June Alexander	Denis O'Flynn
Social Care and Health Overview & Scrutiny	Yve Cornell	Eileen Cameron

**\*\* Note:** Councillors Davis and Sinclair can of course each be elected to one of these positions only

### 13 **APPOINTMENT OF CHAMPIONS**

#### **13A Motion on behalf of the Conservative Group**

That the following be appointed Champions as indicated –

Historic Environment: **Councillor Andrew Curtin**

Younger Persons: **Councillor Daryl Williams**

**Council, 25 May 2005 - Agenda**

**13B Motion on behalf of the Labour Group**

That the following Champion be appointed –

Diversity: **Councillor Keith Darvill**

**13C Amendment on behalf of the Residents' Group**

That the following Champion be appointed –

Elderly Persons: **Councillor Patricia Mylod**

**Note:** The amalgamated list of appointments proposed in these motions and amendment is as follows:

Champions for:

Diversity: Councillor Keith Darvill  
Elderly Persons: Councillor Patricia Mylod  
Historic Environment: Councillor Andrew Curtin  
Younger Persons: Councillor Daryl Williams

**14 TO RECEIVE A STATEMENT BY THE LEADER OF THE COUNCIL**



**MINUTES OF THE MEETING OF THE COUNCIL OF THE  
LONDON BOROUGH OF HAVERING  
Havering Town Hall, Romford  
23 March 2005 (7.30 pm – 10.35 pm)**

**Present:** The Mayor (Councillor Louise Sinclair) in the Chair

Councillors June Alexander, Mike Armstrong, Jeffrey Brace, Wendy Brice-Thompson, Malvin Brown, Eddie Cahill, Eileen Cameron, Ivor Cameron, Graham Carr, Yve Cornell, Andrew Curtin, Keith Darvill, Jan Davis, Tony Ellis, Gillian Ford, Georgina Galpin, Peter Gardner, Jean Gower, Ray Harris, Bill Harrison, Linda Hawthorn, Steven Kelly, Len Long, Andrew Mann, Nigel Meyer, Wilf Mills, Raymond Morgon, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Denis O'Flynn, Chris Oliver, Graham Price, Roger Ramsey, Natasha Ratty, Barbara Reith, Paul Rochford, Alex Smith, Martin Smith, Geoffrey Starns, Jeff Stafford, Alby Tebbutt, Barry Tebbutt, Frederick Thompson, Jeffrey Tucker, Owen Ware, Harry Webb, Joseph Webster, Michael White, Reg Whitney, Mike Winter and Daryl Williams

Ten members of public and two members of the press also attended.

Reverend Millard from St Mary Magdalene Church, North Ockendon opened the meeting with prayers.

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

**72 COUNCILLOR EDDIE CAHILL**

The Mayor welcomed Councillor Cahill back to the Chamber following a bout of illness. Councillor Cahill responded with an appreciation to Members of the Council for all the goodwill messages he had received.

**73 MINUTES (Agenda Item 3)**

It was **RESOLVED**

that the minutes of the meeting of the Council held on 23 February 2005 be signed as a true record.

#### **74 DECLARATIONS OF INTEREST (Agenda Item 4)**

There were no declarations of interest.

#### **75 ANNOUNCEMENTS BY THE MAYOR (Agenda Item 5)**

The Mayor's announcements are set out in **Appendix A to these minutes.**

#### **76 PETITIONS**

Under Paragraph 22 of the Council Procedure Rules Councillor Jeff Stafford presented a petition on behalf on people of Bedale Road and Tiverton Road demanding that the Council did not in any circumstances sell off or lease the open area known as Tiverdale Green for housing or any related purposes, and Councillor Jean Gower presented a petition from local residents objecting to the Council's decision not to consider and implement a Tree Preservation Order on the line of trees that separated Western Rough and the Playing Fields.

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

#### **77 COUNCIL AND BUDGET FRAMEWORK PROCEDURALS (Agenda Item 7)**

Council had before them in a report of the Governance Committee meetings of 10 February and 8 March on consideration of new Council procedure rules, updated and intended to replace the current rules, and of a replacement of the Budget Framework Procedure Rules.

The recommendation of the Committee was adopted without going to the vote and it was

#### **RESOLVED:**

**That the draft new Council Procedure Rules and Budget Framework Procedure Rules appended to the report be adopted in place of the existing Rules.**

#### **78 AMENDMENTS TO THE CONSTITUTION (Agenda Item 8)**

Council had before them recommendations of the Governance Committee meeting of 10 February that certain amendments be made to the Constitution

for the reasons indicated together with a supplementary paper making further recommendations from the meeting held on 8 March.

The recommendations were adopted without going to a vote and it was -

**RESOLVED:**

**That the amendments to the Constitution shown in the report and supplementary report in respect of the matters listed hereunder be approved –**

**Party Whip (Part 2, Article 13)  
Regulation of Investigatory Powers Act 2000 (Part 3, Section 3)  
Internal Audit Report (Article 9 and Part 1)  
Gas and Electricity Supply Contract (Part B, Section 3)  
Overview & Scrutiny (Part 2, Article 3)  
Executive Decisions by Individual Cabinet Members and Key Decisions by Members of Staff (Part 4, Section 1)  
“Chairman’s Decision” (Part 4, Section 1)**

**and, further, the Functions of the Regulatory Services Committee be amended to include the formation of planning views on behalf of the Council in its role as consultee on applications to be decided by the Board of the London Thames Gateway Development Corporation (and in this regard the Monitoring Officer be authorised to make all necessary consequential alterations to the Constitution)**

**79 NINTH LONDON LOCAL AUTHORITIES BILL (Agenda Item 9)**

The Council had before them a recommendation of the Governance Committee meeting of 10 February 2005 in respect of confirming the Council’s participation in the Bill.

An amendment was proposed by the Administration to the effect that the following words be added to the end of the motion “except to the extent that the said resolution relates to the said Bill to provide for the prohibition of smoking in places of work in Greater London”. The Mayor accepted this as a late amendment.

The amendment was **CARRIED** (following a technical malfunction of the electronic voting equipment) on a show of hands, by 34 votes to 18 (Division 1).

The substantive motion was put to the vote and carried by 53 votes to 1 (see Division 2) and it was -

**RESOLVED:**

**That the Resolution of this Council passed at a Meeting of the**

Council held on 13 October 2004 to promote a Bill in the present Session of Parliament, pursuant to which the Bills entitled "A Bill to confer further powers upon local authorities in London; and for related purposes"; "A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes" and "A Bill to provide for the prohibition of smoking in places of work in Greater London" have been deposited in Parliament, be and the same is hereby confirmed except to the extent that the said resolution relates to the said Bill to provide for the prohibition of smoking in places of work in Greater London.

## **80 ENVIRONMENTAL INITIATIVES CAPITAL PROVISION – COUNTRY PARKS (Agenda Item 10)**

Council had before them a joint report also submitted to Cabinet 22 March 2005 and noted the report on the second supplementary agenda that the recommendation in the joint report had been adopted by Cabinet.

The recommendation in the report was adopted without going to the vote and it was

### **RESOLVED:**

**To approve the provision of a new classroom facility and refurbishment of the Park office and Ranger accommodation at Havering Country Park, to be funded from the remaining capital allocation of £145,000 from the Environmental Initiatives budget, and £17,000 from a remaining unspent balance of £22,000 from a previous insurance settlement following a fire at Hornchurch Country Park.**

## **81 MEMBERS' ALLOWANCES (Agenda Item 11)**

Council had before them the report of the Chief Executive and noted that Council was obliged to make a scheme annually before 1 April of each year. The report before Members presented for approval a new Members' Allowance Scheme. Council went straight to the vote on the proposition before them which was carried by 41 votes to 12 (see Division 3) and it was

### **RESOLVED:**

**That the Council agree the new scheme attached as Appendix B to these minutes with effect from 1 April 2005 and that the existing scheme be revoked.**

**82 POLITICAL BALANCE OF COMMITTEES (Agenda Item 12)**

Council had before them the report of the Chief Executive and the question of political balance of Committees in accordance with the Local Government and Housing Act 1989 which was needed following Councillor Jeffrey Tucker no longer being treated as a member of the Residents' Group and Councillor Andrew Curtin joining the Conservative Group.

The Mayor reported that it was understood that Group Leaders had agreed that the distribution of seats should be as set out in option 3 of table 2 of the report before Members and that proposition was agreed without going to the vote. It was, therefore,

**RESOLVED:**

**That the distribution of seats on Committees to the Groups be as follows -**

		<b>CONSERVATIVE</b>	<b>RESIDENTS</b>	<b>LABOUR</b>
<b>Licensing</b>	<b>12</b>	6	4	2
<b>Adjudication &amp; Review</b>	<b>8</b>	4	3	1
Corporate OSC	<b>8</b>	4	2	2
Culture &c OSC	<b>8</b>	4	2	2
Education OSC	<b>8</b>	4	2	2
Environment OSC	<b>8</b>	4	2	2
Housing OSC	<b>8</b>	4	2	2
Social Care &c OSC	<b>8</b>	4	2	2
<b>Regulatory Services</b>	<b>13</b>	6	4	3
<b>Governance</b>	<b>9</b>	4	3	2
<b>Appointments</b>	<b>6</b>	3	2	1
<b>Audit</b>	<b>6</b>	3	2	1
<b>Investment</b>	<b>6</b>	3	2	1
<b>Standards</b>	<b>6</b>	3	2	1
<b>Total</b>	<b>114</b>	<b>56</b>	<b>34</b>	<b>24</b>

**83 VICE-CHARMAN, LICENSING COMMITTEE**

Arising from the decision taken by Minute 82 the Labour Group sought the Mayor's consent to move the emergency motion the effect of which would be to appoint Councillor Jeff Stafford as a Vice-Chairman of the Licensing Committee in succession to Councillor Graham Carr. As this was necessary following a revision in the allocation of Members to places on the Committees by the



Labour Group consequent upon the changes agreed under the previous minute, the Mayor agreed that the emergency motion could be put.

The emergency motion was agreed without going to the vote and it was -

**RESOLVED:**

**That Councillor Jeff Stafford be appointed as a Vice-Chairman of the Licensing Committee in succession to Councillor Graham Carr.**

**84 DATES OF COUNCIL MEETINGS (Agenda Item 13)**

Council had before them a report of the Chief Executive proposing dates for meetings for the next Municipal Year and, on a provisional basis, the basis of 2006.

The recommendation was adopted without going to the vote and it was -

**RESOLVED:**

**That Council meetings be held on the following dates:**

	<b>2005</b>
<b>13</b>	<b>July</b>
<b>12</b>	<b>October</b>
<b>7</b>	<b>December</b>
	<b>2006</b>
<b>8</b>	<b>February</b>
<b>1</b>	<b>March (Council tax Setting)</b>
<b>29</b>	<b>March</b>
<b>24</b>	<b>May (Annual Meeting)</b>
<b>19</b>	<b>July (provisional)</b>
<b>18</b>	<b>October (provisional)</b>
<b>6</b>	<b>December (provisional)</b>

**85 EXCLUSION OF THE PRESS AND PUBLIC (Agenda Item 14)**

The Mayor announced that, while it was unusual for Council to exclude the press and public, on this occasion Council had to consider a report by the Local Government Ombudsman which he had directed under section 30(7) of the Local Government Act 1974 should be treated as confidential.

A proposal to exclude the public (including the press) was **AGREED** without going to a vote and it was

**RESOLVED:**

**That the public now be excluded from the meeting on the grounds that if members of the public were present there would be disclosure to them of confidential information within the meaning of section 100A(2) of the Local Government Act 1972.**

Officers verified that the public areas of the Chamber were empty and the sound system was confined to the Chamber only before Agenda Item 15 was started.

## **86 REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT, FINDING MALADMINISTRATION BY THE COUNCIL (Agenda Item 15)**

Council had before them a report of the Monitoring Officer that the Ombudsman had investigated a complaint by an individual that the Council failed to take action to deal with the anti-social behaviour of two individuals living nearby. The full details of the complaint, of the issues dealt with in the Ombudsman's investigation and of his findings were set out in the confidential investigation report appended to the Monitoring Officer's report.

Council noted that, although the Ombudsman's report was couched, as required by law, in terms that protect the identities of the complainant, referred to as "Mr Earl" (not his/her real name) in the report, of those whose activities were complained of and of the Council officers involved, the Ombudsman had taken the unusual step of directing that the report must not be published. This was understood to have arisen from the fact that the two individuals whose activities led to the complaint were particularly vulnerable and, should they be identified from the report, they could be placed at risk.

The Ombudsman had found that the Council's failure to deal appropriately with the matters complained of caused maladministration, leading to injustice to the complainant. In order to remedy the maladministration and injustice, the Ombudsman recommended that:

"The Council should review its procedures for dealing with such situations. Its Vulnerable Persons Protocol should include arrangements for identifying a lead officer to ensure that there is proper co-ordination, set timescales for action to take place, and have clear systems for monitoring cases, to review the action taken."

"In addition, the Council should recognise that Mr Earl suffered injustice as a result of the Council's failure to deal with his neighbour's behaviour, by paying him compensation of £500."

Officers had accepted that the criticisms made by the Ombudsman were fair, although the events complained of occurred several years ago and internal systems had been changed since then.

The report set out the suggestions of the Ombudsman for addressing his findings, and accordingly recommended that the Council should agree to inform the Local Government Ombudsman that:

- 1 It accepts the report and the criticism implicit in it;
- 2 Agrees to pay to "Mr Earl" the recommended compensation of £500; and
- 3 Agrees that the Executive Director, Social Services carry out a further review to ensure that the Vulnerable Persons Protocol is amended (so far as now necessary) to achieve the objectives identified in the Ombudsman's report.

Following debate -

- it was proposed that in recommendation 2 the figure should be changed to £1,000. The Mayor agreed to accept the amendment as urgent and the proposition was agreed by 53 votes to 1 (see Division 5).
- it was proposed that in recommendation 3 the words "in conjunction with the relevant Overview and Scrutiny Committees and Cabinet Members", be added between "Services" and "carry". The Mayor agreed to accept the amendment as urgent and the proposition was agreed without a vote.

The recommendation, as amended, was agreed and it was

**RESOLVED:**

**That the Council agrees to inform the Local Government Ombudsman that:**

- 1 It accepts the report and the criticism implicit in it;**
- 2 Agrees to pay to "Mr Earl" the recommended compensation of £1,000; and**
- 3 Agrees that the Executive Director, Social Services in conjunction with the relevant Overview and Scrutiny Committees and Cabinet Members carry out a further review to ensure that the Vulnerable Persons Protocol is amended (so far as now necessary) to achieve the objectives identified in the Ombudsman's report.**

**87 APPROVAL OF STATEMENT OF COMMUNITY INVOLVEMENT FOR SUBMISSION TO GOVERNMENT OFFICE FOR LONDON AND CONSULTATION (Agenda Item 16)**

Council had before them a report of the Chief Executive on the outcome of the consultation process on a draft Statement of Community Involvement in respect of the Local Development Framework.

Although the matter had been considered by Cabinet, it was noted that under the Local Authorities (Functions and Responsibilities) (Amendment) (No.2)

(England) Regulations 2004 this was the responsibility of Council rather than the Executive.

The recommendation in the report was **AGREED** without going to a vote and it was -

**RESOLVED:**

**That the Statement of Community Involvement attached as Appendix 1 to the report be approved for submission to the Secretary of State for Independent Examination, and for consultation prior to that Examination.**

**88 MEMBERS' QUESTIONS (Agenda Item 17)**

12 questions were listed to be asked under the Council Procedure Rules and all were dealt with in the allocated time. The questions and answers are set out in **Appendix C to these minutes.**

**89 FAIRTRADE**

Agenda items 18, 18A, 19, 19A, 231 and 21A set out three motions and three amendments, all concerning fairtrade. The text of the motions and amendments are set out in **Appendix D to these minutes.** The Mayor indicated an intention to amalgamate the debate on these items. Before any motion was moved, on behalf of the administration, a procedural motion was moved to the effect that all they all be referred to the Overview and Scrutiny committee for consideration.

The procedural motion was **CARRIED** by 42 votes to 12 (see division 5) and it was

**RESOLVED:**

**That Agenda items 18, 18A, 19, 19A, 231 and 21A be referred to the appropriate Overview and Scrutiny Committee(s) for attention.**

**90 MAYLANDS FILLING STATIONS & MAYLANDS FIELD, HAROLD WOOD – breaches of planning control (Agenda Item 20)**

**Motion on behalf of the Labour Group**

This Council instructs the Regulatory Services Committee at its next available meeting to review:

- (a) its decision to stay enforcement of existing enforcement action, and

- (b) recent breaches of planning control at Maylands Filling Station and Maylands Field, Harold Wood.

After debate the motion was **CARRIED** by 49 votes to nil (see Division 6) and it was

#### **RESOLVED**

**This Council instructs the Regulatory Services Committee at its next available meeting to review:**

- (a) its decision to stay enforcement of existing enforcement action, and
- (b) recent breaches of planning control at Maylands Filling Station and Maylands Field, Harold Wood.

### **91 SCHOOL MEALS – promotion of healthy eating (Agenda item 22)**

#### **Motion on behalf of the Labour Group**

In the light of Scolarest's decisions to remove turkey twizzlers from its school meal menus and the government's drive to improve the nutritional value of school meals, this Council agrees to undertake a review of the meals consumed in our schools and to promote a healthy eating diet amongst school children and parents.

#### **Amendment by the Administration (Agenda Item 22A)**

Insert after the words "and to" the words "continue to", which will read "and to continue to promote etc"

During the course of the debate, with the consent of the Council, the Administration amendment was amended further to read as follows

In the light of Scolarest's decisions to remove turkey twizzlers from its school meal menus and the government's drive to improve the nutritional value of school meals, this Council agrees to continue both to review the meals consumed in our schools and to promote a healthy eating diet amongst school children and parents.

After debate the amendment was **CARRIED** by 41 votes to 13 (see division 7). The motion, as amended, was **CARRIED** without going to a vote and it was -

**RESOLVED:**

**In the light of Scolarest's decisions to remove turkey twizzlers from its school meal menus and the government's drive to improve the nutritional value of school meals, this Council agrees to continue both to review the meals consumed in our schools and to promote a healthy eating diet amongst school children and parents.**

**92 CHAMPION FOR THE HISTORIC ENVIRONMENT (Agenda Item 23)**

The Mayor indicated that the motion had been accepted by her in accordance with paragraph 2 of the Convention on Motions for Debate as she was satisfied that it qualified as an emergency motion.

**Motion by the Administration**

That Councillor Andrew Curtin be appointed as Champion for the Historic Environment.

The motion was **AGREED** without going to a vote and it was -

**RESOLVED:**

**That Councillor Andrew Curtin be appointed as Champion for the Historic Environment.**

(**Note** – voting details are set out in **Appendix E to these minutes**)

**APPENDIX A  
(See Minutes 75)****MAYOR'S ANNOUNCEMENTS**

I was pleased to meet with Baroness Margaret Thatcher when she came here to help us commemorate the 293 Havering civilians who died during the First and Second World Wars, with the planting of a special tree in Coronation Gardens. This was an extremely moving and meaningful ceremony, which was held with great dignity and sensitivity. I would like to thank everyone involved in making the event such a memorable experience.

We also received, on the same day, a visit from Government Minister for Thames Gateway, Keith Hill who announced that two transport schemes in Havering have cleared the first hurdle for funding from the new £200m Community Infrastructure Fund. No doubt Councillor White will be able to say more about this.

The MP had also paid a visit the day before, to officially open the new Thames Chase Forest visitors centre at Broadfields, in Cranham.

Sir Geoff Hurst, the former footballer who was part of the 1966 World Cup winning squad, came along to the borough to present the beacon award for Life Long Learning to Havering College of Further and Higher and Education.

I also met up with some very special VIPs - the borough's Young Citizens of the Year. Young people aged from five to 21 received awards for acts of good citizenship, as part of a scheme organised by the Youth and Community section of Havering Police. Meeting these outstanding citizens left me feeling both humble and proud. My congratulations go to each and every one of them.

Best selling author Martina Cole came here yesterday to officially open the newly refurbished Upminster Library and the new Public Advice & Service Centre.

We have come a long way since Havering Council was created in 1965. A number of events will be held throughout the year to celebrate the 40<sup>th</sup> anniversary of the union of Romford and Hornchurch and 540 years of the Liberty of Havering. The celebrations will honour our past, applaud our achievements and focus on our future. It's something we can all share in and in which we can give our full support.

(The Mayor also made sympathetic reference to the recent sad death of a long-standing member of the Council's staff, Spencer Beasant).

**APPENDIX B  
(See Minute 81)****Members' Allowances Scheme 2005**

*Agreed at the meeting of the Council on 22 March 2005. The new Scheme is agreed with effect from 1<sup>st</sup> April 2005 and the revocation of the Members' Allowance Scheme (2004) is effective from 1<sup>st</sup> April 2005.*

The Council of the London Borough of Havering in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991 as amended by the Local Authorities (Members Allowances) (England) Regulations 2003 hereby makes the following scheme:

- 1 This scheme may be cited as the Havering London Borough Council Members' Allowance Scheme (2005). The new scheme shall have effect from 1<sup>st</sup> April 2005.
- 2 In this scheme, "councillor" means a councillor of the London Borough of Havering and "year" means the period ending on 31<sup>st</sup> March 2006 and any period of 12 months ending on 31<sup>st</sup> March in any year after 2006.;
- 3 **Basic allowance (Schedule 1)**

Subject to paragraphs 7 and 12, for each year a basic allowance of £8990 (2005/06 rates) shall be paid to each councillor.
- 4 **Special responsibility allowance (Schedule 1)**
  - (a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the Council that are specified in schedule 1 to this scheme.
  - (b) Subject to paragraph 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
  - (c) When a councillor would otherwise be entitled under the scheme to more than one special responsibility allowance, then the entitlement shall instead be only to one of them, being the one attracting the higher rate.
  - (d) Where a member is also a Member of another Authority, that Member may not receive allowances from more than one Authority in respect of the same duties.
- 5 **Child and dependent care allowance**

These expenses are expected to be met from the Basic Allowance.
- 6 **Renunciation**

A councillor may by notice in writing given to the Executive Director of Finance and Planning elect to forego any part of his/her entitlement to an allowance under this scheme.
- 7 **Part-year entitlements**
  - (a) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.



- (b) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
- (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
  - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

The entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (c) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her terms of office subsists bears to the number of days in that year.
- (d) Where this scheme is amended as mentioned in paragraph 7(b), and the term of office of a councillor does not subsist throughout the period mentioned in paragraph 7(b)(i), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a councillor subsists bears to the number of days in that period.
- (e) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (f) Where this scheme is amended as mentioned in paragraph 7(b), and a councillor has during part, but does not have throughout the whole, of any period mentioned in paragraph 7(b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

## 8 Travelling and Subsistence (Schedule 2)

- (a) Members can claim travelling expenses for travelling outside of the Borough on official Council business as set out in Schedule 2.
- (b) Members can claim subsistence expenses on official Council business when outside of the Borough as set out in schedule 2.

## 9 Claims and payments

- (a) Payments shall be made in respect of basic and special responsibility allowances, subject to paragraph 8(b), in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.
- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled, then payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

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- (c) Payments in respect of Travel and Subsistence shall be made to the Councillor on receipt of a claim form with supporting receipts/vouchers. Claims must be made within three months of the claim arising.

**10 Pension Scheme**

No Member in the scheme is entitled to apply for inclusion in the Pension Scheme.

**11 Financial Limits**

The Executive Director of Finance and Planning will arrange for the budget for members Allowances to be monitored to ensure that budgetary issues are reported to Members.

**12 Increases in Allowances**

Basic Allowances are updated each year on 1<sup>st</sup> April by the % increase as agreed by the Joint Negotiating Committee for Chief Officers of Local Authorities. The amounts so calculated are to be rounded up to be divisible for payment purposes.

The Travelling and Subsistence allowances will be increased in line with the increase in Officer rates.

**13 Suspension of Basic and Special Responsibility Allowance**

Where a Member is suspended or partially suspended from his responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000, or Regulations made under that part, the part of Basic and Special Responsibility allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the Authority if the Standards Committee so determines .

**14 Co-Optees Allowances**

The standard rate of allowance for statutory co-optees is £100 per meeting attended.

Independent persons sitting on Panels will be compensated for any financial loss based on presentation of claim showing actual losses up to a maximum of £100.

Co-optees will be reimbursed for all travel costs in accordance with the above, whether the travel is within or outside the Borough, but co-optees should not be paid subsistence.

**15 Note**

- (a) The Council is required to keep a record of the payments made by it in accordance with this scheme.
- (b) The record is required to be available for inspection at all reasonable times free of charge by any local government elector for the borough who may make a copy of any part of it.
- (c) The Council is also required to arrange publication of the total sums paid in each year to each member in respect of basic and special responsibility allowances.
- (d) The Council is required to arrange publication of the Scheme when approved.

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### Schedule 1: Members' allowances

<b>Category of allowance</b>	<b>Amount per member</b>
<b>Basic allowance</b> (all members)	£8,990
<b>Special responsibility allowances</b>	
<b>Deputy Leader of Minority Opposition</b>	<b>2,250</b>
<b>Deputy Leader of Principal Opposition</b>	<b>3,825</b>
<b>Area Committee Chairmen</b>	<b>6,390</b>
<b>Leader of Minority Opposition</b>	<b>6,390</b>
<b>Appointments, Governance, Investment,     Adjudication and Audit Chairmen</b>	<b>7,650</b>
<b>Overview &amp; Scrutiny Chairmen</b>	<b>11,070</b>
<b>Leader of Principal Opposition</b>	<b>18,000</b>
<b>Licensing and Regulatory Services Chairmen</b>	<b>20,430</b>
<b>Cabinet Members, inc. Deputy Leader of the     Administration</b>	<b>25,110</b>
<b>Leader</b>	<b>39,150</b>

### Schedule 2: Travel and Subsistence

Travelling expenses can only be claimed for travel outside of the borough on official Council business. The rules and entitlements for reimbursement of travel outside the Borough are the same as those for Officers

Subsistence allowances are only payable for official Council business outside the Borough where the duties entail an overnight stay or working outside 'normal office hours'. Members will be reimbursed actual expenditure incurred up to the maximum of the rates set for Officers

Allowances are payable on the basis of expenditure incurred and receipts must be submitted to support claims for subsistence allowances and travel costs

Travel and subsistence arrangements for key events, e.g. Town Twinning will be set in line with the above. However, taking account of the practicalities of arrangements, these will be set out and documented by the Executive Director, Finance and Planning, prior to each event and be agreed with the Lead Member for Finance.

**APPENDIX C  
(See Minute 88)****QUESTIONS AND REPLIES****1. AGENCY STAFF**

**To the Leader of the Council (Councillor Michael White)  
By Councillor Malvin Brown**

How many agency staff and consultants has LBH employed in the last 12 months and how much have they cost?

How many of those agency staff have been employed to replace staff that were absent through sickness? How much did they cost and the percentages from each area of administrative responsibility?

**Answer**

1. In the financial year 2003/2004 the Council spent £6.5million on agency employees (excluding schools based employees). The number of agency employees in January 2005 was 636.
2. The Council in some instances has a statutory obligation to provide services to the vulnerable in the community (such as children and the elderly). In these circumstances the Council will consider the use of agency employees to cover sickness absence.
3. There are occasions when it is more cost effective for the Council to employ agency employees particularly when covering work where there are seasonal peaks such as grass cutting or hedge trimming.
4. Agency employees are also used to provide flexibility in workforce planning and to assist in avoiding redundancies.
5. There will be instances where the Council may not have expertise in-house to deal with an issue and Consultants will be engaged to deal with a specific piece of work. Members receive an annual breakdown of this as part of the final outturn.
6. In common with many employers in the area, we are finding some positions more difficult to fill. Where we are unable to fill positions we work to identify a number of strategies to make sure we can continue to deliver services i.e. secondments, partnership working with other organisations, redeployment and where relevant agency staff.
7. In the coming months Havering will be doing some work to develop a more extensive recruitment and retention strategy which will amongst other things aim to reduce the number of agency staff.

**2. DANGEROUS HIGHWAY TREES**

**To the Cabinet Member for StreetCare (Councillor Andrew Mann)  
By Councillor Linda Hawthorn**

In the budget for 2004/05, Council agreed that "Mature inappropriate and dangerous highway trees" would be removed and replaced by an appropriate alternative. It now transpires that this refers to fruit trees up to the age of 15 years. Could the Lead Member explain:

- (1) Why have these trees suddenly become dangerous?
- (2) How much is this exercise costing?

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- (3) Would it not be more economical to improve street cleaning?
- (4) Are all residents being advised whilst acknowledging that letters do go astray in the post, I have received several phone calls from residents what is going on?

**Answer**

Fruit trees have not suddenly become dangerous, just inappropriate for the highway; hence we no longer plant them. The details of the budget were agreed at the Council Tax setting meeting in February 2004. I can confirm that all residents who have a tree outside their property or properties, or where the tree is between two properties, have been consulted.

**3. GRAFFITI POLICY**

**To the Cabinet Member for StreetCare (Councillor Andrew Mann)  
By Councillor John Mylod**

When is the Council likely to have a proper graffiti policy that includes a timetable for removal and which is properly funded using a dedicated team?

**Answer**

The StreetCare Department has its own graffiti removal team, likewise so does the Housing Department. Parks also have use of the Youth Offending Team for limited works. Whilst a policy is not currently available, priority is given to the removal of any offensive graffiti which covers racist and sexist material. At the moment, the operational policy for such graffiti incidents is to have them removed as quickly as possible from public buildings.

As part of this year's budget process, Cabinet colleagues agreed that we should explore the possibilities of one team in the Borough. I have therefore asked the Chairman of the Environment Overview and Scrutiny Committee if his committee could lead on a policy review on graffiti across Havering. The findings will be considered by Cabinet.

**4. TRAVELLER SITES**

**To the Leader of the Council (Councillor Michael White)  
By Councillor Patricia Mylod**

What is the latest situation in respect of provision of traveller sites?

**Answer**

The Government is presently consulting all Local Authorities on its proposed changes to national planning policy for gypsy and traveller sites.

This Council, with the University of Birmingham, has been undertaking a traveller needs assessment. This is to identify and quantify the need for traveller sites within Havering. The results and recommendations stemming from that assessment will be reported to Cabinet in due course.

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**5. DAVID STOCKER**

**To the Leader of the Council (Councillor Michael White)  
By Councillor Patricia Mylod**

When are Members going to receive a full briefing in respect of the sad death of David Stocker?

**Answer**

The executive summary of the serious case review on David Stocker is already available for members from Marilyn Richards, Chair of the Area Child Protection Committee which commissioned the report.

A briefing session on the action taken following the serious case review and on corporate parenting generally, will be arranged as part of the regular programme of monthly member briefings.

**6. RAINHAM VILLAGE: SHOPPING FACILITIES**

**To the Cabinet Member for Regeneration and Planning (Councillor Paul Rochford)  
By Councillor Jeffrey Tucker**

There are now only three retail shops left in Rainham Village due to the continued expansion of the Tesco Superstore, Bridge Road, Rainham.

Feasibility studies have indicated the way forward would be to create a one-way system with short-stay parking one side. I understand that a bid has been made to finance a one-way system, which would allow people to park legally in Rainham Village.

Could the Cabinet Member indicate the present situation regarding this bid and could he also indicate how long he believes the shop owners will have to wait if there is going to be light at the end of the tunnel?

**Answer**

A bid has been submitted to the Office of the Deputy Prime Minister through the Community Infrastructure Fund for £300,000. A decision on whether this bid will be short-listed is expected by the end of March. If successful, this will be followed by a more detailed appraisal, and implementation would begin in 2006/07.

In addition, the scheme has been included in the Council's Local Implementation Plan (which sets out the borough's transport plans for the next 5 years) and staff are preparing a bid to Transport for London to fund this scheme as part of the Borough Spending Plan.

**7. ELDERLY TENANTS**

**To the Cabinet Member for Housing and Transport (Councillor Michael Armstrong)  
By Councillor Denis O'Flynn**

Would the Lead member agree with me that elderly tenants of this borough should not be discriminated against in the provision of housing services? Would he therefore agree that those elderly tenants who have been prudent in making financial provision for their later years, who therefore do not qualify for assistance with their rent or Council Tax, should nevertheless receive assistance with decorating and minor repairs?

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**Answer**

I thank Councillor O'Flynn for the opportunity to look at this important area where Havering, through prudent financial management, is still able to assist our senior citizen tenants with internal decorations when many of our neighbouring Boroughs are no longer able to do that.

At present we receive approximately 60 applications per annum from tenants who qualify for the scheme. To qualify, the tenant has to be over 60, on full or partial Housing Benefit and if a Housing Officer determines, on inspection if their rooms require re-decoration.

There are 88 tenants on the list and, at the moment we only have sufficient financial resources to carry out 30 redecorations per year at a cost of £30,500. Clearly to meet the annual demand for this service we would have to find an additional £30,500 and to clear the waiting list an additional £59,000.

We have carefully considered our budgets for 2005 - 2006 and there is no provision for this kind of growth without officers being required to make additional savings over and above the £787,000 they have already found.

Our officers estimate that if we were to take on OAP decorations for those elderly not on Housing Benefit this would create an additional 12 cases per year needing £12,200 to finance it.

I do not agree with Councillor O'Flynn that the Council are discriminating against the elderly in the Borough not on Housing Benefit. This Administration and its predecessors are just making a careful assessment of where we should place our hard won resources in the most effective and beneficial way.

I therefore propose is that this matter is referred to the Housing Overview & Scrutiny Committee, of which Councillor O'Flynn is Vice-Chairman, where there will be time to have a proper look at these issues and agree the best way forward which will benefit our most vulnerable tenants and spend our HRA resources in the most cost-effective way.

**8. PUBLIC SERVICE DUTY ON DISABILITY (PSD)**

**To the Cabinet Member for Adult Services (Councillor Steven Kelly)**

**By Councillor Yve Cornell**

The public sector duty on disability (PSD) comes into effect in 2006. A key element of this will be to produce a disability equality scheme and an action plan. The Disability Rights Commission has published for consultation a code of practice, circulated to public sector chief executives and leaders. The consultation period ends on 22 April 2005. Has the administration responded to the consultation and if so can its response be circulated to members?

**Answer**

The Disability Rights' Commission's draft statutory Code of Practice was recently published. The Council has returned the consultation questionnaire which consisted of 29 questions relating to the Code of Practice.

Our response to the questionnaire was positive and copies of the consultation document are available to members. Since the Council's Equalities and Diversity Consultant is a representative on the London-wide Forum on Disability the Council had an input into early drafts of the document.

**9. STAMP DUTY (LOWER RATE FOR ENERGY EFFICIENCY MEASURES) BILL**

**To the Cabinet Member for StreetCare (Councillor Andrew Mann)**

**By Councillor Bill Harrison**

**Council, 23 March 2005**

You will be aware of the Stamp Duty (Lower Rate for Energy Efficiency Measures) Bill due to go before Parliament for Second Reading on 8 April 2005. Is the administration in favour of this proposed legislation? Given that Michael Howard initially pledged his support, but is not as yet officially backing the Bill, will he make representations to his Parliamentary colleagues to support it?

**Answer**

Following a request from the Association for the Conservation of Energy in July 2004 asking the council to give its support to this energy efficiency related bill, Councillor White and I confirmed that the council fully supported the aims of this bill.

**10. AREA COMMITTEES REVIEW**

**To the Cabinet Member for Regeneration and Planning (Councillor Paul Rochford)  
By Councillor Jeff Stafford**

You will be aware that you have now become the third member of this administration in as many years, charged with the responsibility for concluding the urgent review of Area Committees and for the advancement of the Council's community development responsibilities. Can you advise the Council whether you support the work done to date by the Working Party looking at these issues and when it is likely to reach fruition? Can you also explain how, with reductions in funding support for community development in each of the administration's last three budgets, you propose to resource an effective community development programme?

**Answer**

Responsibility for concluding the review of Area Committees remains with Councillor Andy Mann and the Working Party on which your Leader sits. Councillor Mann will ensure that a full report, based on the work carried out to date, is brought before the Governance Committee at the next appropriate opportunity.

The Community Regeneration team has been re-focused and is providing a very effective service, developing and supporting the community and voluntary sector across the borough, as well as community projects and initiatives in agreed priority areas such as the Mardyke. The reduction in the 2005/6 budget is simply the full year effect of changes made in 2004/5, and the Administration is very supportive of the important work this team is doing. The recent Voluntary Sector Review showed that the Council is channelling about £2.8 million per year to the voluntary and community sector.

**11. REVISED EMERGENCY PLAN**

**To the Cabinet Member for Crime and Safety (Councillor Georgina Galpin)  
By Councillor Wilf Mills**

Can the Cabinet member indicate whether the Council's revised emergency plan is now completed?

**Answer**

In short, yes and no, and for the following reasons.

If the Member means does the Council have a written Emergency Plan, then the answer is yes.

But if the Member is asking if the Council's Emergency Plan has taken into account the Civil Contingencies Act 2004, and proposed draft Regulations, then the answer is not yet, as follows.

The Civil Contingencies Act 2004 is a framework Act, to be fleshed out by other documents. A Central Government Consultation period commenced late last year, which saw the publication of draft Regulations,



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and two additional supporting documents, for examination by all responders under the Act. That Consultation closed at the beginning of March 2005 and enquiries of the Civil Contingencies Secretariat of the Cabinet Office on 14 March confirm that the final version of all three documents will be published sometime in April this year, taking account of all comments received during Consultation.

Whilst the substance of the draft Regulations, and both Guidance documents, is unlikely to change following Consultation, given the exposure to all practitioners throughout the United Kingdom, some changes seem likely. Work on revising the Council's Major Emergency Plan has commenced where obvious, and other work in developing likely areas of change is in hand, although it would be prudent to wait for final publication of the Regulations before attempting to close this work. In addition, changes to the Emergency Plan must be augmented by some organisational changes to comply with legislation.

Further information from the Civil Contingencies Secretariat is that the main part of the Act, which is around Emergency Planning, (including internal business continuity arrangements), will commence in October 2005. Commencement around business continuity advice to the commercial world will commence in April 2006.

**12. SCHOOL CROSSING PATROLS**

**To the Cabinet Member for Crime and Safety (Councillor Georgina Galpin)  
By Councillor Keith Darvill**

Can the Cabinet member advise the Council as to how many school crossing patrol posts are currently vacant, where these are located and what steps she is taking to fill them?

**Answer**

The situation with regard to the School Crossing Patrol Service as of the 14 March is as follows:

In Havering the current situation is that out of 63 sites 45 are staffed, leaving 18 vacancies. In Havering, in common with most other London Boroughs and Councils across England and Wales, there has been a very long standing problem over a number of years with recruitment into these part-time vacancies. The vacant sites are at:

1. Main Road o/s Raphaels park
2. Ardleigh Green Rd j/w Helen Rd
3. Upper Rainham Rd j/w Strathmore Gardens
4. Brentwood Rd j/w Salisbury Rd
5. Chase Cross Rd
6. Cherry Tree Lane j/w Christchurch Avenue
7. South End Rd j/w Blacksmiths Lane
8. South End Rd j/w Mungo Park Rd
9. Airfield Way
10. Helen Road outside school
11. Chestnut Avenue
12. Collier Row Road/ White Hart Lane
13. Suttons Gardens j/w Sutton Avenue
14. Mawney Road outside school
15. Rush Green Rd j/w Dagenham Rd
16. Lowen Rd outside school
17. Clockhouse Lane outside school
18. Heath Park Rd j/w Salisbury Rd

Of these the following will be reviewed in 2005/06 to ascertain if they still meet the criteria for having a school crossing patrol

- Main Road o/s Raphaels Park
- Chase Cross Rd
- South End Rd j/w Mungo Park Rd
- Airfield Way
- Collier Row Road/ White Hart Lane

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The Road Safety Education & School Crossing Patrols Manager and his team are continually looking for different ways of attracting people to these posts. Advertising has been taken out in local newspapers, Living in Havering, on the inside of buses, local charity programmes, Health Authority Handbooks (which are distributed in Doctors' surgeries), leaflets on the Havering Show and Planet Havering, leaflet drops in roads adjacent to schools where there are vacancies as well as putting posters in schools and libraries. These actions will be repeated in the forthcoming financial year along with any new initiatives that may be considered suitable.

When a post becomes vacant, letters are sent to parents of every child attending that school. The letter explains that the post will become vacant within the next month and asks that if any parent is interested in becoming a school crossing patrol or if they know of anybody that may be interested then they are to contact the Road Safety Unit (a contact number is provided). Letters have also been sent to senior citizens clubs. However there was not one reply.

One of the reasons given for this problem of taking up the job by retired people, is the fact that the moment they gain an income from this job then can affects their State pension or their disability pension in some circumstances. This has happened recently in Havering where the person was very happy to do a worthwhile job and to meet people. (using his words it gave him a reason to get up in the mornings) only to be advised that if he continued he would loose his disability pension, needless to say the man could not manage without it and reluctantly resigned.

The National Road Safety Organisation has written to the Inland Revenue requesting that this particular job should be exempt from such restrictions.

**APPENDIX D  
(See minute 89)****MOTIONS AND AMENDMENTS OF FAIRTRADE (Agenda Items 18, 18A, 19, 19A, 21 and 21A)****18 FAIRTRADE PRINCIPLES (Agenda Item 18)****Motion on behalf of the Residents' Group**

That this Council supports the principles of Fairtrade, and carries out a feasibility study in relation to gaining Fairtrade Borough status.

**Amendment by the Administration (Agenda Item 18A)**

This Council requests a report to the relevant Overview and Scrutiny Committee and Cabinet as to the implications of the Fair Trade campaign and any cost implications.

**FAIRTRADE (Agenda Item 19)****Motion on behalf of the Residents' Group**

The London Borough of Havering, as an important consumer and opinion leader, should research, develop, and support a strategy to facilitate the promotion and purchase of foods with the FAIRTRADE Mark in pursuit of sustainable development and to give marginalised producers a fair deal.

To be recognised by the residents and business community of The London Borough of Havering, suppliers, employees and other local authorities, as a Borough that actively supports and promotes Fairtrade and to increase the sale of products with the FAIRTRADE Mark.

The London Borough of Havering resolves to contribute to the campaign to increase sales of products with the FAIRTRADE Mark by striving to achieve Fairtrade status for this Borough as detailed Fairtrade Foundation's Fairtrade Towns Initiative.

The initiative involves a commitment to:

- Widely offer FAIRTRADE Marked food and drink options internally and make them available for internal meetings
- Promote the FAIRTRADE Mark using Fairtrade Foundation materials in refreshment areas and promoting the Fairtrade Towns initiative in internal and communications and external newsletters
- Use influence to urge local retailers to provide Fairtrade options for residents
- Use influence to urge local business to offer Fairtrade options to their staff and promote the FAIRTRADE Mark internally
- Engage in a media campaign to publicise the Fairtrade Towns initiative
- Allocate responsibility for progression of the Fairtrade Town initiative to a member or group of staff
- Organise events and publicity during national Fairtrade Fortnight – the annual national campaign to promote sales of products with the FAIRTRADE Mark.

**Amendment by the Administration (Agenda Item 19A)**

This Council requests a report to the relevant Overview and Scrutiny Committee and Cabinet as to the implications of the Fair Trade campaign and any cost implications.

**HAVERING FAIRTRADE STATUS CAMPAIGN (Agenda Item 21)**

**Motion on behalf of the Labour Group**

This Council agrees to support the Havering Fairtrade Status Campaign. Council believes that whilst supporting one-off events such as 'Red Nose Day' is very laudable and welcomed by those who benefit, there is a need to recognise that only by offering fair trade terms to producers in economically disadvantaged countries will their communities stand a chance of becoming self-supporting and economically sustainable.

In addition to taking this into account in the Council's own procurement and purchasing, Council agrees that there are other ways in which to support the campaign (for example by getting local schools to support fair-trade and promoting fair-trade within the business community) and will do all it can to promote them.

**Amendment by the Administration (Agenda Item 21A)**

This Council requests a report to the relevant Overview and Scrutiny Committee and Cabinet as to the implications of the Fair Trade campaign and any cost implications.



## **ANNUAL COUNCIL**

**25 MAY 2005**

# 10

### **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: TO APPOINT THE COMMITTEES OF THE COUNCIL, ETC**

In accordance with the Constitution Annual Council, among other things appoints its Committees.

This report does not deal with the size of Committees (this is dealt with in a separate report) but deals with the appointment of the Committees themselves, the co-opted members and observers etc and recommends such appointments consistent with decisions taken at Council last year.

There are no financial, legal, human resources or equalities and social inclusion implications or risks attached to this report.

#### **RECOMMENDATIONS**

- (1) That the Committees as listed in the Appendix be appointed for the 2005/6 Municipal Year.
- (2) That two voting co-optees representing the Church of England and the Roman Catholic interests and three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Education Overview and Scrutiny Committee.
- (3) That Jennifer Spearman and Debra Collard be appointed as voting members of the Standards Committee and be appointed as Chairman and Vice-chairman respectively.
- (4) That the other non-elected member "appointments" and invitations to attend shown in the Appendix be confirmed.

**Annual Council, 25 May 2005**

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**STEPHEN EVANS**  
Chief Executive

**Background Papers List**

None

**APPENDIX**

**APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

Adjudication and Review Committee	<i>(Plus independent persons who form a pool from which the independent person for specific hearings is drawn as required)</i>
Appointments Committee	
Audit	
Governance	
Investment Committee	<i>(two trade union representatives to be invited as observers)</i>
Licensing Committee	
Regulatory Services Committee	
Standards Committee	<i>(two independent persons as Chairman and Vice-Chairman)</i>
Corporate Overview and Scrutiny Committee	
Culture and Regeneration Overview & Scrutiny Committee	
Education Overview and Scrutiny Committee	<i>(Five co-optees and three non-voting teacher representatives)</i>
Environment Overview and Scrutiny Committee	
Housing Overview and Scrutiny Committee	
Social Care and Health Overview and Scrutiny Committee	
Central Area Committee	<i>(Ward members only)</i>
Harold Hill and Harold Wood Area Committee	<i>(Ward members only)</i>
Hornchurch Area Committee	<i>(Ward members only)</i>
North Romford Area Committee	<i>(Ward members only)</i>
South Havering Area Committee	<i>(Ward members only)</i>
Upminster, Cranham and Emerson Park Area Committee	<i>(Ward members only)</i>

**Annual Council, 25 May 2005**





## ANNUAL COUNCIL

25 MAY 2005

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### REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: ARRANGEMENTS FOR COMMITTEES FOR THE 2005/06 MUNICIPAL YEAR, AND POLITICAL BALANCE**

#### **SUMMARY**

In accordance with the Council Procedural Rules Paragraph 3(g), this report deals with arrangements for Committees etc., for the new Municipal Year.

#### **RECOMMENDATIONS**

- 1 That the number of seats on each Committee appointed by Council be as shown in Appendix 1.
- 2 That Council notes the political balance of those Committees (in accordance with the rules set out in Appendix 2), and allocates seats to Groups accordingly.

#### **REPORT DETAIL**

This report sets out the political balance and other issues associated with the appointment of Committees etc for the new Municipal Year.

The Constitution anticipates that the Committees set out in Appendix 1 will be appointed and the Council is therefore obliged also to consider the question of political balance of those Committees in accordance with the Local Government and Housing Act 1989. Account is taken of changes in political balance etc arrangements agreed by Council at its meeting on 23 March 2005.

#### **Allocation of Committee seats**

The Constitution allows for the number of Councillors on each committee to be a specified number determined by Council from time to time. Appendix 1 gives the current allocation of seats determined in accordance with the provisions of the

Constitution and is based on the arrangements in place immediately before this meeting, which were agreed by Council at the last meeting.

### **Political Balance**

The Council has a duty to make only such decisions as give effect, so far as reasonably practicable, to certain principles set out in the relevant legislation. **At Havering, where there is no Group with an overall majority, these principles mean that the total share of all the seats available for Committees allocated to each political Group must be proportionate to that Group's share of the total Council membership.** A full note giving the background to this issue is attached as Appendix 2.

**There are no direct financial, equalities or environmental implications or risks attached to the issues discussed in this report.**

**The legal implications are addressed in the Appendices to this report.**

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Chief Executive

**Background Papers:** None.

**APPENDIX 1****CURRENT COMMITTEES, AND SEATS ALLOCATED**

The seating allocation is based on a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups. One Member sits as an Independent and is not a Member of a Group.

Of 54 Members of the Council, 26 (48.15%) are Members of the Conservative Group, 16 (29.63%) of the Residents' Group, 11 (20.37%) of the Labour Group and one is Independent (1.85%). As there are currently 114 Committee seats, allocating them in accordance with the formula means that the Groups' respective entitlements are:

Conservative: 55 (114 x 48.15% [rounded up to nearest whole number])

Residents': 34 (114 x 29.63% [rounded down to nearest whole number])

Labour: 24 (114 x 20.37% [rounded up to nearest whole number])

The Independent Member has no entitlement to a seat on any Committee (other than the relevant Area Committee).

Applying the rules referred to in Appendix 2:

- any alteration in the number of seats available for each Committee individually may be determined by **majority** vote
- the distribution of seats within each of the Committees to each Group **MUST** comply with the formula **UNLESS** a different arrangement is **agreed with no vote against**:

		<b>CONSERVATIVE</b>	<b>RESIDENTS</b>	<b>LABOUR</b>
Regulatory Services	<b>13</b>	6	4	3
Licensing	<b>12</b>	6	4	2
Adjudication & Review	<b>8</b>	4	3	1
Corporate OSC	<b>8</b>	4	2	2
Culture &c OSC	<b>8</b>	4	2	2
Education OSC	<b>8</b>	4	2	2
Environment OSC	<b>8</b>	4	2	2
Housing OSC	<b>8</b>	4	2	2
Social Care &c OSC	<b>8</b>	4	2	2
Governance	<b>9</b>	4	3	2
Appointments	<b>6</b>	3	2	1
Audit	<b>6</b>	3	2	1
Investment	<b>6</b>	3	2	1
Standards	<b>6</b>	3	2	1
<i>Total</i>	<b>114</b>	<b>56</b>	<b>34</b>	<b>24</b>

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## APPENDIX 2

**POLITICAL BALANCE PRINCIPLES**

In allocating seats on Committees to the Groups, the Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The two that apply to the current situation at Havering where there is no Group with an overall majority are:

1. The total share of all the seats available for all of the Council main Committees (not Sub-Committees or joint Committees) allocated to each political group shall be proportionate to that group's share of total Council membership.
2. So far as it can be done without conflicting with that first principle, the total number of seats on any one Committee or Sub-Committee allocated to each political group must be proportionate to that group's share of total Council membership.

**This means in practice that Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own.**

The Area Committees are not balanced in this way because they are constituted under the special rules for Area Committees confined to Members in each particular area.

The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.

To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Annual Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

Once the allocation of seats to groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to the Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

The "wishes of the Group" may be communicated to the Chief Executive and will be implemented forthwith. Changes may be effected at any time by notice to the Chief Executive and will be notified to all Members in the next available edition of the weekly Calendar Brief.

It should be noted that the Chairmen and Vice-Chairmen of Committees (other than the Area Committees, which make their own appointments) are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council.