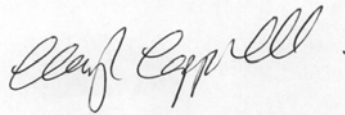


COUNCIL

**7.30pm WEDNESDAY, 24 FEBRUARY 2010
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 as shown to set the Council Tax for 2010/11



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.

Council, 24 February 2010 – Agenda

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.

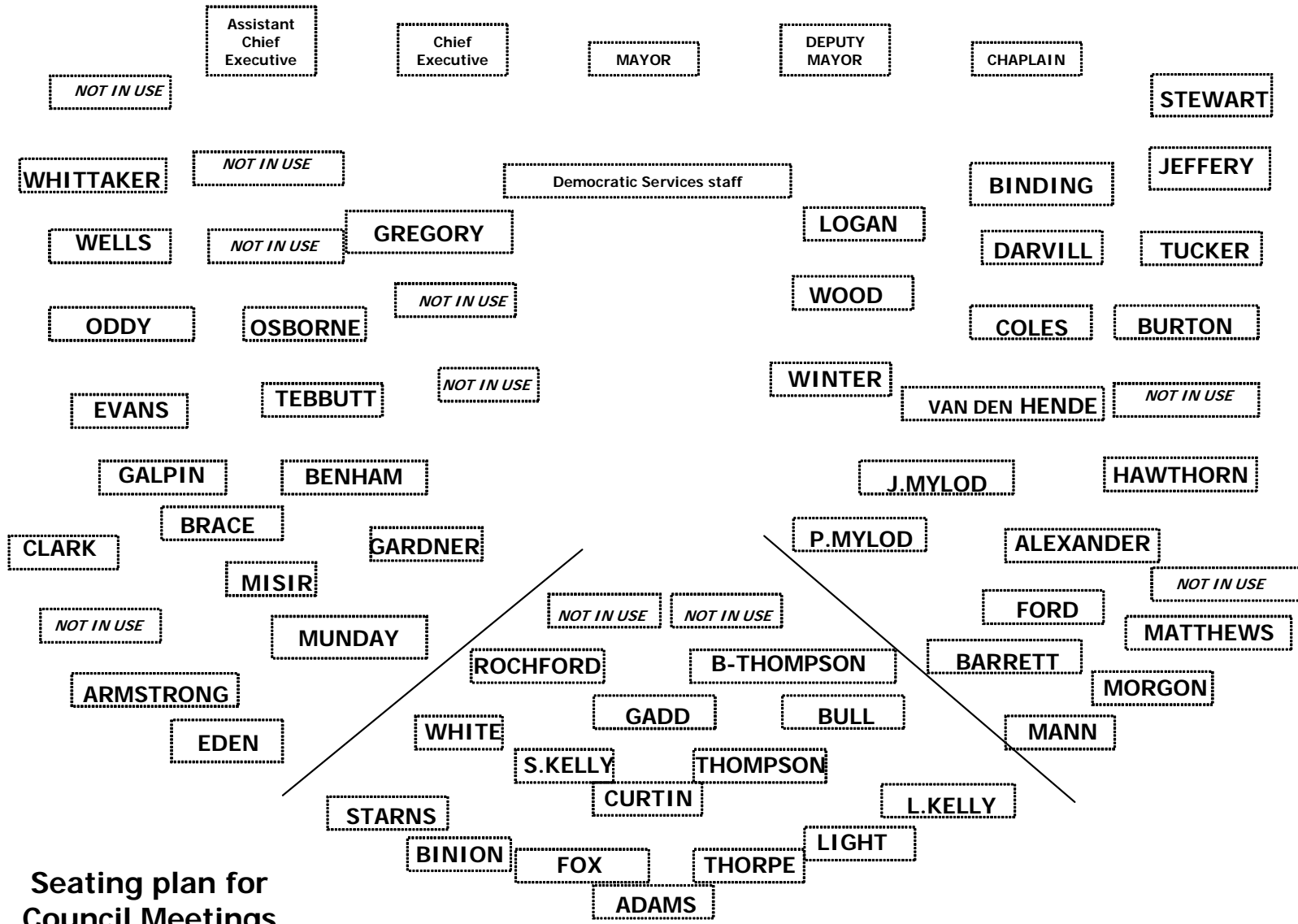
If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the Council Chamber.

4. WEBCASTING

Council meetings are usually webcast. The webcast may be viewed at www.havering.gov/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.



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 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 (Council Tax and Budget meeting), 24 February 2010 - Agenda

AGENDA

1 PRAYERS

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.

Note – please also refer to note (2) on page 7 following.

4 MINUTES

To sign as a true record the minutes of the Meeting of the Council held on 3 February 2010 (to follow)

5 ANNOUNCEMENTS BY THE MAYOR OR THE LEADER OF THE COUNCIL

6 PROCEDURE

6A. Members' Allowances report

Procedural motion on behalf of the Administration

1 That the Council consider the Report on Members' Allowances at this meeting

2 That, if Council agree the preceding procedural motion, the matter be dealt with after the Council deals with the Cabinet's report on the Council Tax and Budget.

6B. To consider any other procedural motion in relation to the conduct of business for this meeting

Council (Council Tax and Budget meeting), 24 February 2010 - Agenda

**7 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS
2010-13: 2010/11 BUDGET**

To consider the report of the Cabinet of 10 February 2010 (attached); to agree a budget for 2010/11; and then to set the Council Tax for 2010/11.

Item 8 is included on the agenda in anticipation that the procedural motion at agenda item 6A above will be carried.

8 MEMBERS' ALLOWANCES

**ALL MEMBERS ARE ASKED TO BRING TO THE MEETING
THE REPORTS TO CABINET ON 10 FEBRUARY 2010
(agenda item 5 and 7)**

The last date for receipt of any amendment to the Council Budget is midnight, Thursday, 18 February 2010

A supplementary agenda containing any amendment(s) submitted will be circulated to Members by email and made available in hard copy as soon as practicable after receipt.

Note: An amendment must be:

- specified in sufficient detail to show the service, financial and staffing effects of any proposals in order that staff may report to the Council on the likely effect of the amendment upon the budget (*Council Procedure Rule 13.8(vi)*); and
- notified to the Chief Executive no later than midnight on the Thursday before the meeting, and must be such that it would, if passed, enable a robust budget to be set in the view of the Chief Finance Officer (*Council Procedure Rule 13.9(ii)*). As it is imperative that there is a level playing field, any new base information relating to or affecting Council Tax that comes to light after the Cabinet has made its Council Tax recommendations will be supplied to all Groups at the same time.

Council (Council Tax and Budget meeting), 24 February 2010 - Agenda

Notes

- (1) The Council has a legal obligation to set a Council Tax for 2010/11.
- (2) Section 106 of the Local Government Finance Act 1992 imposes restriction on voting in respect of any Member by whom any Council Tax has remained unpaid for at least two months.

Any Member in doubt as to the position may seek advice before the meeting from the Group Director, Finance & Commerce or the Assistant Chief Executive, Legal & Democratic Services.

- (3) Council Procedure Rule 3 applies to the order of business at this meeting.
- (4) By Council Procedure Rule 13.4(iv), the speech of any Group Leader (or Member nominated to speak on behalf of a Group Leader: any Group Leader should announce any such nomination when the Mayor invites that Leader to speak) on any motion or amendment relating to the Council Tax should not exceed **twenty minutes**. Members seconding a motion or amendment may speak for eight minutes and participants in general debate for five.

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CABINET

7

SUBJECT: DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010-13: 2010/11 BUDGET

The Council has to formally resolve that it calculates certain figures, which broadly are:

- its gross expenditure, including contingency and levies (but not precepts)
- its gross income from specific grants and other sources
- the difference between the two, being the amount which the Council needs for its own services to be paid from the collection fund
- external finance from the Government
- any surplus/deficit on the collection fund
- the Council Tax for each band for the net position of all these figures, including precepts.

The Council is also required to formally approve the management of the Council's treasury management functions, including the Treasury Management Strategy, and the proposed revenue budget for both the General Fund and schools' delegated budgets, and the capital programme.

Members are asked to bring their copy of the Cabinet reports including the appendices with them to the meeting, as the recommendations before Council make specific reference to these reports.

Attached to this report are:

- a revised Council Tax statement, originally provided in the Cabinet report marked as Appendix F, amended following the final notification of the levies
- Annex A to this report which provides supporting information to the resolutions
- Annex B which are the draft minutes of the Cabinet meeting.

The Treasury Management Strategy and related documents were reported to Cabinet separately but are being submitted to Council as part of this report for approval, as they are directly related to the budget. The Capital Programme was originally provided in the Cabinet report marked as Appendix L.

Members are advised that there are no changes to the Cabinet report as a result of the Trade Union consultation undertaken after the Cabinet meeting.

In the light of the above **Cabinet recommends the Council to adopt the following resolutions as set out below.**

The effect of adopting these resolutions would be to set the Council Tax for a Band D property at £1,505.00

RECOMMENDATIONS

1. That the following as submitted in the report to Cabinet be approved:
 - a) The General Fund revenue budget for 2010/11, as set out in the revised Appendix F attached to this report.
 - b) The capital programme for the period for 2010/11, as set out in Appendix L of the report to Cabinet.
 - c) The indicative capital programme for the period from 2011/12 to 2016/17, as set out in Appendix L, subject to a further report to Cabinet.
 - d) The delegated schools' budget for 2010/11, as set out in Appendix F of the report to Cabinet.
2. That, in accepting recommendation 1, Council is mindful of the advice of the Chief Finance Officer as set out in Appendix J of the report to Cabinet.
3. That it be noted that under delegated powers the Chief Finance Officer has calculated the amount of 89,182 (called T in the Act and Regulations) as its Council Tax base for the year 2010/2011 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) made under Section 33(5) of the Local Government Finance Act 1992.
4. That the following amounts be now calculated by the Council for the year 2010/2011 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:
 - a) 521,306,805 being the aggregate of the amounts which the Council estimates for the items set out in section 32(2)(a) to (e) of the Act.
 - b) 359,504,390 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
 - c) 161,802,415 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council in accordance with section 32(4) of the Act, as its budget requirement of the year.

This figure is R in the Act and Regulations.

- d) 55,213,872 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant in accordance with Section 33 of the Local Government Finance Act 1992 (as amended) increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the directions under Section 98(4) of the Local Government Finance Act 1988
- e) 106,588,543 being the amount at 4(c) above less the amount at 4(d) above, which is then divided by the amount at 2 above, calculated by the Council, in accordance with Section 33(1) of the Local Government Finance Act 1992, as the basic amount of its Council Tax for the year.

f)

Valuation Bands London Borough of Havering	
	£ p
A	796.78
B	929.59
C	1,062.38
D	1,195.18
E	1,460.77
F	1,726.37
G	1,991.97
H	2,390.36

being the amount given by multiplying the amount at 4(e) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36 (1) of the Local Government Finance Act 1992, as the amounts to be taken into account for the year in respect of categories of dwellings listed in differing valuation bands.

5. That it be noted for the year 2010/11 the major precepting authority (the GLA) has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below as agreed by the Mayor and the London Assembly at its meeting on 10th February 2010.

Valuation Bands Greater London Authority	
	£ p
A	206.55
B	240.97
C	275.40
D	309.82
E	378.67
F	447.52
G	516.37
H	619.64

6. That, having calculated the aggregate in each case of the amounts at 4(f) and 5 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown below:

Valuation Bands	£ p
A	1,003.33
B	1,170.56
C	1,337.78
D	1,505.00
E	1,839.44
F	2,173.89
G	2,508.34
H	3,010.00

The effect of adopting this resolution would be to set the Council Tax for a Band D property at £1,505.00

7. That any Council Tax payer who is liable to pay an amount of Council Tax to the Authority in respect to the year ending on 31st March 2011, who is served with a demand notice under Regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 and who makes payment to the Authority of the full balance of the estimated amount shown on that demand by 1st April 2010, may deduct a sum equivalent to 1.5% of and from the estimated amount and such reduced amount shall be accepted in full settlement of that estimated amount.
8. That Council agrees that the Capital Programme be expanded for schemes during the year which are funded via additional external funding under the authority of the Cabinet Member Finance and Commerce and other relevant Cabinet Member.
9. That Council agrees that the £2m additional housing capital spend be financed through prudential borrowing.
10. That Council approves the Treasury Management Strategy Statement, the Minimum Revenue Provision Strategy and the Annual Investment Strategy 2010/11.

REPORT DETAIL

As set out in the reports to Cabinet of the 10th February 2010.

**LONDON BOROUGH OF HAVERING
COUNCIL TAX STATEMENT – 2010/11 BUDGET**

Estimate 2009/10 £	Havering's Expenditure	Estimate 2010/11 £	
157,000,505	Committee expenditure	160,529,786	
2,000,000	General Contingency	2,000,000	
159,000,505	Havering's Own Expenditure	162,529,786	
	Levies		
10,078,000	East London Waste Authority	10,477,000	Final
165,336	Environment Agency (Thames)	164,995	Final
13,425	Environment Agency (Anglia)	16,180	Final
272,630	Lee Valley Regional Park Authority	272,109	Final
359,575	London Pensions Fund Authority (LPFA)	340,436	Final
10,888,966	Sub Total – Levies	11,270,720	
-9,020,222	Area Based Grant	-11,998,091	
160,869,249	Sub Total – Total Expenditure	161,802,415	
	External Finance		
-10,224,447	Revenue Support Grant	-7,013,642	
-44,297,556	National Non Domestic Rate	-48,300,230	
-54,522,003	Sub Total – External Finance	-55,313,872	
177,000	Collection Fund Deficit/(Surplus)	100,000	
106,524,246	Havering's Precept on the Collection Fund	106,588,543	

The Collection Fund			
Estimate 2009/10 £		Expenditure	Estimate 2010/11 £
		Precepts	
106,524,246	1,201.18	London Borough of Havering	106,588,543
27,475,767	309.82	Greater London Authority	27,630,367
71,214,090	803.02	Contribution to NNDR pool	67,514,299
286,475	3.23	Cost of NNDR collection	281,313
205,500,578	2,317.25	Total Expenditure	202,014,522
		Total Income	
-71,500,565	-806.25	National Non-Domestic Rate	-67,795,612
		NNDR receivable	-760.19
134,000,013	1,511.00	COUNCIL TAX per Band D property	134,218,910
88,683		Council Tax Base	89,182
		Council Tax percentage decrease (0.4)%	

Council (Council Tax and Budget), 24 February 2010

Council Taxes Per Property Band				Increase	
Valuation as at 1/4/91	£	p		£	p
Under £40,000	1,007.33		Band A	1,003.33	-4.00
£40,000 - £52,000	1,175.22		Band B	1,170.56	-4.66
£52,001 - £68,000	1,343.11		Band C	1,337.78	-5.33
£68,001 - £88,000	1,511.00		Band D	1,505.00	-6.00
£88,001 - £120,000	1,846.78		Band E	1,839.44	-7.34
£120,001 - £160,000	2,182.56		Band F	2,173.89	-8.67
£160,001 - £320,000	2,518.33		Band G	2,508.34	-9.99
Over £320,000	3,022.00		Band H	3,010.00	-12.00

BUDGET AND CORPORATE PLAN AND COUNCIL TAX 2010/11

SUPPLEMENTARY INFORMATION

A. THE GREATER LONDON AUTHORITY AND LEVIES

The Greater London Authority precept proposed by the Mayor was advised as being £309.82 per Band D property (zero increase, ie no change). The London Assembly agreed this budget and precept on 10th February 2010.

B. THE COUNCIL TAX AND NON-DOMESTIC RATING

(DEMAND NOTICES) (ENGLAND) REGULATIONS 2003

The Regulations set out the information which the billing authority must supply with the Council Tax Demand Notice, and the National Non-domestic Rate Notice as well as matters required to be contained in those Notices. It includes:

Statement of How the Council's Budget Requirement has Changed

Following consultation with the residents of the borough, Havering's spending will total £161.8m.

Change in Council's Budget Requirement

	£m
2009/2010 Budget	160.9
2010/2011 Budget	161.8
Net Increase	0.9
Pressures/Growth	5.9
Inflation, Provisions & Other Issues	-0.1
Increase in Levies	0.4
Sub Total	6.2
Efficiencies/Savings	-5.3
	0.9

C. EXPLANATORY BREAKDOWN OF THE STATUTORY CALCULATIONS

In connection with the statutory calculations, the estimates used are set out below for information. Amounts relating to the HRA are not included, as the HRA budget will be reported at a later meeting. This does not effect the calculation of Council Tax. To the extent that any amendment carried at the Council meeting changes any of the following it would be recorded in the minutes accordingly.

Council (Council Tax and Budget), 24 February 2010

4 (a) Estimates for calculation under Section 32 (2) (a) to (e)

	£
Section 32 (2) (a) Gross expenditure including levies	518,191,355
Section 32 (2) (b) Contingency provisions	2,000,000
Section 32 (2) (c) Financial reserves raised to meet future expenditure	1,115,450
Section 32 (2) (d) Financial reserves raised to meet deficit for any earlier financial years	-
Section 32 (2) (e) Transfer to Collection Fund, as directed by the Secretary of State, under Section 98 (5) of the 1988 Act	-
Total	<u>521,306,805</u>

4 (b) Estimate for Calculation under Section 32 (3) (a) to (c)

Section 32 (3) (a) Gross income	359,504,390
Section 32 (3) (b) Transfer from Collection Fund as directed by the Secretary of State, under Section 98 (4) of the 1988 Act	-
Section 32 (3) (c) Use of financial reserves	-
Total	<u>359,504,390</u>

4 (c) Section 32(4) Calculation

Aggregate of the amounts for the items set out in Section 32(2)(a) to (e)	521,306,805
<u>Less</u>	
Aggregate of the amounts for the items set out in Section 32(3)(a) to (c)	359,504,390
Budget Requirement	<u>161,802,415</u>

4 (d) Section 33(1) Calculation

Aggregate of the sums estimated to be receivable in respect of redistributed National Non-Domestic Rate (£48,300,230), Revenue Support Grant (£7,013,642), deficit on the Collection Fund at 31 March 2010 in accordance with Section 97(3) of the 1988 Act (£100,000), and the amount of any sum which the Council estimates will be transferred from its Collection Fund to its General Fund under section 98(4) of the Act and pursuant to the Local Authority (Alteration of Requisite Calculations) Regulations 2007 (NIL).

External Finance	<u>55,213,872</u>
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Council (Council Tax and Budget), 24 February 2010

The Council Tax for a Band D property is given by the formula:

$$\frac{\text{Budget requirement - external finance and Collection Fund surplus/deficit}}{\text{Council Tax Base}}$$

which gives:

$$\frac{\pounds 106,588,543}{89,182} = \pounds 1,195.18 \text{ for a Band D property}$$

To the basic amount of tax must be added the equivalent figure for the Greater London Authority (£309.82) giving a total Council Tax for a Band D property of **£1,505.00**.

DRAFT MINUTES OF THE CABINET MEETING 10 FEBRUARY 2010

78 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010-13

Councillor Eric Munday, Cabinet Member for Finance & Commerce, introduced the report

Cabinet noted the context within which the 2010/11 budget was being set and the Council's overall policy direction, statutory duties and financial strategy.

Members were reminded that effective Councils had robust medium term corporate planning processes that allocated resources to priorities and drive performance. The Medium Term Financial Strategy (MTFS) provided the resources to support the delivery of the Council's and Havering Strategic Partnership's (HSP) sustainable community strategy, and was underpinned by a detailed planning process specifying actions in more detail, and ultimately individual work plans for staff set through Personal Development and Performance Appraisals.

The focus of these plans was delivering the priorities identified as part of the five goals and focussing on improvements that underpinned them – such as the transformation projects to support adult social services.

Information in respect of budget pressures and savings proposals had been released for formal consultation in January and as part of this process, had been submitted to the joint meeting of the Overview and Scrutiny Committees, and the results of that consultation were set out in the report submitted, which also set out the factors being recommended for inclusion within the 2010/11 budget.

The current position was that there would be a reduction of 0.5% in the Havering element of the Council Tax, assuming the ELWA levy was agreed as recommended to its Board.

Final confirmation of the Greater London Authority (GLA) precept had just been received. The Mayor had, for the second year running, proposed no increase in the current precept, and this has been the subject of a similar consultation process.

In consequence, there would be a reduction of 0.4% overall in Council Tax. The band D figure would reduce to £1,505.

The report provided details of the various components of the budget with appendices.

Cabinet agreed:

- A. *In view of the need to balance the Council's policies, statutory requirements etc:***
- 1. To note the advice of the Chief Finance Officer as set out in Appendix J when recommending the Council budget.**
 - 2. To take account of the comments received:**
 - **during the consultation exercise, which are set out in the report**
 - **from the joint Overview and Scrutiny Committee, which is attached as Appendix N to this report****when recommending the total Council budget.**

3. To approve the Council's General Fund draft budget as set out in Appendix F, formulated on the basis of:
 - an ELWA levy based on the ELWA Board papers
 - the budget growth/ pressures items and efficiency/savings items shown at Appendices G and H
 - the other assumptions set out in this report.
4. To approve the delegated schools' draft budget as set out in Appendix F.
5. To authorise Cabinet Members to approve any expenditure plans as deemed necessary by the relevant Group Director/Assistant Chief Executive for relevant specific grants.
6. To authorise the Leader to agree the spending plans for the Area Based Grant in line with the Corporate Priorities.
7. To approve the use of the budgetary provision for Freedom Passes, should this not be required in full, to assist in addressing any immediate reductions in specific grant funding or to contribute to the Council's transformation programme.
8. To approve the establishment of a Corporate Transformation Reserve and to delegate to the Leader, Lead Member Finance & Commerce, and Group Director Finance & Commerce, allocations from that reserve.
9. To approve the schedule of Fees and Charges set out in Appendix M, with any recommended changes in year being implemented under Cabinet Member delegation.
10. To approve the Capital Programme for 2010-11 as set out in the report and Appendix L, and authorise the appropriate Cabinet Members to approve the detailed schemes within each Programme Area and budget if not detailed in this report.
11. To approve the indicative Capital Programme for 2011-12 to 2016-17 as set out in the report and Appendix L, subject to a further report to Cabinet as part of the budget setting process for 2011-12 and beyond.
12. To authorise the Chief Executive and Group Directors to implement the capital and revenue proposals once approved by Council unless further reports or Cabinet Member authorities are required as detailed.
13. To agree that the final Greater London Authority precept and levies (when known) be incorporated, by making an appropriate adjustment to the contingency provision, subject to any changes being minor, to enable the band D Council Tax to be levied in round pounds and that, if necessary, the Chief Executive report the revised recommended resolutions needed to give effect to this to Council on 24 February 2010.
14. To agree that if there are major changes to the GLA precept and/or levies, that the Chief Executive be authorised to amend the recommended resolutions accordingly and report these to Council on 24 February 2010.

15. To agree that information be made available to members of the public, staff, trade unions, etc., explaining the decisions made by Cabinet, and the final decision on the Council Tax setting.
16. To delegate to the Cabinet Member Finance and Commerce and other relevant Cabinet Members authority to commence tender processes and accept tenders where these relate to Capital schemes within the Capital Programme.
17. To delegate to the Chief Executive authority to consider the comments of the trade unions and to reflect any changes and/or comments in the recommendations to Council.

B. To recommend to Council:

1. That, subject to decision A.3 above, the General Fund budget, and the Council Tax for Band D properties, and for other Bands of properties, all as set out in Appendix F, as revised and circulated for the Greater London Authority (GLA) Council Tax, be agreed.
2. That the delegated schools' budget, also as set out in Appendix F, be agreed.
3. That a resolution be passed based on the proposals as set out in this report in order to set the Council Tax – the final text/figures to be included within the report to Council once the final GLA position is known.
4. That a resolution be passed as set out in section 8.4 of this report to enable Council Tax discounts to be given at the existing level
5. That the Capital Programme for 2010-11 as set out in Appendix L be agreed.
6. That the indicative Capital Programme for 2011-12 to 2016-17, be agreed subject to a further report to Cabinet.
7. That the Capital Programme be expanded for schemes during the year which are funded via external funding under the authority of the Cabinet Member Finance and Commerce and other relevant Cabinet Member.
8. That the £2m additional housing capital spend be financed through prudential borrowing.

C. To note:

1. The monitoring arrangements for 2010/11.
2. The prospects for 2011/12 and beyond, which indicated a very challenging financial environment would lie ahead and the need for financial prudence would be especially important.
3. That any reductions in grant funding introduced by the Government subsequent to the setting of the budget would be reported back to Cabinet, together with any consequent recommendations on maintaining financial stability.
4. That a further report would be submitted to Cabinet on the Capital Programme for 2011-12 to 2016-17 as part of the budget setting process for 2011-12 and beyond.

5. That the Government had provisionally set the multiplier for National Non Domestic Rate at 41.4p in the pound standard and 40.7p in the pound for small businesses.
6. The effect of Council Procedures with regard to the moving of any amendment to the Council Tax Setting report.
7. That consultation with the Trades Unions would continue in respect of any proposals within the Budget that would have an impact on staff.
8. That service budgets would be adjusted to reflect latest inflation estimates.
9. The virement and contingency rules set out in Appendix I.
10. That the Treasury Management Strategy was being presented to Cabinet concurrently with this report as a separate agenda item.
11. That Midnight on Thursday 18 February 2010 was the deadline for amendments to the Council Tax Setting and Budget Report.

81 **TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION STRATEGY AND ANNUAL INVESTMENT STRATEGY 2010/11**

Councillor Eric Munday, Cabinet Member for Finance & Commerce, introduced the report

The Local Government Act 2003 (the Act) and supporting regulations required the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.

Cabinet was advised that the Act therefore required the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy. The report accordingly set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

Cabinet agreed the Treasury Management Strategy Statement, the Minimum Revenue Provision (MRP) Strategy and the Annual Investment Strategy 2010/11 and agreed to RECOMMEND to Council that these strategies be approved.

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COUNCIL, 24 FEBRUARY 2010

8

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: MEMBERS' ALLOWANCES

SUMMARY

The Council is obliged to make a scheme annually, before the 1st of April each year.

This report proposes no changes and that the existing scheme effectively continues and is adopted as the new scheme for 2010. In establishing the scheme which has operated within the Council, regard was given to the report of the Independent Remuneration Panel of London Councils' and the allowances in the scheme were set within their bands of recommendations.

RECOMMENDATION

1. That the Members' Allowances scheme for 2010/11 becomes effective from 1st April 2010, and the existing scheme be revoked with effect from the same date.
2. That, subject to the decision of Members with regard to recommendation 1, the total number of SRAs may exceed the recommended 50% and, in the event of exceeding the 50% level, Council endorse the justification for it set out in the report.

REPORT DETAIL

1. BACKGROUND INFORMATION – THE CURRENT SCHEME

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 provides that a Local Authority shall make a scheme in accordance with these Regulations in respect of each year. Regulation 10 provides that such a scheme shall be made before the beginning of each year commencing on 1st April. Such a scheme may be amended during the

year, but only revoked with effect from the beginning of a year.

In establishing the Members' Allowances scheme which has operated within the Council, regard has been given to the report of the (then) ALG (now London Councils') Independent Remuneration Panel on Members' allowances, and the allowances in the Havering scheme have been set within their bands of recommendations.

1.2 The scheme implemented from 1st April 2009 was as follows:

Category of Allowance	Amount Per Member £
Basic Allowance	10,208
Special Responsibility Allowances:	
Leader of the Council	51,191
Deputy Leader of the Administration	35,705
Cabinet members	32,705
Leader of Principal Opposition	18,000
Leader of Principal Minority Opposition	6,390
Leader of Minority Opposition	2,227
Deputy Leader of Principal Opposition	3,825
Mayor	14,418
Deputy Mayor	7,650
Area Committees Chairmen	4,260
Overview and Scrutiny Committees Chairmen	14,418
Licensing and Regulatory Services Committee Chairmen	20,430
Audit, Pension, Governance, Appointments, Adjudication and Review Committee Chairmen	7,650

Note:

1. In accordance with paragraph 4(c) of the Members' Allowance scheme, when a Councillor would otherwise be entitled to more than one special responsibility allowance, then the entitlement shall be to only one, that being the one attracting the higher rate.

1.3 Basic Allowance

Each Member of the Council currently receives a Basic Allowance of £10,208. In accordance with the 2009/10 scheme, this is subject to an inflationary increase in line with the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement. This has yet to be agreed.

A similar inflationary uplift will be applied for 2010/11 once the level of increase is known.

If the Councillor becomes entitled to any allowance during the year, he/she is entitled to the relevant proportion of that allowance as set out in the Constitution.

The basic allowance covers all intra-Borough travel costs and subsistence.

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 allowance payable to him in respect of the period for which he is suspended or partially suspended could be withheld by the Council by decree of the Standards Committee.

1.4 Special Responsibility Allowance

- 1.4.1 When a Councillor would otherwise be entitled to more than one special responsibility allowance, then the entitlement shall be to only one, that being the one attracting the higher rate.

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 Special Responsibility allowance payable to him in respect of the period for which he/she is suspended or partially suspended could be withheld by the Authority on the decision of the Standards Committee.

The Scheme provides that the special responsibility allowances will remain at the same level as in the 2009/10 scheme.

- 1.4.2 The Independent Remuneration Panel does recommend that only a maximum of 50% SRA should be paid, the scheme assuming single occupancy provides for 42 SRA's as compared to 54 Councillors (78%). This exceeds the recommended level of 50% and whilst there may be some reduction in this proportion where a Member has two positions and can only receive a single SRA, this is unlikely to change the proportion so it is in line with the panel recommendation. The Council justify this on the basis of:

- (a) The number of Overview and Scrutiny Committees.
- (b) To facilitate a diverse and meaningful contribution to decision making and governance of the Council.
- (c) To develop Member skills and roles to enable seamless succession into senior roles.
- (d) Maximise the skills, experience and contributions brought to the borough by its Members.
- (e) To enable sufficient Area Committees to be established to maintain a truly local forum for community engagement.

1.4.3 The Mayor and Deputy Mayor allowance covers the cost of all Mayoral activities such as clothing and personal expenses plus sundry expenses including items such as attendance at dinners and raffle tickets, sponsorship and donations. The Mayor and Deputy Mayor are responsible for all such payments via the SRA which will be taxed. The Council meet the cost of the Mayor's "At Home" and other Havering Civic receptions, award pins and certificates at the civic award ceremony; the medals, certificates and frames in the event of there being any ceremony associated with Honorary Alderman/Freeman of the Borough awards, gifts given on behalf of the Council in reciprocation or gifts initiated by the Council for promotional purposes, the cost of maintaining and provisioning the beverage machine in the Parlour, postage costs and all costs associated with the Mayoral transport, robes etc.

1.5 Dependent Carers Allowance

Any costs arising from being a Dependent Carer should be met by the Basic Allowance.

1.6 Travelling and Subsistence Allowance

Subject to the conditions set out below, the Travelling and Subsistence Allowances are only payable for official Council business outside the Borough.

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 Group Director, Finance and Commerce prior to each event and be agreed with the Cabinet Member for Finance & Commerce.

The rules and entitlements for reimbursement of travel expenses outside of the Borough are the same for Officers, Members and co-opted Members and, hence, are currently as follows:

1.6.1 **Public Transport**

The rate for travel by public transport shall not exceed the amount of the ordinary (second class) fare or any available cheap fare.

1.6.2 **Private Motor Vehicle**

The current rates for travel in a Member's own private motor vehicle, or one belonging to a member of their family or otherwise used by the Member based on casual user rates of up to 8,500 miles per annum are:

Cylinder capacity up to 999cc 42.9p per mile

Cylinder capacity over 1,000cc 47.7p per mile

1.6.3 **Taxi/Mini-cabs**

The rates for travel by taxi or mini-cab shall not exceed:

- In cases of urgency or where no public transport is reasonably available the amount of the actual fare and any reasonable gratuity paid.
- In any other case, the amount of the fare which would have been paid for travel by appropriate public transport.

1.7 **Subsistence Allowance**

Under the Building a Healthy Organisation, a change agreed for subsistence is "to limit the entitlement to claims for meals under the subsistence allowance arrangement for staff undertaking duties away from their normal place of work to where those duties entail an overnight stay or working outside normal office hours".

In respect of these subsistence allowances, the amounts payable shall not exceed the following rates, other than normal inflationary increases agreed as part of pay settlements:

Breakfast Allowance – More than 4 hours away from normal place of residence before 11 a.m.	£4.48
Lunch Allowance – More than 4 hours away from normal place of work including lunchtime between 12.00 and 14.00 hours.	£6.17
Tea Allowance - More than 4 hours away from normal place of work or residence including the period 15.00 to 18.00 hours.	£2.43
Evening Meal Allowance – More than 4 hours away from normal place of residence after 19.00 hours.	£7.64

Overnight absence for the purpose of attendance at an annual conference (with or without an annual meeting)	The full cost of accommodation as
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Council (Council Tax and Budget meeting), 24 February 2010

e.g. the Local Government Association or such other association of bodies as the Secretary of State may, from time to time, approve or other Professional Institute Bodies	arranged and agreed by the Council and the reasonable cost of meals taken at the place of accommodation (where provision for meals is available).
Other overnight absence which arises from Council business will be based on the Officer rate as detailed here. If, however, in a particular case, accommodation cannot be found then other arrangements will be approved by the Group Director Finance and Commerce prior to booking and be in line with the above.	£50.97

Allowances are payable on the basis of expenditure incurred and Members will be reimbursed actual expenditure incurred up to a maximum of the rates set out above. Receipts must be submitted to support claims for subsistence allowance and travel costs.

1.8 Co-Optees' Allowance

In respect of Statutory Co-optees:

- (a) Reimbursement is based on £117 per meeting with the exception of the Independent Chairman of the Standards Committee whose rate is set at £240 per meeting.
- (b) Reimbursing all travel costs whether within or outside the Borough but not paying subsistence.

1.9 Pensions

These are not available.

1.10 Election to Forgo Allowances

A person may, by notice in writing given to the proper officer of the authority, elect to forgo his/her entitlement or any part of his/her entitlement to allowances.

1.11 Claims and Payments

A time limit of three months exists for Havering in line with the rules for Officers for the making of claims.

1.12 Other Requirements of a Scheme

There are a number of other requirements of a scheme and Havering complies with these by:

- Maintaining the scheme subject to any amendments agreed.
- Publishing the scheme once approved or amended in a newspaper in the area and for copies to be available for inspection by the public.
- Providing that if the Council amends the scheme mid year to change the amount of any allowance, a Councillor entitled to that allowance will receive the allowance at the new level from the date the amendment takes effect.
- Ensuring a further scheme is in place before any revocation of the scheme takes place.
- Including the scheme provision to ensure that 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.
- Maintaining records of allowances and payments made and publishing these annually.

Financial Implications and Risks:

The cost of the existing scheme on the basis of single occupancy of SRA positions is £1,226k. The cost on the basis of the existing occupancy is £1,141k. These figures exclude any inflation increase for 2009/10 and 2010/11 as they have yet to be agreed.

The 2010/11 budget provision is £1,064k and any fluctuations in year are met by or drawn into the central contingency as appropriate given that occupancy of positions does vary.

Human Resource Implications and Risks:

None arising directly. Travel, subsistence and allowance increases are in line with those of Officers.

Legal Implications and Risks:

The 2003 Regulations provide for an allowance scheme to be made each year prior to and with effect from 1st April and the revocation of a scheme with effect from the same date. It is permissible to amend the scheme during a year but not to make a new scheme other than at 1st April.

The Regulations set out various detailed requirements in respect of:

- publicity
- categories of special responsibility allowances
- basic allowances being the same for all members
- co-optees' allowances, etc.

In addition the Regulations provide that an Independent Remuneration Panel's report shall as soon as reasonably practicable after it is received, be made available for public inspection and the main features of the report be published in one or more newspapers circulating in its area.

Regulation 19 provides that before a local authority makes or amends a scheme, the authority shall have regard to the recommendations made to it by an independent remuneration panel. This does not mean that a local authority has to adopt only those recommendations but it does mean that if an authority is going to depart from those recommendations it should objectively justify those departures and the rationale for them so that if the decision making of the authority is called in to challenge there are both reasoned and reasonable grounds for its decision taking into account all the material factors in issue.

Payments for greater than 50% of Special Responsibility Allowances might be justified as set out in paragraph 1.4.2.

Staff Contact: Andrew Blake-Herbert

**Title: Group Director
Finance and Commerce**

Telephone: 01708 432218

**CHERYL COPPELL
Chief Executive**

Background Papers

The Remuneration of Councillors in London: 2006 Review.

Members' Allowances Scheme

Agreed at the meeting of the Council on 24 February 2010. The new Scheme is agreed with effect from 1 April 2010 and the revocation of the Members' Allowance Scheme (2009) is effective from 1 April 2010.

The Council of the London Borough of Havering in exercise of the powers conferred 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. The new scheme shall have effect from 1 April 2010.
- 2 In this scheme, "councillor" means a councillor of the London Borough of Havering and "year" means the period ending on 31 March 2011 and any period of 12 months ending on 31st March in any year after 2011.
- 3 **Basic allowance (Schedule 1)**

Subject to paragraphs 7 and 12, for each year a basic allowance of £10,208 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 Group Director Finance and Commerce 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.

Council (Council Tax and Budget meeting), 24 February 2010

- (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.

Council (Council Tax and Budget meeting), 24 February 2010

- (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.
- (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 Group Director Finance and Commerce 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 as quoted will be updated for 2010/11 by the 2009/10 and 2010/11 % increases as agreed under the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement under the local pay agreement. The amounts so calculated are to be rounded up to be divisible for payment purposes.

The amended basic allowance will be found on the Internet once any annual % uplifts have been agreed.

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 Mayor and Deputy

The Mayor and Deputy Mayor allowance covers the cost of all Mayoral activities such as clothing and personal expenses plus sundry expenses including items such as attendance at dinners and raffle tickets, sponsorship and donations. The Mayor and Deputy Mayor will be responsible for all such payments via the SRA, which will be taxed. The Council will meet the cost of the Mayor's "At Home" and other Havering Civic receptions, award pins and certificates at the civic award ceremony; the medals, certificates and frames in the event of there being any ceremony associated with Honorary Alderman/Freeman of the Borough awards, gifts given on behalf of the Council in reciprocation or gifts initiated by the Council for promotional purposes, the cost of maintaining and provisioning the beverage machine in the Parlour, postage costs and all costs associated with the Mayoral transport, robes etc.

Council (Council Tax and Budget meeting), 24 February 2010

15 Co-Optees Allowances

The standard rate of allowance for statutory co-optees is £117 per meeting attended except for the Independent chair of the Standards Committee where the rate will be £240 per meeting.

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.

16 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.

Schedule 1: Members' allowances

Category of Allowance	Amount Per Member £
Basic Allowance	10,208
Special Responsibility Allowances:	
Leader of the Council	51,191
Deputy Leader of the Administration	35,705
Cabinet members	32,705
Leader of Principal Opposition	18,000
Leader of Principal Minority Opposition	6,390
Leader of Minority Opposition	2,227
Deputy Leader of Principal Opposition	3,825
Mayor	14,418
Deputy Mayor	7,650
Area Committees Chairmen	4,260
Overview and Scrutiny Committees Chairmen	14,418
Licensing and Regulatory Services Committee Chairmen	20,430
Audit, Pension, Governance, Appointments, Adjudication and Review Committee Chairmen	7,650

NOTES: The basic allowance will be uplifted each year in accordance with paragraph 12.

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

Council (Council Tax and Budget meeting), 24 February 2010

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 Group Director Finance and Commerce, prior to each event and be agreed with the Cabinet for Finance and Commerce.



Havering
LONDON BOROUGH

COUNCIL 24 February 2010

<p>FIRST SUPPLEMENTARY AGENDA</p>
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4 MINUTES

The minutes of the Meeting held on 3 February 2010 are now attached

7 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010-13: 2010/11 BUDGET

7A Amendment to budget proposals by the Residents' Group

To amend the budget by incorporation of the items attached thereby reducing the Council Tax by a further 0.1% on Band D to - 0.5% overall.

[Note: see following tables]

The report of the Chief Finance Officer on the implications of the Residents' Group proposals will be available in advance of the meeting.

8 MEMBERS' ALLOWANCES

For the avoidance of doubt, please note that the deadline for any amendments to this report is **Midnight, Monday 22 February 2010**.

Any amendments received will be incorporated in a supplementary agenda, which will be emailed to Members and available in hard copy before the meeting.

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**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
3 February 2010 (7.30pm – 10.10pm)**

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, Ted Eden, Roger Evans, Gillian Ford, Chris Fox, Mark Gadd, Georgina Galpin, Peter Gardner, Kevin Gregory, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Mark Logan, Andrew Mann, Barbara Matthews, Robby Misir, Eric Munday, John Mylod, Pat Mylod, Barry Oddy, Fred Osborne, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Jeffrey Tucker, Melvin Wallace, Keith Wells, Michael White, Linda Van den Hende, Steve Whittaker and John Wood

Some 20 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, Ray Morgon and Mike Winter.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary. He also advised all present that the meeting would be webcast and that the Governance Committee had considered issues around the display of posters and similar distracting material which could be seen during webcasting and had decided that this should not be permitted in the Side Gallery. The Balcony was, however, available for members of the public who might wish to hold up posters subject, of course, to any poster's appropriateness.

The Reverend Michael Bellamy of Hornchurch Baptist Church opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

59 MINUTES (agenda item 3)

It was **RESOLVED:**

**That the minutes of the Meeting of the Council held on 9
December 2009 be signed as a true record.**

60 **DECLARATIONS OF INTEREST (agenda item 4)**

Councillor Eric Munday declared a personal interest as the Member nominated for appointment as Chairman of the Audit Committee (agenda item 11/minute 68)

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

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

62 **ANNOUNCEMENT BY THE LEADER OF THE COUNCIL (agenda item 5)**

The Leader of the Council announced that Councillor Steve Whittaker had joined the Conservative Group.

63 **PETITIONS (agenda item 6)**

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

Councillor Pam Light, from residents of Chelsworth Drive expressing dissatisfaction with part of their roadway; and

Councillor Keith Darvill, objecting to the sale of land between Petersfield Avenue, Gooshays Drive and the Health Centre.

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

64 **NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION – further report (agenda item 7)**

The Governance Committee had continued its comprehensive review of the Council's Constitution and now **RECOMMENDED** that the Council approve changes to the following (as set out in Appendix 2 to these minutes):

Part 4: Rules of Procedure for Committee Meetings

Part 4: Rules of Procedure for Council Meetings

Part 5: Protocol on Member/ Officer Relations

Part 5: Protocol on Gifts and Hospitality

The Council noted that the texts submitted incorporated several changes of practice in the Council and Committee Procedure Rules and that the

revisions to the two Protocols have been approved by the Standards Committee.

The recommendations of the Governance Committee were **ADOPTED** without division and it was **RESOLVED**:

That the revised Council Procedure Rules, Committee Procedure Rules, Protocol on Member/Officer Relations and Protocol on Gifts and Hospitality (as set out in Appendix 2 of these minutes) be approved, subject to adjustment where necessary to reflect changes elsewhere in the Constitution.

65 **APPOINTMENT OF GOVERNORS OF COMMUNITY SCHOOLS (agenda item 8)**

Arising from the review of the Council's Constitution, the Governance Committee had identified a procedure that was now superfluous and accordingly recommended that it be discontinued.

The Council, as local authority for education, made appointments to the governing bodies of community schools. The individuals nominated for such appointment were identified by a process culminating in consideration by the Governor Panel, on which served three Members (currently, Councillors Wendy Brice-Thompson, Gillian Ford and Geoff Starns). The majority of those approved for appointment were then formally appointed by the Group Director, Social Care & Learning; but hitherto a few – Members and employees of the Council – had been appointed by the Committee.

Over the course of a year, a dozen or so appointments would be referred to the Committee: none had ever been refused. The Committee considered that no useful purpose would be served by continuing its involvement in making such appointments and, accordingly, now invited the Council to agree that it should cease.

The recommendations of the Governance Committee were agreed without debate or vote and it was **RESOLVED**:

1. **That the involvement of the Governance Committee in appointing certain governors of community schools cease forthwith and that such appointments be made in future by the Group Director, Social Care & Learning.**
2. **That the Assistant Chief Executive Legal & Democratic Services be authorised to make all necessary consequential amendments to the Council's Constitution.**

66 **AMENDMENTS TO THE 2009/10 HOUSING REVENUE ACCOUNT (HRA) CAPITAL PROGRAMME**

Details were submitted of two changes in the Council's HRA Capital Programme for 2009/10 proposed by the Cabinet:

Briar Road Estate Project

The Briar Road Estate, Harold Hill consisted of around 1,200 homes, roughly equally split between council rented and privately owned, mostly of non-traditional construction, incurring relatively high on-going maintenance costs. The estate was built using the once-fashionable practice of building the homes away from roads and parking areas and is riddled with alleys and paths without natural surveillance and residents had often to park their cars some distance from home. The estate also included a parade of shops and two community centres.

The Harold Hill Ambitions programme included proposals for the improvement of the Briar Road Estate, funding for which was dependent on securing resources from the Mayor of London's Targeted Funding Stream. A bid to that Targeted Funding Stream had now secured capital funding of £567,000 for the development of an estate improvement and renewal scheme, spread over the three financial years 2009/12.

In order for capital expenditure to be incurred the Briar Road Estate Renewal project needed to be added to the HRA capital programme for 2009/10, expenditure in which year was estimated to be £150,000.

Leaseholder Income

The approved resources for the 2009/10 HRA Capital Programme had not included any provision for resources from leaseholder income. Resources totalling £138,000 were now available and so it was proposed to apply them to the programme to bolster the level of Decent Homes work carried out in the year.

The Cabinet's report was agreed without debate or vote and it was **RESOLVED:**

- 1 That the 2009/10 Capital Programme be amended to include expenditure of £150,000 on the Briar Road Estate Renewal Project within the Housing Revenue Account Capital Programme funded from the Mayor of London's Targeted Funding Stream.**

- 2 That the 2009/10 Capital Programme be amended to include additional expenditure of £138,000 within the Housing Revenue Account Capital Programme funded from leaseholder income.**

67 MEMBERS' QUESTIONS (agenda item 10)

18 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 3**. Some questions were dealt with following the debate on the motion referred to in minute 69 below.

68 AUDIT COMMITTEE: APPOINTMENT OF CHAIRMAN (Agenda item 11)

Motion on behalf of the Administration

That Councillor Eric Munday be appointed Chairman of the Audit Committee in succession to former Councillor David Grantham.

Following debate, the motion was **AGREED** by 42 votes to 3 (see division 1) and it was **RESOLVED**:

That Councillor Eric Munday be appointed Chairman of the Audit Committee in succession to former Councillor David Grantham.

69 LAND BETWEEN PETERSFIELD AVENUE, GOOSHAYS DRIVE AND CENTRAL PARK LEISURE CENTRE (Agenda items 12/12A)

Motion on behalf of the Labour Group

This Council urges the Cabinet to reconsider as a matter of urgency its proposal contained in the Harold Hill Ambitions project to sell for housing development the park and sports field land situated between Petersfield Avenue, Gooshays Drive and Central Park Leisure Centre.

12A Amendment on behalf of the Administration

Amend to read:

This Council urges the Cabinet to continue as a matter of urgency its proposal contained in the Harold Hill Ambitions Project.

It also acknowledges the role that the local community has played in developing these proposals.

Following debate, the Administration amendment was **CARRIED** by 32 votes to 18 (see division 2) and agreed as the substantive motion without debate, and it was **RESOLVED** that:

This Council urges the Cabinet to continue as a matter of urgency its proposal contained in the Harold Hill Ambitions Project.

It also acknowledges the role that the local community has played in developing these proposals.

Mayor
24 February 2010

Note: the record of voting divisions is attached as **Appendix 4 to these minutes.**

**Appendix 1
(Minute 61)**

MAYOR'S ANNOUNCEMENTS

It is with sadness that I start this meeting by offering our condolences and respects to the family of Marcia Benson, who died after a short illness, aged 86. Marcia was well known to many of us as a tireless campaigner for pensioners' rights, the health service and public transport. She will be missed.

On a brighter note, I had the great pleasure of attending a special service at Westminster Abbey today to mark the 300th anniversary of St Edward's Primary School and St Edward's Church of England School and Sixth Form College.

I am also looking forward to hearing a sermon by the Archbishop of Canterbury, Dr Rowan Williams, at St Edward the Confessor Church in Romford Market Place, next month. This is to celebrate the 300th anniversary of the two schools and the 600th anniversary of the church.

I am pleased to tell colleagues that earlier today the new official Gold Logo of The 2010 Balfour Beatty London Youth Games was unveiled at Hornchurch Stadium. And that our Havering team, as the overall defending champions, will have the unique honour of wearing a gold version of this on their team kit.

May I take this opportunity to wish the team good luck in the games when they start later this month.

I would now like to say thank you to our Council staff who, despite the extreme weather conditions, kept Havering moving and ensured our essential services were delivered. I understand some 4,500 calls were answered in one day by the Call Centre.

It's great to know that we have a workforce that we can depend upon when the going gets tough.

Testament to this is the successful prosecution of the masterminds behind a fake golf club scam - described as the largest counterfeiting conspiracy to be uncovered on Ebay.

Our Trading Standards service and legal team relentlessly pursued the counterfeiters in this massive operation. I would like to congratulate everyone involved in the case which brought the borough national recognition

We also received national publicity for the latest prosecutions of serial benefit cheats, a matter we take very seriously in this borough.

Our Community Safety team is also holding a special free conference for residents to talk about their safety concerns, and get crime prevention tips along with giveaways. It takes place at the Queen's Theatre on 12 February.

I would now like to congratulate our Environmental Strategy team who, working with local schools, has successfully reduced the number of parents who drive their cars to schools from 39 per cent to 26 per cent in one year. The figure announced by Transport for London is the best of all London boroughs, and is believed to be among the best achieved in the United Kingdom.

I am also pleased to tell colleagues that the new £4.7 million myplace youth centre planned for Harold Hill will be Havering's first zero carbon building, making it the borough's greenest building and one of very few buildings in the UK with a zero carbon rating. This follows the success of the building of the award winning low carbon Elm Park Library.

It was recently my great pleasure to present Achievement Awards for Children and Young People in Care. It was great to see the proud look on their faces when they received the awards in recognition of their achievements over the last year.

And finally, it was a time for remembering and for hope at Havering's Holocaust Memorial Day Service, on Sunday 24 January, which was captured in the performance by the pupils of Marshalls Park School and Performing Arts College. I would like to thank everyone involved in that event.

NEW EXECUTIVE ARRANGEMENTS: REVISIONS TO THE COUNCIL'S CONSTITUTION

Note: Certain areas of text in this appendix 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.

PART 4: COMMITTEE PROCEDURE RULES

1 Ordinary meetings of committees

- (a) An ordinary meeting of a committee shall begin at 7.30pm (or such other time as the Chairman may agree shall be specified in the agenda) on the date specified for that meeting in the schedule of meetings published annually, and shall be held at Havering Town Hall or such other place as may be specified.
- (b) The Chairman of a committee may agree to a variation of the date, time or place of meeting or its cancellation, as appropriate.
- (c) The Committee Administration Manager shall publish a schedule of meetings for each municipal year. Subject to the provisions of this Rule and of Rule 4 following, all meetings shall be convened in accordance with the schedule.

2 Conduct of meeting

- (a) The Chairman of a meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council.
- (b) The Chairman may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the Chairman is of the opinion that there is insufficient information available to the committee to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.
- (c) The Chairman's ruling in relation to any aspect of the conduct of the meeting shall not be questioned.

3 Special meetings of committees

- (a) The Chairman of a committee may direct the Chief Executive to summon a special meeting of the committee at any time.
- (b) A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee, delivered to the Chief Executive not less than fourteen days before the date of the next ordinary meeting of the committee, specifying the business to be considered at the special meeting.
- (c) No business other than that specified by the Chairman or in the requisition when the meeting is convened shall be considered at that meeting, which shall be held before the next ordinary meeting of the committee on a date and time, and at a place, to be fixed by the Chairman.

4 **Quorum of committees**

- (a) No business shall be done at any committee meeting unless a quorum is present, or there is authority by law to continue or the Council or, in the case of a Sub-Committee, the parent committee have so ordered.
- (b) Subject to any provision in law, or unless these rules provide, or the Council agree, otherwise in any particular case, the quorum is one third of the whole number of the committee or sub-committee or other body, but must not be less than three members in the case of a committee, nor less than two members in the case of a sub-committee or other body.

5 **Appointment of Chairman and Vice-Chairman of committees**

- (a) The Chairman and Vice-Chairman of committees and sub-committees (other than the area committees) shall be appointed by the Council, and shall hold office until the next annual meeting of the Council
- (b) **(i) The Chairman of each area committee shall be elected by that committee and shall hold office until the first meeting of the area committee after the next annual meeting of the Council. If at its first meeting an Area Committee does not make an appointment, Council shall be so notified at its next meeting and shall either**
 - (1) Make the appointment from among the Area Committee's membership, or
 - (2) Empower the Area Committee to make the appointment at a second or subsequent meeting.
- (ii) The election of Chairman shall be the first item of business to be transacted at the meeting. If present and eligible, the Member who was Chairman for the preceding municipal year shall take the Chair during that election. In the absence of the out-going Chairman, the election shall be conducted by the senior Committee Officer present at the meeting.**
- (iii) The Vice-Chairman of each area committee shall be elected by that committee and shall hold office until the first meeting of the area committee after the next annual meeting of the Council .**
- (c) If the Chairman is unable to preside at a particular meeting of the committee, the Vice-Chairman will preside; if neither Chairman nor Vice-Chairman is able to be present, the committee shall elect another member to preside.
- (d) In the event of the appointed member becoming unable to act, or of a casual vacancy arising, then until either that member is able to resume the appointment, or a successor is appointed by the Council (or, as the case may be, by the Area Committee):
 - (i) in the absence of a Chairman, the Vice-Chairman shall act as Chairman
 - (ii) in the absence of both Chairman and Vice-Chairman, the leader of the group of which the Chairman is or was a member shall nominate a member of the Committee to act as Chairman.
- (e) Where two more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.

6 Voting in committee

- (a) All questions in committee shall be determined by a majority of members present and entitled to vote. Voting shall be by use of the voting equipment (if available), or by show of hands.
- (b) With the exception of voting at meetings of the Appointments Committee, all votes shall be recorded.
- (c) Where two or more Committees meet jointly:
 - (i) A separate vote shall be taken by each Committee and recorded accordingly
 - (ii) Any Member who is a Member of more than one Committee (whether as an appointed Member or as substitute for an appointed Member) shall be entitled to participate in the voting by each of the Committees of which he is a Member.
- (d) If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Chairman may exercise a casting vote.

This rule shall not be suspended.

7 Attendance at committees

(a) Mover of motion referred to committee

A member who has moved a motion at a meeting of the Council which has been referred to any committee shall have notice of the meeting at which it is proposed to consider the motion and, if the member attends, shall have an opportunity of introducing it.

(b) Requisition of Executive Decision to Overview & Scrutiny Committee

Members who have signed a requisition of an Executive Decision to an Overview & Scrutiny Committee shall have notice of the meeting at which it is proposed to consider the requisition and shall be expected to attend the meeting to explain the reasons for the requisition.

(c) Member not appointed to Committee

A member of the Council who has not been appointed to a particular committee may nevertheless attend its meetings and, with the agreement of the Chairman, speak. The Chairman's agreement shall not, however, be required in the case of a Group Leader.

This rule shall not apply to meetings of Hearings Panels, Sub-Committees of the Licensing or Standards Committees or where the rules of natural justice, human rights, compliance with the Members' Code of Conduct or similar legal principles prevent a Member from attending.

(c) Substitute members

- (i) Where a council member of a committee is listed as a member of a political group for the purpose of allocation of seats, all other listed eligible members of that group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and

vote in the event that the appointed member is absent from the meeting. Only the first eligible substitute so to declare at the meeting may replace an absent member. The identities of the substitute and of the substituted members shall be declared at the outset of the meeting and recorded in the minutes.

- (ii) For the purposes of this rule, a meeting which has commenced on one date and re-convenes following adjournment on a different date shall be treated as two separate meetings so as to allow for the possibility of different attendance on the different dates.

(d) **Members of the public wishing to address the Committee**

The Chairman has discretion to permit one or more members of the public to address the Committee on a matter before it, provided he is satisfied that to do so will assist the Committee in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions (including as to the time permitted for that address) as he thinks fit.

This rule shall not apply to the Standards Committee when hearing a complaint or to Hearings Panels, Sub-Committees of the Licensing and Standards Committees or where the rules of natural justice, human rights or similar legal principles prevent such an address.

8 **Conclusion of meetings**

- (a) Meetings of the Appointments Committee when interviewing applicants prior to making an appointment to a post, Standards Committee when hearing a complaint, Hearings Panels, and Sub-Committees of the Licensing Committee shall finish at such time as the committee or panel shall agree. The remainder of this rule shall not apply to those meetings.
- (b) As soon as two and a half hours (including any time spent in adjournment) have elapsed from the beginning of any other meeting:
 - (i) the business of the meeting will continue only until the end of the item being considered.
 - (ii) at that point the Chairman will propose a procedural motion to suspend this rule and extend the finishing time of the meeting.
 - (iii) if the procedural motion is lost the Chairman will then call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion.
- (c) If it is necessary to adjourn and reconvene in order to complete the business of the meeting, such adjournment shall be to a date, time and place to be fixed by the committee in question, or failing that, by the Chairman.

9 **Definitions**

In these rules, unless the context indicates otherwise, the term "committee" includes any committee, sub-committee, panel or working party of Councillors or predominately of Councillors appointed by the Council (other than the Cabinet and any committee of the Cabinet).

This rule shall not be suspended.

10 **Suspension of Rules**

All of these Rules may be suspended for the duration of a meeting by motion without notice, except where a Rule is noted as not being capable of suspension.

Rules for specific meetings

These Rules may not be suspended

1 Sub-Committees of the Licensing Committee and Hearings Panels of the Adjudication & Review Committee:

(a) Membership

Membership of Sub-Committees and Hearings Panels is open only to members of the respective Committees. Rule 8(c) (attendance of substitute members) shall not apply to such Sub-Committees or to Hearings Panels.

In constituting the membership of a Sub-Committee or Hearings Panel for a particular hearing, regard shall be had to the following principles:

- (i) each hearing shall be Chaired by either the Chairman or a Vice-Chairman of the appointing Committee (unless none of them is available)**
- (ii) a Sub-Committee or Panel shall comprise members who neither represent, nor have a connection with, the appellant or complainant, the ward in which the appellant or complainant resides or in which any premises concerned are located**
- (iii) so far as practicable, the members shall include one male member and one female member**
- (iv) the political balance rules shall not apply to the composition of a Sub-Committee or Hearings Panel.**

(b) Independent persons

Where an independent person is included in the membership of a Sub-Committee or Hearings Panel, that independent person shall have no connection with the appellant or complainant, the ward in which the complainant or appellant resides or in which any premises concerned are located.

Except where required otherwise by law, the quorum for a meeting shall not include an independent person, and a hearing may proceed even though the independent person is absent.

2 Area committees

(a) Nature of business

Only business concerning the whole or part of the area shall be discussed at a meeting of an area committee, unless the Council directs, or the Chairman agrees, that a specific matter shall be considered.

This shall not preclude discussion of matters that relate to the whole or a substantial area of the borough that are to be discussed by all affected Area Committees, nor that relate to a neighbouring Area Committee where the matter in question may also affect the Area Committee.

(b) Executive business

Where business discussed at a meeting of an area committee arises from the delegation of functions by the Leader, the written report to, and minutes of, the meeting shall indicate that fact.

3 Pensions Committee

The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee in a non-voting capacity.

The trade unions representing staff who are members of the Council's pension fund may between them appoint two representatives who shall be entitled to attend and speak at meetings of the Pension Committee, but not to vote. The representatives shall be entitled to remain should the public be excluded on the grounds that exempt information is to be considered.

4 Regulatory Services Committee

- (a) 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. Any objector wishing to make an address must notify the Head of Development and Building Control not less than three days before the meeting at which the objection is to be held.
- (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 to determine who shall speak.
- (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 four minutes or such lesser time as the Committee by resolution, either generally or in relation to a specific application, may agree.
- (e) 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.
- (f) A Councillor calling in a planning matter should attend the Regulatory Services Committee or appoint a substitute to explain the reasons for the call in.
- (g) A Councillor calling in an application or speaking as a Ward Councillor on an item shall be limited to four minutes in addressing the Regulatory Committee.
- (h) Speeches by Ward Councillors should not involve a cross examination of staff but Members of the Committee may seek clarification from staff.

5 Standards Committee

- (a) The Committee and any Sub-Committee shall be inquorate unless at least one Independent Person who has been appointed to the Committee is present. The chair at every meeting of the Committee or of any Sub-Committee shall be taken by an Independent Member.
- (b) The following specific rules shall apply to meetings at which the Committee or one of its Sub-Committees is considering a complaint against a particular Member ("complaints meetings"). For the avoidance of doubt, the general rules of committee

procedure shall apply to meetings of the Committee at which general business is conducted.

- (i) Rule 8(c) (attendance of substitute members) shall not apply to complaints meetings.
- (ii) Complaints meetings shall be conducted in accordance with procedures from time to time adopted by the Standards Committee for the hearing of complaints.

6 Training and continuity of membership of certain committees

In the interests of business continuity, each Group and Group Leader shall ensure that any Member appointed to a place allocated to that Group on the each of the Committees referred to in the following table shall have received, or shall within six months of appointment receive, training appropriate to its membership.

Each Group and Group Leaders shall strive to avoid making changes to their representation on the Committees referred to in the table for as long as possible and shall accordingly seek to ensure that their members remain on the particular committee for the period indicated:

Committee	Period
Adjudication and Review	At least two years
Audit	Full four year term
Licensing	At least two years
Pensions	Full four year term
Regulatory Services	At least two years
Standards	At least two years

For the Audit, Pensions, Regulatory Services and Standards Committees, Groups shall nominate members other than those appointed to the respective Committees to be "designated substitutes", to attend a meeting in the event that an appointed member is unable to do so. "Designated substitutes" shall participate in the same training opportunities as appointed members.

This rule shall operate without prejudice to the ability of the Council and the Standards Committee to require changes in membership where to do so is appropriate for other reasons, or to comply with statutory requirements.

APPENDIX

RULES AND CONVENTIONS FOR AREA COMMITTEES

1. Area Committee meetings be treated as just one element of community engagement and be used as a means by which community engagement can be promoted.
2. Area Committees will be constituted under the Local Government Act 1972 and will have the purpose set out in Article 10 of Part 2 of the Constitution (as revised).
3. There will be nine Area Committees, each covering two electoral wards as set out in Article 10 of Part 2 of the Constitution (as revised).
4. Each Area Committee will decide where its meetings will be held. The venue may be fixed, or the Committee may decide to meet at different locations within the Area for successive meetings.

5. Ordinary Area Committee meetings will start at 7.30pm.
6. Area Committees will meet four times a year, but will have the facility for holding special meetings. The Chairman may also arrange informal meetings of the Area Committee, alone or jointly with others, where to do so is conducive to dealing with particular items of business.
7. Area Committees should and can –
 - (a) consult the public to inform the decision makers;
 - (b) be used for the Council to inform the public;
 - (c) be used for non-Council agencies to inform or consult;
 - (d) be entitled to specifically invite appropriate people or organisations to meetings.
8. Area Committee Chairmen –
 - (a) operate under the Job Description, as agreed from time to time by the Governance Committee;
 - (b) take the role of steering committee and collective Member activity, and
 - (c) be required to report to each area committee meeting on their activities since the last meeting as well as an annual report to be submitted to the last ordinary meeting of the Committee of the Municipal Year.
9. In respect of Public Question Time -
 - (a) 30 minutes be allocated for questions from the public at each ordinary meeting, with the Chairman having discretion to modify that length of time, as the first part of the Agenda;
 - (b) Area Committee Chairman be responsible for dealing with questions and co-ordinate their replies.
10. Area Committee Members appointed to area-specific bodies on behalf of the Area Committee by the Governance Committee be required to report to the Area Committee at least once a year on their activities.
11. Area Committees shall –
 - (a) 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;
 - (b) 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).
 - (c) 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

5 COUNCIL PROCEDURE RULES

Rule	CONTENTS
1.	Annual meeting of the Council
2.	Ordinary meetings
3.	Council Tax setting meeting
4.	Extraordinary meetings
5.	Time and place of meetings
6.	Notice of and summons to meetings
7.	Chairman of meeting
8.	Quorum
9.	Duration of meeting
10.	Questions by members
11.	Motions of which notice is given
12.	Motions without notice
13.	Rules of debate
14.	Previous decision and motions
15.	Voting
16.	Minutes
17.	Exclusion of public
18.	Members' conduct
19.	Disturbance by the public
20.	Suspension and amendment of Council Procedure Rules
21.	Audio-Visual aids
22.	Webcasting, broadcasting and recording of proceedings
23.	Petitions
24.	Conferment of Awards for Eminent Service
25.	Interpretation
Appendix	Timetables for meetings

1. ANNUAL MEETING OF THE COUNCIL

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

The annual meeting will:

- (i) choose a Member to preside if the Mayor is not present and to receive apologies for absence;
- (ii) elect the Mayor of the Borough and receive notice of the appointment of the Deputy Mayor;
- (iii) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (iv) receive any announcements from the Mayor and/or Chief Executive;
- (v) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
- (vi) other than in a year when there is an ordinary election of Councillors, consider whether to confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (vii) appoint the overview and scrutiny committees, the Standards Committee and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint (other than for area committees) their Chairmen and Vice Chairmen and appoint the following seven Champions:
 - for Diversity
 - for the Historic Environment
 - for the 14-19 Diploma Scheme
 - for the Over Fifties
 - for Standards
 - for the Voluntary Sector Compact
 - for Younger Persons
- (viii) deal with any consequential or other amendments to Rules, delegations or powers and duties, financial regulations, or the scheme for the payment of allowances to members that may only be determined by the Council;
- (ix) consider any business set out in the notice convening the meeting relating to policy or budgetary matters;
- (x) receive a statement by (or on behalf of) the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (i) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (ii) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (iii) receive any declarations of interest from members;
- (iv) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
 - (a) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
 - (b) to present to any other Member a certificate of service; and
 - (c) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (v) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (vi) receive any petitions pursuant to rule 24;
- (vii) receive and consider the following business, in the order indicated:
 - (a) recommendations from the Cabinet and the Council's committees;
 - (b) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
 - (c) proposals from the Cabinet in relation to the Council's budget and policy framework;
 - (d) reports of the overview and scrutiny committees and/or the Member Champions;
 - (e) any statutory or other plans submitted for the Council's approval;
 - (f) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
 - (g) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (viii) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee, the Standards Committee and the Pensions Committee;

- (a) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
- (b) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (ix) at the second ordinary meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (x) consider questions from members submitted in accordance with Rule 10;
- (xi) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (xii) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

3. COUNCIL TAX SETTING MEETING

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

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

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

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

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

The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

4.2 Business

The extraordinary meeting will:

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

5. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons signed by the Chief Executive by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by electronic means (and the sending of such documents by electronic means on request shall be deemed to be due delivery). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

The Chief Executive shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Chief Executive may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

7. CHAIRMAN OF MEETING

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

alter the order of business, amalgamate debates and in general organise the business of the meeting.

8. QUORUM

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

9. DURATION OF MEETINGS

9.1 Conclusion of ordinary and special meetings

(i) Once two and a half hours have elapsed from the beginning of any meeting (including any time spent in adjournment), if the Mayor believes that an item could not properly be considered in the time remaining available, then notwithstanding rules 11 and 13.4, the Mayor may at his absolute discretion direct that an item be not taken, or may modify the length of speeches and general debate in respect of any item. In the case of an item already being debated, the Mayor may at his absolute discretion modify the length of speeches or restrict the number of speakers

(ii) Unless a procedural motion has been passed to suspend this rule and to extend the time of the meeting, once convening that meeting) no further papers shall be issued and three hours have elapsed from the beginning of the meeting, the meeting will continue until the end of the debate then in progress. At that point the Mayor will call for a vote immediately on any items remaining and votes will then be taken in the usual way on those items without further discussion.

(iii) in the event of an adjournment of any meeting of the Council being necessary such an adjournment shall be to a date to be fixed by the Council, and in the event of no date being fixed then on a date to be fixed by the Mayor. For the purposes of rules (i) and (ii) above, any reconvened meeting shall be treated as a new meeting but (other than notice of the time and date) no further business may be added to the agenda.

(iv) **Motions and recommendations not dealt with**

If there are other motions or recommendations on the agenda that have not been dealt with (or withdrawn by the mover, with the consent of the Council) by 10.30 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

(v) **Motions which may be moved**

The only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

(vi) **Close of the meeting**

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

9.3 Conclusion of the Annual Meeting and of the Council Tax Setting meeting

The Annual Meeting and the Council Tax Setting Meeting shall continue until all motions and recommendations have been dealt with, whereupon the Mayor will declare the meeting closed.

10. QUESTIONS BY MEMBERS

10.1 Questions on notice at full Council

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

- (i) The Leader of the Council
- (ii) A member of the Cabinet
- (iii) Any Committee Chairman who is a Member of the Council
- (iv) A Champion

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

In the absence of the Chairman of a Committee, the Chairman shall arrange for another Member to respond on the Chairman's behalf.

10.2 Notice of questions

Members may only ask questions under Rule 10.1 if either:

- (i) they have given at least 6 clear days notice in writing of the question to the Proper Officer signed by the member or by the Group Leader on behalf of the member; or
- (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.

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

10.4 Order of questions

10.5 Subject to the following provisions, questions shall be dealt with in order of receipt.

10.6 Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- round two shall comprise the second such question;
- subsequent rounds shall comprise successive questions in such order

- once every Group's Members or unattached Member have had to the opportunity to ask one question in the rounds, any questions remaining shall be dealt with in order of receipt

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

10.8 Response

An answer may take the form of:

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

10.9 Supplementary question

A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. If that member does not wish to ask a supplementary question then one other member only may do so.

There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

A summary of the supplementary question and answer shall be included in the minutes of the meeting.

10.10 Time for questions

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

10.11 Absence of questioner

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

10.12 Alteration of question

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

10.13 Withdrawal of question

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

10.14 List of Questions

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (i) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (ii) a summary of any supplementary question and answer
- (iii) the text of the question and answer of every question dealt with by written reply.

11. MOTIONS OF WHICH NOTICE IS GIVEN

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection.

11.2 If a member satisfies the Mayor that:

- (i) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (ii) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

the Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

11.3 Scope

- (i) Motions must be about matters for which the Council has a responsibility, which affect the borough or relate to an issue of general importance or interest to the people of the borough
- (ii) The Proper Officer shall refer to the Mayor any notice of motion which appears to be improper, vexatious, frivolous, derogatory, contrary to any code, protocol, guidelines, convention, which does not comply with paragraph (i) above or which is otherwise improper or inappropriate. If the Mayor agrees, it shall not be included in the summons and the Proper Officer shall inform the mover accordingly.
- (iii) The Proper Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer and Monitoring Officer prior to the meeting to clarify, correct, or make sense of the particular wording. The Proper Officer shall consult

the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

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

11.4 Reports to Council

Reports of Cabinet, Committees or officers to Council to which an amendment is proposed shall be deemed subject to a motion "that the report be adopted and its recommendations carried into effect", which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman. In these Rules, "motion" includes a deemed motion in respect of a report. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) applies to that motion).

11.5 Motion set out in agenda

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that where more than one motion is submitted by a group at the same time, in the order in which the group submitting the motions expresses a preference.

11.6 Amendments to motions and reports

Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.

An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.

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

- 11.8 An amendment to a motion must be relevant to the motion and will either be:

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

provided that the effect of (b) to (d) is not to negate the motion.

If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) require the amended motion to be read out before a accepting any further amendments, or if there is none, put it to the vote is taken on the substantive motion.

- 11.9 Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (i) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (ii) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded.
- (iii) An amendment to a motion/report on the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer¹ enable a robust budget to be set.

Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test:

- (a) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.
- (b) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, he shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.
- (c) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, he shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(4)(ii).

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

11.10 Alteration of motion and/or amendment

- (i) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity;
- (ii) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, may seek the consent of the Council to alter that motion or amendment.

No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.

The meeting's consent will be signified without discussion.

- (iii) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

11.11 Withdrawal of motion or amendment

The member moving a motion or amendment may withdraw it at any time before the motion is called. No member may speak on the motion or amendment after the mover has withdrawn it.

12. MOTIONS WITHOUT NOTICE

12.1 The following procedural motions may be moved at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (i) in relation to the accuracy of the minutes
- (ii) to change the order of business in the agenda
- (iii) to refer something to an appropriate body or individual;
- (iv) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (v) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vi) to withdraw a motion;
- (vii) to clarify a motion or amendment;
- (viii) to adjourn a debate to a time specified;;
- (ix) that the meeting continue beyond 10.30 p.m.;
- (x) to suspend a particular council procedure rule in accordance with Rule 21
- (xi) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (xii) not to hear further a member named or to exclude them from the meeting under Rule 19; or
- (xiii) that the time limit for speeches or addresses be altered.

12.2 A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (i) "That the question be put", or
- (ii) "That the Council proceed to the next business", or
- (iii) "That the Council adjourn".

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

- in case (i): the rights of reply given by Rule 13.12 may be exercised. The motion before the meeting shall then be put to the vote, or
- in case (ii): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or

- in case (iii): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (iii)

13 RULES OF DEBATE

13.1 No speeches until motion seconded

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

13.2 Right to require motion in writing

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

The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve the right to speak until later in the debate.

13.4 Content and length of speeches

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

- (i) ten minutes for a mover of a motion or an amendment
- (ii) eight minutes for a seconder of a motion or amendment (irrespective of whether that speech follows that of the mover or, pursuant to Rule 13.3, takes place later in the debate)
- (iii) five minutes for other speeches in any debate
- (iv) at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

13.5 When a member may speak again

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

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

13.6 Rights of reply

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

- (i) The Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition), or, if the mover is not a member of a Group, that Member.

Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

- (ii) The Leader of the Opposition

- (iii) The Leader of the Council.

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

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

13.8 Personal explanation

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of the speech. A personal explanation may only relate to the statement made by the other member in his speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

13.9 Clarification

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

13.10 Point of Information

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

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

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

A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

14.2 Motion similar to one previously rejected

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

15. VOTING

15.1 Majority

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

15.2 Mayor's casting vote

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

15.3 Recording of Votes

All votes shall be recorded.

15.4 Voting on appointments

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

16. MINUTES

16.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.

Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended

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

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

16.3 Form of minutes

Subject to Rule 16.4, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

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

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the provisions of s100B of the Local Government Act 1972 or Rule 20 (Disturbance by Public).

18. MEMBERS' CONDUCT

18.1 Standing to speak

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

- 18.2 A member shall confine a speech to the matter under discussion or to an explanation, clarification, to a point of order or upon a point of information.

18.3 Defamatory and unparliamentarily language

- (i) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (ii) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 19.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

18.4 Member not to be heard further

- (i) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

18.5 Member to leave the meeting

If the member continues to behave improperly after a motion under Rule 19.4 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

19. DISTURBANCE BY THE PUBLIC

19.1 Removal of member of the public

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

19.2 Clearance of part of meeting room

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

19.3 General disturbance

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

19.4 Rules 19.1 to 19.3 shall not be suspended.

20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

Except as noted in 21.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.

20.2 The following Rules may not be suspended:

15.1 – question to determined by majority vote

16.1 - signing of minutes - procedure

16.2 – minutes to be signed only at ordinary meetings

18 - Members' conduct

19 - Disturbance by the public

20.3 Amendment

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

21. AUDIO-VISUAL AIDS

21.1 A member may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

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

22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS

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

22.2 The Mayor may consent to the making an audio-visual or photographic record (including a radio or television broadcast) of any particular meeting (but not so as to permit the recording or broadcast of any confidential or exempt information).

Such consent may be given for a specific meeting or for meetings generally.

22.3 An audio recording will ordinarily be made of each meeting of the Council so as to facilitate the transcribing of any part of the meeting where necessary.

23. PETITIONS

23.1 Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

23.2 There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

23.3 Any petitions received by the Mayor at Council or at any other time will be referred to the appropriate Head of Service for action, reply or report.

24. CONFERMENT OF AWARDS FOR EMINENT SERVICE

24.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

24.2 In a year in which there is an ordinary election of Councillors, Council shall consider at first ordinary meeting following the Annual Meeting

- (a) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (b) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
- (c) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

24.3 Notwithstanding rules 24.1 and 24.2, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.

24.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the "eminent service", or the reason for "distinction" for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

25. INTERPRETATION

For the purposes of the Council Procedure Rules:

- (a) the term "clear days" means a normal working day, excluding:
 - the day on which a document is first made available

- the day of the meeting
 - Saturday and Sunday
 - Public or bank holidays
 - Other days when the Council's offices are closed
- (b) "Proper Officer" shall include, if the Chief Executive is absent or unable to act, reference to any Group Director or the Assistant Chief Executive Legal & Democratic Services who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) "Group" means any Group of members constituted under the statutory rules for political balance
- (d) "Group Leader" means the member notified to the Proper Officer as leader of a Group
- (e) "Deputy Group Leader" means "the other authorised representative" of the group
- (f) "Group Secretary" means the member notified to the Proper Officer as holding that office within the Group
- (g) "Leader of the Council" means the Member elected to hold that office
- (h) "Leader of the Opposition" means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
- (a) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is from an address recognisably that of the person giving notice or known to be associated with him or her.
 - (b) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Democratic Services Manager or a member of his staff.
 - (c) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Democratic Services Manager or a member of his staff on behalf of the Mayor.
 - (d) Any document handed to the Proper Officer, Chief Executive, Democratic Services Manager or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
 - (e) Where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature..

APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

1 Annual Meeting Timetable

		Day, week, and "clear days" before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting	Tuesday: two weeks before 10
3	Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough	Tuesday: two weeks before 10
4	Publication of REVISED Agenda	Thursday: two weeks before 8
5	Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda	Monday: one week before 6
6	Publication of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
7	Last date for receipt of notice of amendment to any report published with the Final Agenda	Monday: same week 1

2 Ordinary Meeting Timetable

		Day, week, and "clear days" before meeting
1	Publication of INITIAL Agenda	Thursday: three weeks before 13
2	Last date for receipt of notices of motion	Tuesday: two weeks before 10
3	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before 10

4	Publication of REVISED Agenda	Thursday: two weeks before 8
5	Last date for receipt of questions	Monday: one week before 6
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before 6
7	Last date for receipt of notice of intention to present a petition	Monday: one week before 6
8	Issue of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before 5
9	Last date for receipt of notice of amendments to reports issued with the Final Agenda	Monday: same week 1

3 Council Tax Setting Meeting Timetable

		Day, week, and “clear days” before meeting
1	Publication of INITIAL Agenda	Tuesday: three weeks before 13
2	<i>Cabinet meeting at which budget recommendations will be determined</i>	Wednesday: two weeks before 9
3	Publication of REVISED Agenda	Thursday: two weeks before 8
4	Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published)	Tuesday: one week before 5
5	Last date for receipt of any amendment to the Council Budget	Thursday: one week before 3

PART 5: PROTOCOL ON MEMBER/OFFICER RELATIONS

Introduction

1. Given the variety and complexity of Member and Officer relations, this Protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern.
2. **This Protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any Member is unsure about any matter, s/he should contact the Monitoring Officer for appropriate advice and assistance. If any Officer is unsure about any matter, s/he should contact the relevant Group Director and/or the Monitoring Officer.**
3. **The Standards Committee and the Monitoring Officer may issue general guidance on the Code of Conduct for Members, this Protocol on Member/Officer relations and the Protocol on Probity in Planning. Where appropriate, the Monitoring Officer will also consult the Chief Financial Officer and the Chief Executive on any further general guidance.**

General Member/Officer Issues

4. The opportunity is taken to reinforce the following points:-
 - (i) In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principle for Members and Officers has to be one of "engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect";
 - (ii) Officers, being employees of the Council, must act in the best interests of the Council, as a whole, and must not give politically partisan advice. Anyone breaching this requirement, will face disciplinary action and may, ultimately, be dismissed by the Council;
 - (iii) Political Group meetings, whilst they perform an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that Members and Officers understand and interpret such decisions accordingly;
 - (iv) Officer support to Political Groups must not extend beyond providing information and advice in relation to Council business;
 - (v) it is good practice for Party political debates and decision-making to take place in the absence of Officers, in order to avoid any suspicion of impropriety or misunderstanding;
 - (vi) Officers must respect the confidentiality of any Political Group discussions at which they are present; and
 - (vii) any breach of this part of the Protocol by an Officer must be brought to the attention of the Chief Executive and / or the Monitoring Officer for consideration.

Legal and Audit Commission Considerations

5. Members of the Council do not, as elected members, have any special immunity from civil or criminal wrongs that they may commit against fellow Members, Officers or members of the public. Members must abide by the Code of Conduct for Members and ensure they do not, for example, slander or libel another person. During the course of their normal duties for the Council, Members will, therefore, only have a qualified (not absolute) protection against prosecution or civil action. This requires that there must of necessity be an absence of malice.
6. Members must also not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for, or on behalf of the Council. It is also imperative that Members are clear about their roles and the roles of Officers, so as to avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, as the actions of the Member(s) may be held to be the actions of the Council, as an "employer".

Standards Issues

7. Any member of the public (including Officers and other members) can complain to the Standards Committee of the Council about a Member's breach of the Code of Conduct for Members and/or bring private civil litigation proceedings against an elected member. The District Auditor can also take legal action against an elected member and the Council, as a whole, for any breaches of the law.

Public Relations Issues

8. The Council's Communications Section are responsible for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official communication relating to the Council (but not party political or private matters) is dealt with by this section, so as to ensure the proactive, effective and efficient management of the Council's public image, relations and interface. The Council will have regard to the Code of Recommended Practice on Publicity.

Specific Points on Member/Officer Relations

9. The relationship between Members and Officers generally is characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy.
10. Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided, therefore, that could give rise to suspicion and/or appearance of improper conduct or behaviour.

Employer/Employee Issues

11. Members should recognise and pay due regard to their role as an employer in their dealings with Officers, as Officers could use inappropriate behaviour and conduct of Members in bringing employment cases against the Council.
12. Members must guard against putting inappropriate pressure, in particular, on junior officers and must ensure that all communication between them (including written communication) does not bring the Council into disrepute or cause any embarrassment to them.
13. In seeking advice and support, Members should have due regard to the seniority of the Officer with whom they are dealing and recognise that, whilst those Officers owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and the Chief Executive and not to any individual Member. For this reason,

Members should not give direct instructions to staff, and where possible should ensure their communications are with staff at an appropriate managerial level within the Council.

Equality Issues

14. The Council has statutory duties with regard to equality issues and in accordance with the Code of Conduct for Members, Members must also promote equality by not discriminating against others. Members and Officers shall not, therefore, by their behaviour or speech act in a discriminatory manner with regard to, for example, a person's gender, race, disability, religion, ethnicity, nationality, sexual orientation or age. Such principles will apply to the implementation of personnel policies, recruitment and promotion as they apply to day to day dealings.

Officer Conduct or Capability Issues

15. **Members should not raise matters relating to the conduct or capability of an Officer (or of Officers, collectively) at meetings held in public or before the Press, as Officers have no means of responding to the same in public. Neither should members display any inappropriate behaviour or language to Officers at such meetings or at any other meetings to which they are invited or are represented. Inappropriate behaviour or language is considered to be as described in paragraph 26. If any Member feels that s/he has not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an Officer, s/he should raise the matter, in private, with the Group Director of the directorate concerned. Any concerns with regard to a Group Director should be discussed, in private, with the Chief Executive and/or the Leader of the relevant Political Group. Whispering campaigns against Members and Officers do not project a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy and should be avoided.**
16. It is legitimate for Members to appropriately challenge Officers' advice but there is a potential breach of the Code of Conduct for Members if they require any Officer to:
 - (a) change his/her professional advice; or
 - (b) take any action which the Officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct (including professional codes of conduct).

Havering's Code of Conduct states that a Member must not bully any person which would include staff

Monitoring Officer/Chief Financial Officer Consultations

17. Members are required to consult with the Monitoring Officer and the Chief Financial Officer over any legality, maladministration, financial impropriety, or probity issues or where they have any doubt as to whether particular decisions are or were likely to be contrary to the Council's Budget and Policy Framework Rules or the law. Inappropriate or late consultation will not satisfy the need to consult those Officers at the relevant time.

Political Impartiality

18. Members shall, at all times, respect the political impartiality of Officers and must not expect or encourage Officers to give a political view on any matter.
19. For the avoidance of doubt, it must be recognised by all that, in discharging their duties, Officers serve the Council, as a whole, and not exclusively any Political Group, combination of groups, or any individual Members.

20. Officers may properly be called upon to support and contribute to the deliberations of Political Groups but they must, at all times, maintain political neutrality. This applies, in particular, to Politically Restricted Officers, who are governed by the Local Government and Housing Act 1989. All Officers must, in their dealings with Political Groups and individual Members, treat them in a fair and even handed manner.
21. Any request for advice given to a Political Group or Member will be treated with the strictest of confidence by the Officers concerned and will not be accessible to any other Political Group(s). Factual information upon which any advice is based will, if requested, be available to all Political Groups.
22. When attendance is requested for Political Group meetings:
 - (a) The request to attend a Political Group meeting must normally be made through the relevant Group Director;
 - (b) Such a request can only be made in relation to Council business; and
 - (c) Officers will:-
 - (i) provide relevant factual advice and assistance;
 - (ii) leave during the deliberations of the Political Group on the issue;
 - (iii) respect the confidentiality of any Political Group decision at which they are present; and
 - (iv) not champion, defend, action or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the Political Group(s), unless and until such decisions have become the formal decisions of the Council.

Specific Points on Overview and Scrutiny Arrangements

23. The Council's Overview and Scrutiny Committees will seek the advice of:-
 - (a) The Monitoring Officer, where they consider there is doubt about the legality of any Executive decision(s); or
 - (b) The Monitoring Officer, Chief Financial Officer and other relevant Group Directors, where they consider a decision (or decisions) of the Executive might be contrary to the Council's Budget and Policy framework.
24. When asking Officers to give evidence before any Overview and Scrutiny Committee, questions should be confined, so far as is possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Officers must respond to questions from Members in an open, constructive and helpful manner. Officers must not mislead or be economical with the truth.
25. Where they consider it appropriate, the Chairman of the relevant Overview and Scrutiny Committee may ask Group Directors to explain any advice given by them to Members of the Executive and explain any decision(s) the Group Director may have taken under the Scheme of Delegations to Officers. For the avoidance of doubt, this will not apply to any private or confidential matters.

Unacceptable or Inappropriate Behaviour

26. The relevant Chairman of the Overview and Scrutiny Committee shall ensure that Members of the Executive and Officers who appear before the Committee are not questioned by Members of the Committee (whether through the nature, tone or language used), in such a

manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimising, discriminatory or otherwise unacceptable or inappropriate.

27. Any allegation of unacceptable or inappropriate behaviour by a Member will be reported to the Leader of the relevant Political Group for consideration and/or the Standards Committee of the Council, if there has been a breach of the Code of Conduct for Members. The relevant Leader may also refer the matter to the Standards Committee for consideration, guidance or sanction, if the matter is a breach of other Protocols.

Use of Local Authority Resources

28. The only basis on which the Council can lawfully provide support services to Members (e.g. computers, telephone, mobile phones, blackberries, stationery, typing, printing, photocopying, transport etc.) is to assist them in the effective and efficient discharge of their duties and role as Members of the Council. Such support services must, therefore (as set out in paragraph 6 of the Code of Conduct for Members), be only used for Council business save for under the Council's IT Protocol, limited personal use of telephones only is permissible upon payment of the bill relating to personal use. In all other circumstances the same should never be used for or in connection with Political, Party Political or campaigning activities or for private purposes.

Access to Information – 'Need To Know'

Statutory provisions

29. The Local Government (Access to Information) Act 1985 (which is Section 100F of the Local Government Act 1972) was introduced to give additional rights to Elected Members. The Act was at pains to stress that these rights were in addition to those at common law.
30. Section 100F makes it clear that any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee of the Council will be open to inspection by a Member of the Council, unless it contains confidential/exempt information as defined within the section. A non-committee member's right to information is therefore enhanced by Section 100F subject to the Proper Officer withholding confidential/exempt information within those paragraphs.
31. Section 100F does not, however, go as far as the common law, vis-à-vis, the Committee Member. For non-Committee Members, their position is enhanced by section 100F. In both cases, however, if there appears to be confidential/ exempt information, by virtue of the other parts of the Act, there is still the discretion for the relevant Proper Officer to withhold the confidential/exempt information.
- 32. It is also a matter of fact as to whether or not the information is 'in the possession or under the control of the Council'. The key issue to be determined is whether or not the information belongs to the Council or to another person. If it belongs to another person, Officers will only release any confidential information after an appropriate consent to release such information has been obtained from the relevant person. Officers will not, therefore, "hand over" their files to a Member, without the Officer being clear about the reasonableness of the request and the Officer's ability to share confidential information with a Member. If any Officer is unsure about a request for information, s/he must discuss the same with his/her line manager and/or the Monitoring Officer.**

33. Under the Local Government Act 2000 Executive arrangements and subject to important exceptions (see paragraph 35 below), any relevant document which:
- (a) is in the possession, or under the control, of the Executive; and
 - (b) contains material relating to any business to be transacted at a public meeting of the Council, will be available for inspection by Members of the Council.
34. The exceptions, to the above general requirement of paragraph 34, are that exempt information in respect of Schedule 12A of the Local Government Act 1972 – see paragraph 36 below) would be disclosed
35. In addition to the above and subject to important exceptions (see paragraph 37 below), an Overview and Scrutiny Committee Member will be entitled to a copy of the relevant document which:
- (a) is in the possession or under the control of the Executive;
 - (b) contains material relating to:-
 - (i) any business carried out at a private or public meeting of the Council;
 - (ii) any decision taken by a relevant Cabinet Member; or
 - (iii) any key decision of the Cabinet.
36. The exceptions to the above general requirements of paragraph 36 are that such a document (or part of it) contains exempt or confidential information, unless it is relevant to any action or decision being reviewed or scrutinised under the overview and scrutiny arrangements
37. For the purposes of completeness, Appendix A provides an extract of the statutory exempt information paragraphs, which permit reports to be considered in private. As a guiding principle and in keeping with good open government, Executive Members, Chairmen of relevant Committees and Officers will ensure that, so far as is possible and permitted by law, reports are considered in public. If any Member or Officer has any concerns over whether a private report ought to be (or should have been) considered in public, s/he should raise the matter, at the earliest opportunity, with the relevant Group Director, Chairman of the Committee or the Monitoring Officer for a decision.

Common law principles

38. In addition to the statutory provisions, the common law right of Members to access information is based on the principle that any Member has a *prima facie* right to inspect Council documents *so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council*. This principle is commonly referred to as the “need to know” principle.
39. This principle applies equally to leaders of the Political Groups and, under common law principles; the courts have not determined that any leader has an ‘automatic’ right to information. Accordingly, for the purpose of legal considerations, leaders fall to be considered as ordinary Members, if they wish to see Council documents; although they will, in most situations, be able to readily satisfy the ‘need to know’ requirements on the submission of reasonable information or by reasonable implication to substantiate the same. Leaders of Political Groups will, therefore, still have to demonstrate that their

request is a proper and reasonable one and give adequate reasons for requiring the information.

40. In addition, it should be remembered that the access to information right will vary from Member to Member, will arise at different times and, as such, a Member's 'need to know' will be considered on a case by case basis and will not last indefinitely.
41. The above statements on the common law position are subject to additional safeguards to protect Council information; namely, if the motive of a Member requesting to see documents is indirect, improper or ulterior, this may be raised by the Council as a bar to the Member's entitlement to inspect documents that are addressed to the Council. The entitlement of a relevant Committee Member to inspect documents of the Committee is a strong one and certainly stronger than that of a non-Member of the Committee. However, as indicated earlier, the rights of the former are not absolute, as it would still be open to the Committee/ Council to raise a bar to the exercise of such a right on the grounds of the Member's motives being improper, indirect or ulterior.
42. Furthermore, the law does not entitle a Councillor to go on a "roving or a fishing expedition" or to receive every working document that Officers have access to or may have had access to in the past. As a Councillor, s/he will only be entitled to see those documents that are relevant background papers mentioned in any report received by the (Sub-) Committee or other reasonable requests for relevant papers in order to comply with his/her 'right to know'. Clearly, any confidentiality attached to the same remains and the same must be kept confidential and not released to any other person. This includes, of course, members of the press. A breach of confidence by a Member is actionable by way of a complaint to the Council's Standards Committee. If the breach is serious enough, the person whose confidence has been betrayed may also bring a civil action against the Member (and/or the Council) for damages.
43. By equal token, any unreasonable requests for information can and will be declined. A balance has therefore to be struck between a Member's right to know and an individual's/ business'/ organisation's need for confidentiality, especially where the individual/ business/ organisation has requested confidentiality of the information provided to Council Officers.
44. If any confidential information is contained in public documents then it will, of course, lose its confidentiality. Equally, draft-working documents are subject to change and it is reasonable for those documents to be withheld until the matter is formally reported to the relevant committee / decision-maker.

Election Period and Special Responsibility Posts

45. **During the election period, special rules apply with regard to local authority publicity and these can be found in "The Code of Recommended Practice on Local Authority Publicity",.**
46. **In terms of any serving Councillor who may be standing for re-election, it is imperative that s/he maintains a clear distinction between his/her private wish to stand for re-election and his/her official duties as a serving Councillor. S/he should, therefore, be particularly careful to guard against giving any impression that Council resources are being or could have been used for his/her re-election and/or private purposes. To do so, could amount, in serious cases, to a breach of the Code of Conduct for Members and a written complaint could be made to the Council's Standards Committee.**
47. **The fact that the Councillor is a serving Councillor can, of course, be stated on any elections material. However, the Council address and/or his/her Council e-mail address facilities should not be used or allowed to be used on any elections material produced by him/her or produced on his/her behalf by another person.**

48. **Members are provided with officer support to assist them with the discharge of their duties for the Council. Such staff should never be asked or used to carry out Party political purposes or private purposes.**

Sanctions for Breach of the Code of Conduct for Members and this General Guidance

49. Complaints against any breach of the Code of Conduct for Members must be referred to the Council's Standards Committee, which could lead, ultimately, in the most serious of cases and a referral to the Standards for England, to the disqualification of a Member. Complaints against any breach of this Protocol by a Member may be referred to the Standards Committee. Complaints against any breach of this Protocol by an Officer may be referred to the relevant Group Director, the Chief Executive or the Monitoring Officer.

APPENDIX A

Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition):

	Category	Notes
1	Information relating to any individual	"employee" means a person employed under a contract of service;
2	Information which is likely to reveal the identity of an individual	"financial or business affairs" includes contemplated, as well as past or current activities; "labour relations matter" means:
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	(b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	"office holder", in relation to the authority, means the holder of any paid officer appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a	"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

	Category	Notes
	<p>person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Any reference in Parts 1 and 2 of this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference:</p>
7	<p>Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime.</p>	<p>(a) in the case of a principal council, to any committee or sub-committee of the council; and</p>
8	<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <p>(a) [the Companies Acts (as defined in Section 2 of the Companies Act 2006)];</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies Act 1992</p> <p>(d) the Industrial and Provident Societies Acts 1965 to 1978;</p> <p>(e) the Building Societies Act 1986; or</p> <p>(f) The Charities Act 1993</p>	<p>(b) in the case of a committee, to:</p> <p>(i) any constituent principal council;</p> <p>(ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and</p> <p>(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and</p> <p>(c) in the case of a sub-committee, to:</p>
9	<p>Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>	<p>(i) the committee, or any of the committees, of which it is a sub-committee and</p> <p>(ii) any principal council which falls within paragraph (b) above in relation to that committee</p>
10	<p>Information which:</p> <p>(a) falls within any of paragraphs 1 to 7; and</p> <p>(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above</p> <p>is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	

PART 5: PROTOCOL ON GIFTS AND HOSPITALITY

1. Meaning of gifts and hospitality

- 1.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:
- (a) The gift of any goods or services;
 - (b) The opportunity to acquire any goods or services freely or at a discount or at terms not available to the general public;
 - (c) The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.
- 1.2 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers, bouquets and promotional items.
- 1.3 Common hospitality includes lunches, dinners or refreshments.

2. General Caution

- 2.1 The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care. Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties. Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.2 You should consider carefully all the circumstances surrounding the offer of a gift or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors as are personal relationships with those making the offer. Also be sensitive to the timing of the offer in relation to decisions which the Council may be taking, affecting those making the offer.
- 2.3 You should avoid hospitality in situations where you would be the sole guest.
- 2.4 You may have to estimate the value of the gift or hospitality.
- 2.5 The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. In any case of doubt, advice should be sought from the Monitoring Officer.

To refuse may cause misunderstanding or offence; however to accept may give rise to questions of impropriety or conflict of interest.

Where the decision whether to accept hospitality is left to your judgement, you must ask yourself some commonsense questions: for instance, whether there is a benefit to the Council in your accepting the invitation; whether the entertainment is lavish, on a scale which you could not personally afford; whether you are accepting too much hospitality from the same source; and, if your position is prominent, whether just your attendance at an event might be open to interpretation as a signal of support.

3. Code of Conduct requirements

- 3.1 The Member Code of Conduct requires that you register in your Register of Personal Interests (maintained by the Monitoring Officer), any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you, in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Council. You must also register the source of the gift or hospitality.
- 3.2 You must register the gift or hospitality as soon as possible but in any event within 28 days of its receipt/ acceptance.
- 3.3 The Member Code of Conduct provides that you automatically have a personal interest in a matter under consideration at a Council meeting, if it is likely to affect the person who gave you the gift or hospitality which you have registered. In practical terms, this means that, although you have registered the gift or hospitality and its source in your Register of Personal Interests, you must still orally, at the meeting, disclose as a personal interest, the existence and nature of the gift and hospitality, the person who gave it to you and how the business under consideration relates to that person and then decide whether your interest is also prejudicial. If the interest is prejudicial, then you must declare you have a prejudicial interest and comply with the rules on prejudicial interests.
- 3.4 You must continue to disclose the existence and nature of the gift or hospitality etc at relevant Council meetings, for 3 years from the date you first registered the gift or hospitality. This disclosure requirement ceases for gifts and hospitality interests registered more than 3 years ago.
- 3.5 Where any gift (no matter the value) is accepted, the donor should always be advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

4. Series of gifts or hospitality adding up to £25 or more in value

The registration requirement in the Code is limited to gifts or hospitality worth £25 or more. If you receive a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered on your Register of Personal Interests as an accumulation. You may have to estimate the value of the gifts or hospitality. Occasionally there are frequent offers of hospitality from the same source e.g. Queens Theatre. This should be registered if tickets exceed the limit and are accepted and should be registered cumulatively if more than one offer is received. Any donation to the Queens Theatre in lieu of the ticket price or part thereof should be deducted from the hospitality.

5. What to avoid

- 5.1 In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles:
 - (a) do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee.
 - (b) do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (c) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - (d) do not solicit any gift or hospitality and avoid giving any perception of doing so.
 - (e) do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- (i) from parties involved with the Council in a competitive tendering or other procurement process.
- (ii) from applicants for planning permission and other applications for licences, consents and approvals.
- (iii) from applicants for grants, including voluntary bodies and other organisations applying for public funding.
- (iv) from applicants for benefits, claims and dispensations.
- (v) from parties in legal proceedings with the Council.

5.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove corruption in relation to the receipt of a gift or hospitality from a person holding or seeking to obtain a contract from the Council.

5.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation. If you are in doubt about what is proper, there are three particular things you should bear in mind;

- ***DO err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept;***
- ***DO consult the Monitoring Officer or a Deputy Monitoring Officer if you are still unsure;***
- ***DO consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with this Protocol.***

6. Gifts and hospitality which need not be registered

There are some circumstances where you may accept gifts and hospitality without the need to register the gift or hospitality. Some situations will require the exercise of your personal judgement. You should always be cautious, when additional services, privileges or advantages are offered, which might be related to your position as a Member. Remember - always register a gift or hospitality if it could be perceived as something given to you because of your position.

- (i) Official hospitality such as a civic reception or a working/business lunch in Council owned premises or hosted elsewhere, by a partner organisation of the Council.
- (ii) Civic hospitality provided by another public authority.
- (iii) Refreshment in connection with any meeting in the course of your work as a member e.g. tea, coffee and other normal beverages and refreshments.
- (iv) Meals or refreshments funded by other public sector partners, as part of joint working/collaboration.
- (v) Meals or refreshments provided as part of a ceremony or event to promote/or launch a project or initiative.
- (vi) Meals or refreshments provided at design/progress meetings, by a consultant, contractor or advisor who is already appointed by the Council for that project, scheme or initiative.

- (vii) Drinks or other refreshment in the normal course of socialising arising consequentially from Council business e.g. inclusion in a round of drinks after a meeting.
- (viii) Small low value gifts, such as pens, calendars, diaries, flowers and other mementos and tokens.
- (ix) Gifts and hospitality arranged and paid for wholly by your own political party.
- (x) Gifts and hospitality not related or connected with your membership of the Council i.e. received by you outside the performance of your functions as a Member.
- (xi) Gifts and hospitality you may receive from family and friends e.g. birthday presents that are not related to your position as a Member.
- (xii) Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally e.g. a commemorative goblet for display in the Mayor's parlour.
- (xiii) Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw.
- (xiv) Gifts and hospitality which you do not accept (refer to the guidance in paragraph 7 of this Protocol).
- (xv) Gifts which you donate to the Mayor's charity, subject to you indicating this intention to the donor of the gift.
- (xvi) Gifts known to be available to all members of the Council e.g. badges and ties bearing the Council's coat of arms.
- (xvii) Souvenirs and gifts from other public bodies intended as personal gifts e.g. arising from town-twinning and other civic events.
- (xviii) Hospitality known to be available to all members of the Council e.g. Annual Meeting/Mayor making refreshments
- (xix) Hospitality ancillary to the Council business being conducted, such as an overnight stay for an 'away – day with a partner organisation of the Council'.
- (xx) Hospitality ancillary to attendance at conferences, seminars and courses where the hospitality is corporate, rather than personal.
- (xxi) Hospitality ancillary to attendance at functions where you represent the Council (opening ceremonies, public speaking events, conferences).
- (xxii) Hospitality ancillary to attendance as Mayor or Deputy Mayor, at charity events, garden parties, fetes, schools, concerts etc.
- (xxiii) Trips in the UK or abroad which are paid for by the Council or which involve reciprocity of payment with other local authorities, government bodies/ departments or outside bodies/organisations, together with any hospitality associated with such visits and available to all participants.

7. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined. When gifts or hospitality are declined, the offeror should be courteously but firmly informed of the procedures and standards operating within the Council.

8. Reporting of inappropriate gifts and hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you including repeated or persistent offers (even if declined). You may thereafter be required to assist the Police in providing evidence.

9. Overseeing this Protocol

The Standards Committee has responsibility for overseeing compliance with this guidance and allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

MEMBERS' QUESTIONS AND ANSWERS

Note: Council agreed that questions remaining to be dealt with at the end of the usual 30 minute period would be dealt with, if time permitted, after the debates on motions but before the conclusion of the meeting.

Questions 1-11 were accordingly answered during the normal question time period and questions 12- 18 were answered before the conclusion of the meeting.

1 DOG CONTROL – ENFORCEMENT

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor Andy Mann)

As the Council's Dog Control Order has been in place for over 18 months, would the Cabinet Member confirm how many members of staff are engaged in carrying out enforcement action and how many dog owners have been fined for allowing their dog to foul the footpath in each year since the order was introduced?

Answer:

There are currently five enforcement officers within StreetCare who deal with a wide range of enforcement issues including fly tipping, graffiti, fly posting, nuisance vehicles etc. Enforcing against dog owners who allow their dogs to foul the public highway was included within their remit when the Dog Control Order came into effect on 11 May 2009.

The Cabinet decision to adopt the Dog Control Order was taken on 17th September 2008, and the effective date was delayed due to the statutory requirement to publicise the order. A media campaign advertising the Order was launched on 3rd October 2008, which included the distribution of pooper-scoopers for dog owners which were available free of charge at Council offices and local vets.

In accordance with the StreetCare Enforcement Policy an approach of advice and warning has been adopted for this Order, before any formal enforcement action is taken by an officer.

Where residents are able to give an approximate time and location where offences have taken place, an enforcement officer will undertake surveillance but to date no offences have been witnessed and therefore no Fixed Penalty Notices have yet been issued.

However, officers have distributed advice letters in areas where dog fouling has been reported. Warning stickers have also been fixed to lamp columns in roads where dog fouling has been reported as a problem.

Supplementary question and answer

The Cabinet Member confirmed that dog owners should be responsible and remove deposits as they occurred. Prosecution was only feasible if an enforcement officer actually observed a dog fouling.

2 **DIFFERENCES IN GOVERNMENT GRANT ACROSS LONDON**

To the Leader of the Council (Councillor Michael White)

By Councillor Jeffrey Tucker

Council Leader, Councillor Michael White is also Deputy Leader of London Councils.

He said in Recorder article 'Crisis talks on grant increase' dated 15/12/09, "the Local Government finance system short-changes Havering and London and we will continue to lobby the Government for a fairer deal".

His statement reveals how Councillor White is compromised by holding these two posts, because there are vast differences in grant between London Councils! How can he represent the interests of (low-grant) Havering and (high grant) London Councils at the same time!

Or does he really believe that outer-London and inner-London Councils are all being treated unfairly by the Local Government finance system?

Answer:

My statement in the Recorder demonstrates that my position as Leader of the Council and Deputy Leader of London Councils are in fact entirely compatible. Being Deputy Leader of London Councils enables me not just to speak on behalf of all of London but also to speak up for Havering with both key regional and national decision-makers. I do not believe that all London Boroughs are unfairly treated by the finance system, however a large number of particularly outer London Boroughs are treated unfairly and as Deputy Leader of London Councils and Leader of an outer London Borough I was well placed to represent them to the Minister.

Supplementary question and answer

The Leader confirmed that, in his discussions with ministers, he represented not just Havering but a range of London Councils, many of which, like Havering, were "flooded". He was involved in a number of initiatives that would benefit Havering.

3 **SOCIAL FUND COLD WEATHER PAYMENTS**

To the Leader of the Council (Councillor Michael White)

By Councillor Keith Darvill

What representations have the Council made to the relevant Government Departments about the inconsistency of Cold Weather Payments in the RM Post Code areas?

Answer:

Officers in the Social Care and Learning department of the London Borough of Havering have spoken to the DWP to highlight the issues that the criteria for this national policy have caused locally. The Dept for Communities and Local Government have written to the London Borough of Havering following their fact finding visit here in November, to ask us to provide further evidence about our demographic pressures (as we have the oldest population in London) so that they can feed the information into the national funding formula calculations. This demonstrates a good example of how Havering can positively influence national policy.

Supplementary question and answer

The Leader agreed that the current system treated residents unfairly and he agreed that the relevant authorities should be lobbied to secure improvements.

4 MONITORING DECEPTION CRIME

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

By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor Linda Van den Hende)

The introduction of "no cold calling zones" was hailed by the Administration as a major weapon against deception crimes. Would the Cabinet Member confirm how the scheme has been monitored and by who?

Answer:

The first Cold Calling Zone was selected by Trading Standards following the analysis of the number of complaints received by the service and the number of distraction burglaries recorded by the Police.

Questionnaires were sent to residents in the zone to obtain their agreement for the introduction of the scheme.

The success of the cold calling zone was monitored again by Trading Standards, the Police and Community Safety for the reduction in distraction and doorstep crime in the zone.

Following on from the success of the first zone further areas were selected having regard to the level of doorstep crime.

This is an excellent example of partnership working between Council services and the Police in tackling crime amongst the more vulnerable members of our community

Supplementary question and answer

Proposals for extending the zones within the borough were under consideration and the Cabinet Member undertook to keep the questioner informed of progress.

5 RAINHAM VILLAGE CONSERVATION AREA: BUILDINGS OVER THREE STOREYS HIGH

To the Leader of the Council (Councillor Michael White)

By Councillor Jeffrey Tucker

Councillor White has previously promised to oppose buildings over three storeys high in the Rainham Village conservation area.

At the last full Council meeting I submitted a motion opposing high rise buildings in the Rainham Village conservation area. I made clear I was referring to buildings over three storeys high. This motion was passed unanimously.

A few days later at a Cabinet meeting, Councillor White said high rise meant over five storeys high.

High rise is not a technical term. It is open to interpretation.

Can Councillor White explain whether he was consciously renegeing on his promise when he supported my motion?

Answer:

I have not promised to oppose buildings over three storeys high. The motion Councillor Tucker submitted to the last full council did not contain a reference to buildings over three storeys high, to have done so would have prejudiced the Planning and Regulatory Services Committee.

The Local Development Framework clearly states that six storeys refers to a tall building and therefore we could not have a motion that bound the Council to three storeys as this would also be contrary to the legally binding LDF.

This Council and this Administration fully support and promote Rainham Village with its unique heritage, historical buildings, character and appearance and has been working hard to deliver for the people of Rainham.

Supplementary question and answer

The Leader confirmed that the proposals within Rainham Compass had been commented upon by the residents of Rainham, whose views were taken into account. Protection of the Rainham Village Conservation Area was an Administration priority.

6 **SNOW AND ICE CLEARANCE, AND SALTING AND GRITTING OF HIGHWAYS AND FOOTPATHS IN HAVERING**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Keith Darvill

What steps are being taken to review the Council's policies and contingency plans to deal with the impact of snow and ice and, in particular, the adverse affect on the Borough's highways and footpaths during the recent severe weather conditions?

Answer:

The Council's Winter Service Plan is annually reviewed, and will be reviewed again this summer with amendments made as required. Lessons learnt during the recent severe weather will be considered as part of that process, including the feasibility of putting more street grit bins out to facilitate pavement gritting.

Officers are currently working on the results that the recent severe weather has had on the condition of the boroughs roads, and will report their findings to Members in due course.

Whilst this work is underway routine safety surveys will continue as scheduled, and any defects that fall within the set criteria for action to be taken will have orders raised and repairs carried out.

Supplementary question and answer

The Cabinet Member confirmed that the recent conditions had been very unusual. Efforts had been concentrated on keeping priority routes and locations clear. Planning for future years would take account of the experience of this year.

7 **LIVING NEWSPAPER – GROSS COST, 2009/10**

To the Leader of the Council (Councillor Michael White)
By Councillor Clarence Barrett

Would the Leader set out the full 2009/10 gross cost (broken down by staff, support, materials, distribution and other) in respect of the *Living* newspaper?

Answer:

The Council's set budget for *Living* is £95,500. That budget covers the cost of producing *Living* - including staff, print costs, materials and distribution costs. Clearly the gross costs are considerably higher than £95,500, so *Living* needs to offset these costs with advertising in order to balance its budget.

I am very pleased to tell Cllr Barrett that this year, the income from advertising has exceeded all expectations. Based on income to date, it is projected that the budget for *Living* will be underspent by around £50,000, and so this year's actual cost for producing and distributing *Living* every fortnight will be less than £50,000.

Supplementary question and answer

The Leader reaffirmed that *Living* was delivered to residents free of charge.

8 **REFUSE COLLECTION – DISRUPTION IN RECENT BAD WEATHER**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)
By Councillor Linda Hawthorn

While refuse collections were understandably disrupted during the recent spell of bad weather, would the Cabinet Member state why the collections schedule was brought forward in early January (superseding the Xmas/new year schedule) and what measures were taken to inform residents of the late changes?

Answer:

Due to the adverse weather conditions refuse collections were suspended from Thursday 7 January through to Saturday 9 January (Saturday working was part of the publicised Christmas and New Year catch up plan).

Normal schedules were already delayed by two days because of the Christmas and New Year Holidays and large numbers of bags had already been placed on the public highway, in anticipation of collection, when the snow and ice made continuing the service highly dangerous. Instead of attempting to catch up in line with the revised schedule the decision was taken to revert to normal collection days from Monday 11 January in order to remove these potential trip hazards as quickly as possible.

It was not possible to notify everybody of the changes to the revised schedule at such late notice however the change of plan was publicised in the local media, on the Council's website and broadcasts were made on a local radio station by the Head of StreetCare. The call centre team were also informed of the changes and all Councillors were notified via e mail.

It was acknowledged that the change of plan would cause some disruption and result in some collections being missed however Biffa were able to return to a large number of roads where residents had contacted the call centre to say they had missed their collections because they were unaware of the changes to the originally publicised schedule.

When we publicise the revised Christmas collection dates in future we will advise residents to check the Councils web site or contact the call centre in the event of severe weather for updates on any changes to the planned schedule.

Supplementary question and answer

The Cabinet Member added that the intention had been to minimise the number of Council vehicles on the road during a difficult period.

9 **COMPLAINTS ABOUT STREETCARE SERVICES**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor)

Would the Cabinet Member confirm the number of complaints/service requests received from the public by StreetCare on a year-by-year basis since 2002?

Answer:

The number of service requests logged on the CRM system in:

2003 - 28,909
2004 - 29,014
2005 - 33,861
2006 - 41,744
2007 - 43,241
2008 - 34,085
2009 - 34,697

CRM was introduced into StreetCare in 2003, so I am unable to provide the Member with comparable information for 2002. I can only provide data on corporate complaints from September 2008 when the Corporate Complaints system was introduced:

September 2008 to December 2008 - 63
2009 – 515

Supplementary question and answer

The Cabinet Member undertook to provide a breakdown of the figures ward-by-ward, if possible.

10 **FIXED PENALTY NOTICES**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Clarence Barrett

Would the Cabinet Member state how many Fixed Penalty Notices have been issued in each of the last two years, and 2009/10 to date for each of the following offences?

- a) Depositing materials on a public highway
- b) Skips on Highway without permit
- c) Erecting scaffolding without permit

Answer:

The provision for enforcing against these activities is included in section 64 of the Traffic Management Act 2004. However this particular section of the Act is yet to be bought into

force and therefore the Authority is, at present, unable to issue Fixed Penalty Notices for this kind of activity.

Supplementary question and answer

The Cabinet Member confirmed that the measures would be implemented as soon as practicable.

11 **TOWN TWINNING COSTS**

To the Leader of the Council (Councillor Michael White)

By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor Andy Mann)

Would the Cabinet Member confirm the cost of the twinning arrangements with Ludwigshafen and Hesdin over each of the past 4 years?

Answer:

The costs were:

2006 - 2007 £11,962.73 - the high costs relate to the 35th anniversary celebrations of town twinning with Ludwigshafen, which meant the delegations were larger than usual

2007 - 2008 £2,673.05

2008 - 2009 £7,067.63

2009 to date £1,871.64

Town Twinning has been a valuable undertaking for this borough for decades. The expenditure is not huge and the links we have made in France and Germany are of real benefit to the borough, as they allow us the chance to see first hand how local authorities in Europe are dealing with the issues that affect us all.

12 **POTHoles IN ROADS FOLLOWING THE RECENT BAD WEATHER**

To the Cabinet Member for StreetCare (Councillor Barry Tebutt)

By Councillor Linda Hawthorn

In view of the recent 'freeze and thaw' and the subsequent increase in potholes on the borough's carriageways, would the Cabinet Member confirm the current level of funding and the estimated cost of repair at year-end?

Answer:

The current budget for carriageway patching is £597,170 at present. Officers are estimating additional costs due to the recent inclement weather and if additional funding is required an application will be made to the contingency fund.

Supplementary question and answer

The Cabinet Member was unable to provide indicative costs of the work as surveys were still in hand. Funding was being investigated and the contractors were also being consulted.

- 13 **PRUDENTIAL BORROWING – INTEREST CHARGES**
To the Cabinet Member for Finance & Commerce (Councillor Eric Munday)
By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor Andy Mann)

Would the Cabinet Member confirm the interest charges payable of Prudential borrowing since May 2006?

Answer:

The costs of prudential borrowing for the last 3 financial years are as follows: -

2006/7	£156k
2007/8	£248k
2008/9	£201k

The amounts incurred for each year include an interest charge and a revenue provision set aside for the repayment of the principal.

In 2006/07 and 2007/08 the costs largely relate to Education and in 2008/09 single status - this is the main reason for the much higher level of costs in that year. The costs of borrowing are expected to increase during 2009/10 due to the funding of initiatives such as the highways improvement programme, Harold Hill and the central depot re-provision.

Supplementary question and answer

The Cabinet Member reported that prudential borrowing was not related to any particular project.

- 14 **PAYMENT OF COUNCIL TAX BY DIRECT DEBIT – new arrangements**

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

By Councillor Clarence Barrett

In respect of council tax payments made by Direct Debit, would the Cabinet Member state when the new direct debit arrangements were set up and when residents were informed of this change?

Answer:

As part of the Council's drive to become more efficient the Council has recently gone live with paperless direct debit enabling customers to set up direct debits over the telephone. In order to achieve this all existing direct debit payers were migrated to a new Originator's Identification Number (OIN) and the banks advised accordingly. This process began on 24 December 2009 and is due to finish on 1 February 2010.

Although this process does not involve direct debit payers making any changes to their arrangements with the Council, we are required to notify customers that there has been an amendment to their direct debit instruction due to the change in OIN. Letters were sent to all direct debit payers during the week commencing 11 January 2010.

Direct debit collections are due to start under the new OIN with effect from 1 February 2010.

Supplementary question and answer

The Cabinet Member undertook to advise the questioner why letters had not begun to go to residents until 11 January when the changes had begun several weeks earlier.

15 **PARKING TICKETS SINCE 2002**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Ray Morgon (in Councillor Morgon's absence, the question was asked by Councillor Barbara Matthews)

Would the Cabinet Member confirm the number of parking tickets issued in each year since 2002 and the number that have actually paid?

Answer:

The number of penalty charge notices issued for each of the financial years was:

2002/03 - 47,057
2003/04 - 43,574
2004/05 - 37,944
2005/06 - 39,222
2006/07 - 39,362
2007/08 - 48,622
2008/09 - 42,197
2009/10 (to 24 January 2010) - 34,833

The number of penalty charge notices paid in each financial year was:

2002/03 - 33,571
2003/04 - 30,311
2004/05 - 28,341
2005/06 - 29,174
2006/07 - 27,430
2007/08 - 34,410
2008/09 - 28,253
2009/10 (to 24 January 2010) - 27,304

Supplementary question and answer

The Cabinet Member undertook to provide the questioner with figures relating to the number of penalty charge notices overturned on appeal.

16 **FIXED PENALTY NOTICES ISSUED BY CCTV CARS**

To the Cabinet Member for StreetCare (Councillor Barry Tebbutt)

By Councillor Andy Mann

How many Fixed Penalty Notices have the CCTV cars issued to date this year (2009/10)?

Answer:

For the period 1 April 2009 to 25 January 2010 the total number of FPNs issued by the two CCTV cars was 16,436.

17 **STAFF ATTENDANCE DURING RECENT BAD WEATHER**

To the Leader of the Council (Councillor Michael White)

By Councillor Linda Hawthorn

During the recent spell of bad weather, would the Leader state how many staff were unable to attend their place of work and what measures are in place to assist with unavoidable non-attendance?

Answer:

Large numbers of staff did attend work during the recent cold spell. As 70% of our workforce live in the Borough, this made it easier for staff to get into work. We do not have records which show how many staff were unable to attend their place of work. However, the Council has been implementing a range of measures, as part of the COPS strategy and also business continuity plans, which enables staff to work remotely and flexibly at all times. As stated, there is not a central record of individual working arrangements during this period but there is no evidence that the weather impacted on the Council's ability to deliver services to our residents.

The Leader asked that his thanks to staff who attended work during the periods in question be recorded.

- 18 **PAYMENT OF COUNCIL INVOICES - small/medium businesses**
To the Cabinet Member for Finance & Commerce (Councillor Eric Munday)
By Councillor Clarence Barrett

Would the Cabinet Member state the turnaround period (in days) of invoices paid to small/medium businesses by Havering Council for 2009/10?

Answer:

98% of invoices are paid within 30 days and 67% within 10 days.

Payment to SME's is not separately monitored due to the difficulty in establishing and identifying SME's and the significant resource implications this would have. However, service managers are aware of the need for prompt payment to this sector and as such process any relevant invoices as quickly as possible.

VOTING RECORD

<i>DIVISION NUMBER:</i>	1	2
The Mayor [Cllr. Roger Ramsey]	✓	✓
The Deputy Mayor [Cllr. Melvin Wallace]	✓	✓
<u>CONSERVATIVE GROUP</u>		
Cllr. Michael White	✓	✓
Cllr. Gary Adams	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	✓	✓
Cllr. Roger Evans	✓	✓
Cllr. Christine Fox	✓	✓
Cllr. Mark Gadd	✓	✓
Cllr. Georgina Galpin	✓	✓
Cllr. Peter Gardner	✓	✓
Cllr. Kevin Gregory	✓	✓
Cllr. Lesley Kelly	✓	✓
Cllr. Steven Kelly	✓	✓
Cllr. Pam Light	✓	✓
Cllr. Robby Misir	✓	✓
Cllr. Eric Munday	✓	✓
Cllr. Barry Oddy	✓	✓
Cllr. Frederick Osborne	✓	✓
Cllr. Paul Rochford	✓	✓
Cllr. Geoffrey Starns	✓	✓
Cllr. Barry Tebbutt	✓	✓
Cllr. Frederick Thompson	✓	✓
Cllr. Lynden Thorpe	✓	✓
Cllr. Keith Wells	✓	✓
Cllr. Steve Whittaker	✓	✓
<u>RESIDENTS' GROUP</u>		
Cllr. Clarence Barrett	✓	✗
Cllr. June Alexander	✓	✗
Cllr. Gillian Ford	✓	✗
Cllr. Linda Hawthorn	✓	✗
Cllr. Andrew Mann	✓	✗
Cllr. Barbara Matthews	✓	✗
Cllr. Raymond Morgon	A	A
Cllr. John Mylod	✓	✗
Cllr. Patricia Mylod	✓	✗
Cllr. Linda van den Hende	✓	✗
Cllr. Mike Winter	A	A
Cllr. John Wood	✓	✗
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>		
Cllr. Jeffery Tucker	✗	✗
Cllr. Michael Deon Burton	✗	✗
<u>LABOUR GROUP</u>		
Cllr. Keith Darvill	O	✗
Cllr. Tom Binding	O	✗
<u>RAINHAM RESIDENTS' GROUP</u>		
Cllr. Mark Stewart	O	✗
Cllr. Coral Jeffrey	O	✗
<u>Liberal Democrat Member</u>		
Cllr. Jonathan Coles	O	✗
<u>British National Party Member</u>		
Cllr. Mark Logan	✗	✗
TOTALS		
YES	42	32
NO	3	18
ABSTAIN/NO VOTE	5	0
DECLARATION OF INTEREST/NO VOTE	0	0
ABSENT FROM MEETING	3	3
	53	53
One seat vacant		

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

2010/11 COUNCIL TAX PROPOSAL

ADMINISTRATION PROPOSAL	Estimate 2010/11 £	Band D Rate 2010/11 £	
Expenditure			
Precepts			
London Borough of Havering	106,588,543		
Greater London Authority	27,630,367		
Contribution to NNDR Pool	67,514,299		
Cost of NNDR collection	<u>281,313</u>		
	202,014,522		
Income			
NNDR receivable	<u>-67,795,612</u>		% Decrease
Council Tax per Band D property	<u>134,218,910</u>	1,505.00	-0.4%

RA PROPOSAL	Estimate 2010/11 £		
Expenditure			
Precepts			
London Borough of Havering	106,488,543		
Add contingency adjustment*	10,800		
Greater London Authority	27,630,367		
Contribution to NNDR Pool	67,514,299		
Cost of NNDR collection	<u>281,313</u>		
	201,925,322		
Income			
NNDR receivable	<u>-67,795,612</u>		% Decrease
Council Tax per Band D property	<u>134,129,710</u>	1,504.00	-0.5%

<u>RA Budget Calculation</u>	
Administration LBH Budget	106,588,543
RA LBH Amendments (see summary)	<u>-100,000</u>
RA LBH Budget	106,488,543

Band D Rate in 2009/10	1,511.00
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* Note - This figure represents an adjustment of £10,800 to the contingency sum shown in the Administration proposals to achieve a whole pounds Council Tax Band D figure. The revised contingency sum would therefore become £2,010,800. This adjustment is consistent with rec. 13 of the report to Cabinet 10th Feb 2010.

RA BUDGET AMENDMENTS 2010/11 SUMMARY OF PROPOSALS

		2010/11 £'000
SAVINGS		
RA1s	Corporate Consultancy	-50
RA2s	Civic Pride	-86
RA3s	Furniture & Equipment	-100
RA4s	Publicity/Information/Communications	-55
RA5s	Special Responsibility Allowances	-164
RA6s*	Capitalise Book Fund	-150
RA7s	Graffiti Removal	-50
		-655
 PRESSURES		
RA1p	Historic Buildings	20
RA2p	Car Parking	250
RA3p	Tree Management	75
RA4p	StreetCare - Roads/Pavements	200
RA5p	School Uniform Grants	10
		555
 NET SAVINGS:		-100

*Options RA6s would be set against the additional £8m capital programme for 2010/11

RA BUDGET AMENDMENTS 2010-11

SAVINGS

Ref	Description	2010/11 £'000
RA1s	<p>Corporate Consultancy <i>Increase saving in corporate consultancy from £100k to £150k. Demand beyond the remaining £50k budget to be met from existing resources/strategic reserve</i></p>	-50
RA2s	<p>Civic Pride <i>Delete £86k (from £150k budget pressure agreed in 2008/09) Sufficient budgetary provision (@£1m) exists to promote awareness of the Council and other services. Civic Pride is better enhanced through greater enforcement against environmental offences and anti-social behaviour.</i></p>	-86
RA3s	<p>Furniture & Equipment <i>10% efficiency cut on budget across Council by deferring non-essential expenditure for one year only.</i></p> <p><i>Based on 2009/10 budget of £1.002k</i></p>	-100
RA4s	<p>Publicity/Information/Communications <i>Efficiency savings in supplies/services and associated costs.</i></p> <p><i>Better use of website for publicity & information in delivering communications. Review of Living Newspaper.</i></p> <p><i>A full review of the structure of the Communications Service will be undertaken to identify future efficiencies and cost reductions.</i></p> <p><i>Based on overall budget of £1m including £325k in 2009/10 for supplies and services.</i></p>	-55
RA5s	<p>Special Responsibility Allowances <i>Reduction to allowances for Cabinet, Overview & Scrutiny and other committee positions by reviewing structure and streamlining number of positions</i></p> <p><i>Subject to Council agreement.</i></p>	-164
RA6s	<p>Partial Capitalisation of Library Book Fund <i>Total revenue budget for book fund = £289k, £150k of which to be funded from capital for one year only</i></p>	-150

RA7s	Graffiti Removal (Probation Links) <i>Increased usage of probation service to undertake programmed graffiti removal in the community</i>	-50
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TOTAL PROPOSED SAVINGS:

-655

RA BUDGET AMENDMENTS 2010-11

PRESSURES

Ref	Description	2010/11 £'000
RA1p	<p>Historic Buildings in Havering <i>This represents a 25% increase in resources to support the upkeep and maintainance of Historic Buildings in Havering</i></p>	20
RA2p	<p>Reinstate free car parking in our outlying centres <i>To respond to resident and trader demand for the return of free parking to promote and stimulate local economies and enhance resident convenience. Figure reflects timescales involving legal notices and consultation process which would need to be put into place.</i></p>	250
RA3p	<p>Tree Management - Area Based Response Teams <i>Initial roll out of area based response teams dealing with feathering and minor tree works. Funding for staff and associated equipment.</i></p>	75
RA4p	<p>StreetCare - Additional Road & Pavement Repairs <i>Increased funding to deal with pot-holes and pavement defects on a priority response basis.</i></p>	200
RA5p	<p>Introduce enhanced facility for School Uniform Grants <i>Central fund accessible by schools to provide support for families unable to provide adequate uniform</i></p>	10
TOTAL PROPOSED PRESSURES:		555

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Havering
LONDON BOROUGH

COUNCIL

24 February 2010

<p>SECOND SUPPLEMENTARY AGENDA</p>

**7 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING
PROCESS 2010-13: 2010/11 BUDGET**

**7A1 Advice on amendment to budget proposals by the Residents'
Group**

The response of the Chief Finance Officer on the implications of the Residents' Group proposals is attached.

8 MEMBERS' ALLOWANCES

8A Amendment on behalf of the Residents' Group

- 1 That the table of allowances within the report be amended so far as concerns the allowances indicated in the table attached.
- 2 That the Group Director, Finance and Commerce, and Assistant Chief Executive be authorised to make such consequential adjustments to the Members' Allowances Scheme as are necessary in order to give effect to the attached table of allowances.

Proposed amendments to Members Allowance Scheme 2010/11

	£
Cabinet Members	25,000
Overview & Scrutiny Committees Chairmen	10,000
Audit, Pensions Chairmen	10,000
Leader	45,000
Deputy Leader	30,000
Licensing Chairman	10,000
Licensing Vice Chairmen	4,260



Havering
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COUNCIL 24 February 2010

SUPPLEMENTARY REPORT

7 DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2010-13: 2010/11 BUDGET

7A1 Response to Residents' Group Amendments

ADVICE IN RESPECT OF RESIDENTS GROUP BUDGET AMENDMENTS

The Council Procedure Rules state (Constitution, Part 4 Rules of Procedure, rules 13.8 (vi) and 13.9 (ii) respectively):

“Any amendment to the Council Tax and budget must be specified in sufficient detail to show the service, financial and staffing effects of any proposals in order that staff may report to the Council on the likely effect of the amendment upon the budget.”

“Amendment to a motion/report on the annual Council Tax setting must be submitted no later than midnight on the Thursday before the Council Tax setting meeting and must be such that it would, if passed, enable a robust budget to be set in the view of the Chief Financial Officer”.

These amendments are acceptable for consideration in accordance with the Procedure Rules as stated above subject to Council having regard to the comments set out below.

The impact of the proposal would be a Council Tax at Band D as follows:

Council Meeting (Council Tax), 24 February 2010

	£	%
Havering	1,194.18	-0.58%
GLA	309.82	0.00%
Total	1,504.00	-0.46%

If the budget amendment was agreed, the Council resolution would need to be amended accordingly.

On specific matters:

- (i) Corporate consultancy: this is a potential budget risk, as the proposed budget already includes a reduction of 50%. Individual services are unlikely to have the capacity to fund consultants within existing resources, and the strategic reserve is only available on a one off basis. So once spent, this would be exhausted. The budget remaining is intended for ongoing needs for consultancy support
- (ii) Civic Pride: this budget provision funds the Better Together campaign that supports the Council's agenda to make the borough cleaner, safer and greener. It also funds initiatives to support local residents and businesses cope with the recession and build social cohesion through a number of events and consultation exercises. The removal of the Civic Pride budget would make it necessary to consider curtailing campaigns and marketing activity and to cease/scale back other events and activities. The use of other, existing budgets to promote awareness would necessitate similar measures, or other service reductions.
- (iii) Furniture & equipment: a £500k efficiency saving, relating to housekeeping, including furniture and equipment, was included in the base budget for 2009/10. A further increase of £100k, even if only for one year, is high risk as it is potentially not sustainable. There is also a risk of overlap with the Corporate Office Property Strategy, where savings are being assumed as part of the move to new accommodation. The budget is also used to fund a range of expenditure, ranging from office furniture, operational equipment, street furniture and bridge maintenance. It may therefore be necessary to reduce spend on all these areas to achieve the saving.
- (iv) Publicity and Information: the budget for the communications service includes the maintenance and consumables for the Council's corporate print unit, as well as covering the website, internal communications, media relations, corporate design, campaigns and marketing activity and Living. The budget for statutory advertising had already been reduced in 2008/09 to achieve efficiency via use of the website and Living.
- (v) Special Responsibility Allowances: should the amendment be approved, Council will need to consider an amendment to the Members' Allowance

Council Meeting (Council Tax), 24 February 2010

Scheme that appears elsewhere on this agenda. This is to ensure that the Scheme reflects the proposals and delivers the proposed reduction.

It is important to also note the following:

- (a) The budget for the Members' Allowance Scheme is set at a level that assumes a certain level of dual roles. Where this is not the case and additional provision is required, it is met from contingency. Recent years have resulted in this being the case. The proposals therefore will not reduce the budget but would have to be met from the contingency, therefore reducing the level of contingency, which has been created to address a number of risks as set out in the budget robustness report.
- (b) In October 2001, the Council accepted the principle of aligning Havering's Members' Allowance Scheme with the recommendations of the Independent Remuneration Panel. There followed a further review in December 2006 which the Council used to inform the current Members' Allowance Scheme. This included due regard, when setting Special Responsibility Allowances, to the bandings suggested for remuneration of positions. Any changes to the Scheme would therefore need to reflect this principle.
- (vi) Book fund: the Council already capitalises some of the library book fund, and has for several years, however it may be more difficult to capitalise any more. In addition, this is a one-off saving that would have to be reversed the following year. This will create budgetary problems and may provoke some comment from the Council's auditors on successive changes of accounting policy. Capitalisation would be subject to the identification of capital resources, which may have already been approved for other priorities.
- (vii) Graffiti Removal: previous attempts have been made to introduce such a service with the Probation Service, and these have been unsuccessful. Discussions have continued and, although there are prospects of delivering a service this way in future, this would clearly be a high risk, and if it is not possible to reach agreement, alternative savings would need to be found.
- (viii) Historic Buildings: a process for allocating the budget would need to be established.
- (ix) Car Parking: figures collated by CIPFA indicate that the net position in Havering shows the highest net spend on car parking across London. In broad terms, Havering is the only London borough that does not generate a surplus (ie net income) from parking services. The car parking strategy also enables income from parking to be reinvested in improvements to the borough's car parks. There are also costs and timescales associated with implementing this proposal, which are likely to impact on the savings that could be achieved in the first year.

Council Meeting (Council Tax), 24 February 2010

- (x) Tree Management: the proposal is to implement an initial pilot service based on rapid response units, and then to consider a fuller roll out. Expansion of the programme in future years would have to be met from growth as part of the budget setting process. This may therefore necessitate corresponding savings being identified to offset the expansion of the service.
- (xi) StreetCare: road & pavement repairs: a system would need to be devised to identify priority works before any programme could be implemented.
- (xii) School Uniforms: from April 2007, the policy for school uniform grants changed to one of approval in “exceptional circumstances” only. The circumstances in which uniform grants (£72 each) have been awarded include cases of extreme hardship confirmed by social workers: bullying: and instances of domestic violence where the children have been moved around schools. The proposal would necessitate a review of the policy to determine any allocation of funds and it would be necessary to consult on any such proposals prior to implementation. It would also be necessary to consult schools on the proposed criteria. The costs are relatively low and are currently being contained within the Children's Services budget.

As a general issue, using one off savings (such as those proposed for libraries and furniture) to meet ongoing saving commitments is not a sound budget setting practice, without a plan to meet the ongoing commitment. It is the same in reality as using reserves, which the Council's financial strategy does not allow. It will be necessary to have plans in place to compensate for the removal of those savings as part of the budget build process for 2011-12, but nothing has currently been identified to do so.

These proposals marginally affect the Council Tax level and the savings have varying degrees of risk attached. This does mean that, should the amendment be accepted, the overall budget will have a slightly higher risk associated with it. The amendments themselves represent a marginal adjustment to the council's overall budget. Members are, however, reminded of the risks, and the advice of the Chief Finance Officer on budget robustness, which are set out in the budget report.