

COUNCIL SUPPLEMENTARY AGENDA

13 June 2012

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

3 MINUTES (Pages 1 - 28)

To sign as true records the minutes of the Extraordinary Meeting and of the Annual Meeting of the Council, both held on 23 May 2012 (attached)

8 MEMBERS' CODE OF CONDUCT (Pages 29 - 38)

To consider a report of the Governance Committee (the Mayor has agreed to the late submission of this report as the Committee will not meet until after the publication of this agenda)(attached)

Note: amendments to this report may be submitted at any time prior to debate at the meeting

9 AMENDMENTS TO THE CONSTITUTION (Pages 39 - 46)

To consider a report of the Governance Committee (the Mayor has agreed to the late submission of this report as the Committee will not meet until after the publication of this agenda)(attached)

Note: amendments to this report may be submitted at any time prior to debate at the meeting

**Ian Burns
Acting Assistant
Chief Executive**

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MINUTES OF AN EXTRAORDINARY MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF HAVERING

Havering Town Hall, Romford
25 May 2011 (7.30 p.m. – 7.50p.m.)

Present: The Mayor (Councillor Melvin Wallace) in the Chair

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeff Brace, Denis Breading, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, Andrew Curtin, Keith Darvill, Osman Dervish, Nic Dodin, David Durant, Brian Eagling, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Murray, Barry Oddy, Denis O'Flynn, Fred Osborne, Ron Ower, Gary Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Billy Taylor, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffery Tucker, Linda Van den Hende, Melvin Wallace, Keith Wells, Damien White, Michael White and John Wood

Colonel Markham Bryant DL, Hon. Aldermen Ivor Cameron (accompanied by Eileen Cameron), Graham Price and Louise Sinclair, former Mayors John Clark (accompanied by Pat Clark) and Maisie Whitelock, Major Martin Melia of the Royal Anglian Regiment and approximately 40 Civic and Members' guests, members of public and press also attended.

Apologies were received for the absence of Councillors Ted Eden, Mark Logan, Paul McGeary, Fred Osborne and Keith Wells.

The Reverend David Marshall, Area Dean of Havering, opened the meeting with prayers.

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

98 **AWARDS FOR EMINENT SERVICE TO THE BOROUGH**

The Leader of the Council (Councillor Michael White) proposed that the Honorary Freedom of the borough be conferred upon David King, of the Royal British Legion, Hornchurch Branch, in recognition of his service to the community and, in particular to former servicemen and servicewomen.

Councillor John Mylod seconded the proposal, which was also supported by Councillors Georgina Galpin and Jeffrey Tucker, and greeted with general applause.

The proposal was **UNANIMOUSLY AGREED**, by 49 votes to 0 (see voting division 1) and it was **RESOLVED**:

To confer upon Mr David King the Honorary Freedom of the Borough.

The Mayor then congratulated Mr King, and presented to him the Badge and Grant of the Freedom.

Councillor Keith Darvill proposed that the Honorary Freedom of the borough be conferred upon Mr Paul Binder, Band Director of the Romford Drum & Trumpet Corps, in recognition of his service to the borough through the Corps, which had an international profile.

Councillor Dennis O'Flynn seconded the proposal, which was also supported by Councillors Jeffrey Tucker, Osman Dervish, Georgina Galpin, Clarence Barrett, Pam Light, John Mylod and Michael White, Leader of the Council.

The proposal was **UNANIMOUSLY AGREED**, by 49 votes to 0 (see division 2) and it was **RESOLVED**:

To confer upon Mr Paul Binder the Honorary Freedom of the Borough.

The Mayor then congratulated Mr Binder and, to Members' applause, presented to him the Badge and Grant of the Freedom.

99 **PRESENTATION TO MAYOR'S CADET**

The Mayor made a presentation to the third Mayor's Cadet of Havering, Cadet Corporal James Roomes, of 452 (Hornchurch) Squadron, Air Training Corps, and thanked him for his services during the Mayoralty.

Mayor
13 June 2012

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

<i>DIVISION NUMBER:</i>	1	2
The Mayor [Cllr. Melvin Wallace]	✓	✓
The Deputy Mayor [Cllr. Lynden Thorpe]	✓	✓
<u>CONSERVATIVE GROUP</u>		
Cllr. Michael White	✓	✓
Cllr. Michael Armstrong	✓	✓
Cllr. Robert Benham	✓	✓
Cllr. Becky Bennett	✓	✓
Cllr. Sandra Binion	✓	✓
Cllr. Jeff Brace	✓	✓
Cllr. Wendy Brice-Thompson	✓	✓
Cllr. Dennis Bull	✓	✓
Cllr. Andrew Curtin	✓	✓
Cllr. Osman Dervish	✓	✓
Cllr. Ted Eden	A	A
Cllr. Roger Evans	✓	✓
Cllr. Georgina Galpin	✓	✓
Cllr. Peter Gardner	✓	✓
Cllr. Lesley Kelly	✓	✓
Cllr. Steven Kelly	✓	✓
Cllr. Pam Light	✓	✓
Cllr. Robby Misir	✓	✓
Cllr. Eric Munday+A56	✓	✓
Cllr. Barry Oddy	✓	✓
Cllr. Frederick Osborne	A	A
Cllr. Gary Pain	✓	✓
Cllr. Roger Ramsey	✓	✓
Cllr. Paul Rochford	✓	✓
Cllr. Geoffrey Starns	✓	✓
Cllr. Billy Taylor	✓	✓
Cllr. Barry Tebbutt	✓	✓
Cllr. Frederick Thompson	✓	✓
Cllr. Linda Trew	✓	✓
Cllr. Keith Wells	A	A
Cllr. Damian White	✓	✓
<u>RESIDENTS' GROUP</u>		
Cllr. Clarence Barrett	✓	✓
Cllr. June Alexander	✓	✓
Cllr. Nic Dodin	✓	✓
Cllr. Brian Eagling	✓	✓
Cllr. Gillian Ford	✓	✓
Cllr. Linda Hawthorn	✓	✓
Cllr. Barbara Matthews	✓	✓
Cllr. Ray Morgon	✓	✓
Cllr. John Mylod	✓	✓
Cllr. Ron Ower	✓	✓
Cllr. Linda Van den Hende	✓	✓
Cllr. John Wood	✓	✓
<u>LABOUR GROUP</u>		
Cllr. Keith Darvill	✓	✓
Cllr. Denis Breading	✓	✓
Cllr. Paul McGeary	A	A
Cllr. Pat Murray	✓	✓
Cllr. Denis O'Flynn	✓	✓
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>		
Cllr. Jeffery Tucker	✓	✓
Cllr. Michael Deon Burton	✓	✓
Cllr. David Durant	✓	✓
Cllr. Mark Logan	A	A
TOTALS		
✓ = YES	49	49
X = NO	0	0
O = ABSTAIN/NO VOTE	0	0
ID = DECLARATION OF INTEREST/NO VOTE	0	0
A = ABSENT FROM MEETING	5	5
	54	54



**MINUTES OF THE ANNUAL MEETING OF THE
COUNCIL OF THE LONDON BOROUGH OF
HAVERING**

**Havering Town Hall, Romford
23 May 2012 (7.50 p.m. – 9.50p.m.)**

Present: The Mayor (Councillor Melvin Wallace) in the Chair at the beginning of the meeting

Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeff Brace, Denis Breading, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, Andrew Curtin, Keith Darvill, Osman Dervish, Nic Dodin, David Durant, Brian Eagling, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Murray, Barry Oddy, Denis O'Flynn, Fred Osborne, Ron Ower, Gary Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Billy Taylor, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffery Tucker, Linda Van den Hende, Melvin Wallace, Keith Wells, Damien White, Michael White and John Wood

Colonel Markham Bryant DL, Hon. Aldermen Ivor Cameron (accompanied by Eileen Cameron), Graham Price and Louise Sinclair, former Mayors John Clark (accompanied by Pat Clark) and Maisie Whitelock, Major Martin Melia of the Royal Anglian Regiment and approximately 40 Civic and Members' guests, members of public and press also attended.

Apologies were received for the absence of Councillors Ted Eden, Mark Logan, Paul McGeary, Fred Osborne and Keith Wells.

The meeting closed with the singing of the National Anthem.

1 MAYORALTY

Motion on behalf of the Conservative Group

That Councillor Lynden Thorpe be elected Mayor for the Municipal Year 2012/13.

The Conservative Group proposal was **AGREED** without a vote. It was, therefore, duly **RESOLVED**:

That Councillor Lynden Thorpe be elected Mayor for the Municipal Year 2011/2012

Councillor Lynden Thorpe, having made the Declaration of Acceptance of Office of Mayor as required by the Local Government Act 1972, then took the Chair and thanked the Council for the honour conferred upon her. The Mayor indicated that her Consort would be **David Thorpe**.

The Leader of the Council and other Members expressed the thanks of the Council to Councillor Melvin Wallace for his services in 2011/12. Councillor Wallace suitably replied.

2 DEPUTY MAYOR - Appointment

In accordance with the Local Government Act 1972, the Mayor signified in writing his appointment of **Councillor Eric Munday** as Deputy Mayor for the ensuing year and to carry out the duties of the Mayor in case of the Mayor's illness or absence.

Councillor Munday made the Declaration of Acceptance of Office accordingly. The Mayor indicated that the Deputy Mayoress for the year would be **Peggy Munday**.

3 MINUTES

It was **RESOLVED:**

That the minutes of the meeting of the Council held on 28 March 2012 be signed as a true record.

4 DECLARATIONS OF INTEREST

The Members present named in minutes 3, 4 and 10 (the Mayoralty and various Committee Chairmanships) who were candidates for offices attracting a Special Responsibility Allowance, each declared a personal interest under paragraph 8 of the Members' Code of Conduct as, if elected, they would benefit from the Members' Allowance Scheme 2012.

5 ANNOUNCEMENTS BY MAYOR AND BY CHIEF EXECUTIVE

The Mayor made the following announcements:

May I take the opportunity to thank the Council for conferring on me the great honour of being Mayor Havering?

I look forward to my year in office and to serving the Council and the people of the borough and I will wear my Badge of Office with immense pride, as my father and my grandfather have done before me in 1951 and 1931 respectively.

My charities for the coming year will be St Francis Hospice, helping to establish the Havering Autism Centre and the work of the Havering Theatre Trust.

There were no announcements by the Chief Executive on this occasion.

6 APPOINTING THE COMMITTEES OF THE COUNCIL

There was before Council a report of the Chief Executive concerning the appointment of the Committees of the Council, and advising upon political balance issues. The report referred in particular to the consequences of the repeal of the legislation requiring appointment of a Standards Committee.

The report was **AGREED** without debate or division and it was **RESOLVED**:

That:

- (1) **The Committees listed in Appendix 1 be appointed for the 2011/12 Municipal Year.**
- (2) **Those Committees be appointed with:**
 - (a) **the membership sizes and**
 - (b) **the political balance****indicated in Appendix 1**
- (3) **The voting co-optees, the two representing Church of England and Roman Catholic interests and the three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Children's Services Overview and Scrutiny Committee.**
- (4) **The other non-elected member "appointments" and invitations to attend shown in Appendix 1 of the report submitted be confirmed.**
- (5) **The Standards Committee (including the three Independent Members appointed to it [Jack Knowles, Tracey Moran and Kevin Madden], notwithstanding the expiration of their original terms of office) continue in existence beyond 30 June 2012 for so long only as is necessary to deal with any investigation then incomplete and**

- (a) that the current Chairman (Jack Knowles) and Vice-Chairman (Tracey Moran), both Independent Members, continue in office until its abolition is effected and
- (b) that the Monitoring Officer be authorised to take all steps necessary to complete its abolition once all outstanding cases within its jurisdiction have been disposed of.

7 **APPOINTMENT OF THE CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

A. Motion on behalf of the Administration

That the following Chairmen and Vice-Chairmen be appointed –

Committee	Chairman Councillor	Vice-Chairman Councillor
Audit	Georgina Galpin	Fred Osborne
Governance	Frederick Thompson	Rebecca Bennett
Pensions	Melvin Wallace	Rebecca Bennett
Licensing (3 Vice-Chairmen)	Peter Gardner	1. Linda Trew 2. Fred Osborne 3. Melvin Wallace
Regulatory Services	Barry Oddy	Barry Tebbutt
Highways	Garry Pain	Billy Taylor
Children's & Learning Overview & Scrutiny Learning	Sandra Binion	
Environment Overview & Scrutiny	Jeff Brace	
Individuals Overview & Scrutiny	Wendy Brice-Thompson	
Towns and Communities Overview & Scrutiny	Damien White	
Value Overview & Scrutiny	Robby Misir	
Crime & Disorder	Osman Dervish	

Committee	Chairman Councillor	Vice-Chairman Councillor
Health Overview & Scrutiny	Pam Light	

Sub-Committees of the Governance Committee:

Adjudication & Review (2 Vice-Chairmen)	Ted Eden	1 Rebecca Bennett
Appointments	Rebecca Bennett	Michael White

B. Amendment on behalf of the Independent Residents' Group

That the following Chairmen be appointed –

Highways	David Durant
Towns and Communities Overview & Scrutiny	Michael Deon Burton

Sub-Committees of the Governance Committee:

Adjudication & Review	Michael Deon Burton
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C. Amendment on behalf of the Residents' Group

That the following Chairmen and Vice-Chairmen be appointed –

Licensing (3 Vice-Chairmen)		1. Linda Van den Hende (<i>in place of Linda Trew</i>)
Highways	Billy Taylor (see note following)	Brian Eagling
Children's & Learning Overview & Scrutiny Learning		Gillian Ford
Environment Overview & Scrutiny		John Mylod

Committee	Chairman Councillor	Vice-Chairman Councillor
Individuals Overview & Scrutiny		June Alexander
Towns and Communities Overview & Scrutiny	Linda Hawthorn	Linda Hawthorn
Value Overview & Scrutiny		Ray Morgon
Crime & Disorder	John Wood	John Wood
Health Overview & Scrutiny		Nic Dodin

Sub-Committees of the Governance Committee:

Adjudication & Review (2 Vice-Chairmen)		2 Barbara Matthews
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The Council noted that Councillor Billy Taylor had declined to be nominated by the Residents' Group for appointment as Chairman of the Highways Advisory Committee; and, with the consent of the Council, the Residents' Group nomination of Councillor Linda Van den Hende as a Vice-Chairman of the Licensing Committee was withdrawn.

The Administration motion (A above), except insofar as concerning the appointment of the Chairmen of the Committees specifically referred to below, was then **AGREED** without division.

The remaining proposed appointments set out in the Residents' Group amendment (C above), other than those of Chairmen of the Crime & Disorder Committee and the Towns & Communities Overview & Scrutiny Committee, were **AGREED** without division.

The Administration, Independent Residents' Group and Residents' Group nominations for Chairmen of the following Committees were then put to the vote, as follows:

Crime & Disorder Committee:

Nomination by:	Councillor	Votes cast (see division 1)
Administration	Osman Dervish	27
Residents' Group	John Wood	19

Councillor Osman Dervish was declared **ELECTED**

Adjudication & Review Sub-Committee:

Nomination by:	Councillor	Votes cast (see division 2)
Administration	Ted Eden	27
Independent Residents' Group	Michael Deon Burton	16

Councillor Ted Eden was declared **ELECTED**

Highways Advisory Committee:

Nomination by:	Councillor	Votes cast (see division 3)
Administration	Garry Pain	29
Independent Residents' Group	David Durant	15

Councillor Garry Pain was declared **ELECTED**

Towns & Communities Overview & Scrutiny Committee:

Nomination by:	Councillor	Votes cast (see division 4)
Administration	Damien White	28
Independent Residents' Group	Michael Deon Burton	3
Residents' Group	Linda Hawthorn	16

Councillor Damien White was declared **ELECTED**

Note: the record of voting divisions is attached as **Appendix 3 to these minutes.**

It was accordingly **RESOLVED:**

- 1 That the following Chairmen and Vice-Chairmen be appointed:**

Committee	Chairman Councillor	Vice-Chairman Councillor
Audit	Georgina Galpin	Fred Osborne

Committee	Chairman Councillor	Vice-Chairman Councillor
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Governance	Frederick Thompson	Rebecca Bennett
Pensions	Melvin Wallace	Rebecca Bennett
Licensing (3 Vice-Chairmen)	Peter Gardner	1. Linda Trew 2. Fred Osborne 3. Melvin Wallace
Regulatory Services	Barry Oddy	Barry Tebbutt
Highways	Garry Pain	Billy Taylor
Children's & Learning Overview & Scrutiny Learning	Sandra Binion	Gillian Ford
Environment Overview & Scrutiny	Jeff Brace	John Mylod
Individuals Overview & Scrutiny	Wendy Brice- Thompson	June Alexander
Towns and Communities Overview & Scrutiny	Damien White	Linda Hawthorn
Value Overview & Scrutiny	Robby Misir	Ray Morgon
Crime & Disorder	Osman Dervish	John Wood
Health Overview & Scrutiny	Pam Light	Nic Dodin

Sub-Committees of the Governance Committee:

Adjudication & Review (2 Vice-Chairmen)	Ted Eden	1 Rebecca Bennett 2 <i>Opposition Nomination</i>
Appointments	Rebecca Bennett	Michael White

8 APPOINTMENT OF THE STATUTORY LEAD MEMBER FOR CHILDREN'S SERVICES

Motion on behalf of the Administration

That the Cabinet Member for Children & Learning be appointed Statutory Lead Member for Children's Services and Champion for the new Diploma Scheme.
The motion was **AGREED** without division, and it was **RESOLVED**:

That the Cabinet Member for Children & Learning be appointed Statutory Lead Member for Children's Services and Champion for the new Diploma Scheme.

9 APPOINTMENT OF THE MEMBER CHAMPIONS

Motion on behalf of Administration

That the following be appointed Champions as indicated:

For Diversity	Councillor Robby Misir
For the Over Fifties	Councillor Pam Light
For the Historic Environment	Councillor Andrew Curtin
For Standards	Councillor Wendy Brice- Thompson
For the Voluntary Sector Compact	Councillor Andrew Curtin
For Younger Persons	Councillor Rebecca Bennett

The motion was **AGREED** without division, and it was **RESOLVED**:

That the following be appointed Champions as indicated:

For Diversity	Councillor Robby Misir
For the Over Fifties	Councillor Pam Light
For the Historic Environment	Councillor Andrew Curtin
For Standards	Councillor Wendy Brice- Thompson
For the Voluntary Sector Compact	Councillor Andrew Curtin
For Younger Persons	Councillor Rebecca Bennett

10 STATEMENT BY THE LEADER OF THE COUNCIL

Council received a Statement by the Leader of the Council (attached as **Appendix 2** to these minutes).

Mayor
13 June 2012

APPENDIX 1
(Minute 6)

COMMITTEES AND SEAT ALLOCATIONS

COMMITTEES	CONSERVATIVE	RESIDENTS	LABOUR	IND LOCAL RESIDENTS
Governance	13	2	2	1
Licensing	11	2	1	1
Regulatory Services	11	2	1	1
Highways Advisory	9	2	1	1
Standards (until abolished)	9	2	1	1
Pensions	7	1	1	1
Audit	6	1	1	0
Children's OSC	9	2	1	0
Crime & Disorder OSC	9	2	1	1
Towns & Communities OSC	9	2	1	1
Environment OSC	7	2	0	1
Health OSC	6	2	0	0
Individuals OSC	6	2	0	0
Value OSC	6	2	0	0
Total seats allocated	118	26	11	9
<ul style="list-style-type: none"> All Groups are represented on the Governance, Highways Advisory, Licensing, Regulatory Services and Standards Committees, and on the Children's Overview & Scrutiny Committee and the Crime & Disorder Committee. Committee seats are allocated, and each Committee is balanced, as "reasonably practicably" as possible 				
SUB-COMMITTEES OF THE GOVERNANCE COMMITTEE	CONSERVATIVE	RESIDENTS	LABOUR	IND LOCAL RESIDENTS
Adjudication & Review	10	2	1	1
Appointments	7	2	1	0

**APPENDIX 2
(Minute ?)**

LEADER'S STATEMENT

I would like to begin, Madam Mayor, by congratulating you on becoming First Citizen of the borough. You must feel very proud to follow in the footsteps of your father, Councillor John Raymond Poel who was Mayor of Romford in 1951.

I know I speak for all of us, when I say that our best wishes go with you for your term of office. I have no doubt that you will represent Havering with great style and do us all proud wherever you travel in the Jubilee and Olympic year.

Madam Mayor, fellow councillors, invited guests, ladies and gentlemen.

In life, change is inevitable. What matters to us is how we react to that change whether we are frightened of it or whether we actually see it as positive and something that needs to happen for us to evolve. Whether it is business, political or personal change, I have always thought it to be necessary and therefore in no way a commentary on the past but a gateway to a possible future.

Two years ago, this Administration embarked on a difficult journey, across shifting sands, towards an uncertain destination.

The economic situation was bleak; the determination of Government was clear and the future for all public services was challenging - to say the least.

I'm very proud of Havering Council's response over the last two years. I think we have shown our mettle.

Faced with an unprecedented scale of challenge, we set a clear course and we've steered along that course ever since. We identified how we would save money - and we've steadily delivered those savings.

And though it's not a race, I do take comfort that our plans are further advanced than some of our contemporaries. In so many ways, Havering leads London in developing innovative solutions to the problems that all councils face.

There are a number of factors that have helped us in this effort.

One of these is determination. We have not shirked the tough decisions and we have stayed the course. That's why we remain on target to achieve our savings.

Another factor is just as important and that is having a clear guiding principle – a statement of intent, around which we base our decisions, and in the light of which we judge our choices.

And that principle is this:

If we are here to serve local people and provide them with a better quality of life, we must be on the side of local people.

It's easy to understand sometimes, why some residents view us as a regulator and enforcer:

- the people who tell them what they can and can't build
- where they can and can't park
- what they can and can't sell
- and what they can and can't do.

Now we have to do these things – if we didn't, the Borough wouldn't work and nobody would thank us for that.

Annual Council, 23 May 2012

But they are our *functions*, not our *principles*; they are things we do - but they are not why we're here.

Now more than ever – when times are tough and hard choices are being made - we need to remind local people that we are on their side.

That must be the driving principle of the remaining two years of this Administration. We must *think* it when we take decisions and we must *show* it when we implement those decisions.

We are on the side of residents.

We've shown that by listening to their concerns and focusing on their priorities.

We've shown that by undertaking the Spring Clean survey to give us an unprecedented picture of how clean and tidy Havering is – not based on our own statistics and assessments, but based on the personal feelings of more than 8,000 residents who took part.

It's a credit to our staff, and to Cllr Barry Tebbutt, that around three quarters of our residents think their local streets, parks and shopping arcades are clean and tidy, but the survey shows us where we can make improvements and more importantly, how we can meet the aspirations of local people - by doing the little things that make a big difference.

That's why we've set aside a quarter of a million pounds to fund the clean-up days, the new bins, the new seats and the education campaigns that local people are asking for. We're on their side.

And we're on the side of residents who want a better future for their communities. That's why we've invested in the facilities and spaces that bring communities together and open up new opportunities for local people – from libraries, to sports facilities; from community centres to parks.

It's our determination to be on the side of local communities that has brought the superb MyPlace centre to Harold Hill



and the extraordinary elevated walkway in Rainham.

Annual Council, 23 May 2012

It's what secured investment in our town centres from the Mayor of London to help revitalise our high streets and it's what has led us to replace run-down, depressing garage sites with new homes - giving new hope to local people.



And I would commend the work of Councillors Andrew Curtin, Steven Kelly, Robert Benham and Mike Armstrong, among others, in driving these improvements in communities across Havering.

Madam Mayor two weeks ago Havering went to the polls to vote in the London elections. Boris Johnson Mayor of London has been a great friend to Havering therefore I'm extremely pleased that Havering residents voted to keep Roger Evans as our GLA member and Boris Johnson as the Mayor of London

Annual Council, 23 May 2012

The summer of 2012 will live long in the memory, and in this most incredible year, we're on the side of local people who want to celebrate together.



We've shown that, by granting permission for nearly 100 street parties across Havering to mark Her Majesty's Diamond Jubilee.

And we're pulling out the stops to deliver three weeks of celebrations across the Borough.

On Sunday 3rd June, we will hold the biggest of these celebrations - the Diamond Jubilee Romfest in the Market Place - in front of one of the largest Union Flags anywhere in the country.



Annual Council, 23 May 2012

I know you'll be there, Madam Mayor - and colleagues, you are all very welcome to join us.

I can also announce this evening that we are designating two popular open spaces as Queen Elizabeth II Playing fields – which will ensure the spaces are protected and enjoyed by future generations. The playing fields are: Brittons Playing Field in Elm Park and Park Lane Recreation Ground in Romford

Tens of thousands of people will watch the Torch relay pass through the Borough on July 22nd - marking the start of festivities around London 2012. And we're helping to make that celebration happen.

I'm sure everyone here will join me in wishing our Olympians and Paralympians the very best of luck on their home soil this summer.

And we're hoping for another record-breaking turn out at this year's Havering Show and Hornchurch Live events. This really will be an incredible summer of events and entertainment.

I've always had a sneaking suspicion that Councillor Robbie Benham is a bit of a party animal... but he's putting it to very good use this year by taking the lead on our Civic Pride project and working with Councillor Curtin and myself to make sure Havering marks 2012 in style.

The popularity of street parties and the number of people who told us in the Spring Clean survey that they were willing to volunteer to help clean up their neighbourhood - tells us everything we need to know about our residents.

They really take pride in their communities and they want to be involved.

And we are certainly on the side of volunteers and people who want to do their bit to help their neighbours and their neighbourhoods. The voluntary sector in Havering is a vibrant and powerful force for good. We work with them on many projects and we also work directly with communities.

The Community Chest grants pot has given out £100,000 in small grants over the last 12 months. The scheme allocates small injections of cash to grassroots community groups who really make a difference to the quality of life in Havering.

Groups like the Havering Neighbourhood Watch Association; the 3rd Upminster Scouts, Add Up and a number of local sports clubs have benefited from the Community Chest. They are turning small amounts of cash into actions and activities that benefits hundreds if not thousands of local people.

We've also shown, on the Briar Road Estate in Harold Hill, what can be achieved when we work together with residents to improve local areas. The neighbourhood agreements on the Briar underline the goodwill and energy of so many people in that community and we will continue to work with the voluntary sector and harness the energy of communities across the Borough, as we work to make Havering better, together.



This summer also provides us with an opportunity to showcase our Borough to visitors and give enterprise in Havering a chance to shine and an opportunity to grow.

We are on the side of local business.

We've shown that by opening the Visitor Centre – to promote the Borough to newcomers and residents alike and do our best to put Havering on the map.



It's why we're dedicating more effort to inward investment, and it's why we're supporting new and existing businesses and giving them a voice in how the Borough should develop.

Annual Council, 23 May 2012

And we've shown it by investing time, money and effort in improving and promoting our town centres as places to shop and enjoy.

Next year, Tesco will open its Rainham distribution centre, bringing upwards of 900 new jobs to the Borough and we're working with the Mayor's office to encourage more firms to set up in Havering.

We want to help national businesses and local entrepreneurs alike to create more jobs. We want to sustain more firms in Havering and I want to give a clear message that this Council is on the side of enterprise.

In Havering, we know more than most about the pressures on social care budgets. We have the highest percentage of older residents in London and – led by Councillor Steven Kelly - we are constantly searching for new ways that we can support and care for the people who most need our help.

We are on the side of the vulnerable.

We've shown that by developing CarePoint – opened by the Secretary of State for Health. Here, we're working hand-in-glove with the voluntary sector to provide the best possible advice to people who need support to live independently and enjoy a better quality of life.



Already the service has helped more than 300 people find the right advice and support for their needs, through its shop on the High Street. Between 10 and 15 new people are contacting the service every day.

With a web launch and much greater publicity planned for this summer, it looks like a major success story for older and vulnerable residents.

Being on the side of our more vulnerable residents means providing more choice around care and that's what we're doing with the roll-out of personalised care budgets and greater autonomy for vulnerable people.

It also means preventing problems before they arise and providing assistance to help people live in their home for longer.

Annual Council, 23 May 2012

One of the most common issues faced by older people is isolation and loneliness. Later this year, we'll be launching a scheme to harness the power of volunteers and help older people stay active and engaged, not cut off and lonely.

And we're on the side of vulnerable youngsters too.

Sadly, we're not lucky enough to live in a world where the welfare of children is guaranteed. So we're working in new ways with our partners in the police and health services to identify the families across the Borough where issues of crime, alcohol or drug abuse, domestic violence, or neglect, present a risk to young people.

Under the leadership of Councillor Paul Rochford, we are getting involved with these families earlier, before things get so bad that we have to take the drastic step of breaking families up. Early intervention can help put these families back on track - and give the hope of a brighter future to their children.

And, as we're in Fostering Fortnight, I should say that we're also doing a lot of work to encourage more foster carers to come forward and help children when they need it most. These children at Hildene Primary school dressed in yellow to mark the occasion and remind us all that we have 180 children in care at any one time in foster care – so we need more foster carers to come forward.



So we're on the side of residents, businesses and the vulnerable in Havering.

And I'd like to make a special mention of the quiet people – we're on their side too.

Quiet, decent people - who play by the rules, pay their taxes and try to get on with each other and with their lives - should never be overlooked.

They want to build their lives here - so we are encouraging more jobs to the area and continuing to develop a more rewarding environment in our towns and communities.

They want their children to have every opportunity - so we have built new schools – like this one in Elm Park,



We've worked with partners to bring a brand new Academy to Harold Hill and we're working with headteachers to maintain the excellent reputation of Havering's schools.

Decent people want to live in decent homes and we're working to upgrade our housing stock and provide homes that local people can enjoy.

Under Cllr Lesley Kelly, we'll also be reviewing who gets council housing in our Borough and tightening rules to ensure that the majority of decent tenants don't have their quality of life spoilt by a minority who don't play by the rules.

And that goes for all our residents and all of our communities. Under Cllr Geoff Starns, our community safety team work with the local police to develop innovative new ways to tackle anti-social behaviour – from yellow cards to information-sharing schemes - to make our town centres safer and more welcoming.

If we're truly on the side of local people we need to recognise what local people expect of us and we need to meet those expectations.

They understand that times are tough and that we need to cut our cloth - but they don't want to see their most cherished services slashed.

They pay their taxes - but they don't want to pay too much.

Last year, I spoke of the need to balance aspiration with responsibility and it's a theme that is worth returning to.

By 2014, we will have reduced our running costs by something approaching £40 million in just four years.

That will be a huge and very hard won achievement – and it will take an all-consuming effort over the coming months and years.

At the same time – helped by a Government that has prioritised keeping council taxes low – we have been able to cut or freeze council tax for the last three years.

This is a joint effort of course – and one that we are all engaged in.

Annual Council, 23 May 2012

But I'd like to credit Cllr Roger Ramsey and Cllr Mike Armstrong in particular for the tireless work they do. Roger, for keeping a tight rein on our finances and a forensic eye on the budget, and Mike for overseeing a programme of change and transformation that is protecting frontline services for residents, while delivering huge changes in the way this organisation works.

I am always impressed by the innovation we demonstrate. For instance, we are engaged in a number of groundbreaking multi-council projects to deliver more efficient support services and better customer service.

We're introducing new technology that is speeding up the way we work and making our processes more efficient and less costly. These programmes save millions, but they are hugely complicated and impact greatly on the staff in this Council.

Being on the side of local people means accepting that this organisation needs to make changes and sacrifices, so that the people we serve don't lose the services they expect and deserve.

We all owe a debt of gratitude to the Chief Executive, her team and more widely, every member of staff here for biting the bullet and delivering such huge savings.

We all know that we've never been a fat and wealthy borough, so shedding pounds is that much harder. We've had to do the responsible thing – even where that means the loss of jobs – and I wouldn't want our staff to think that we don't recognise what they're going through.

So we're halfway through an Administration that must balance aspiration with responsibility.

As we look forward, we know there are challenges ahead. We have more savings to deliver - up to and almost certainly beyond 2014 – which means taking a tough and responsible stand.

But being on the side of local people is not just about managing cuts, with their interests in mind – it's also about recognising their aspirations and keeping our promises to them.

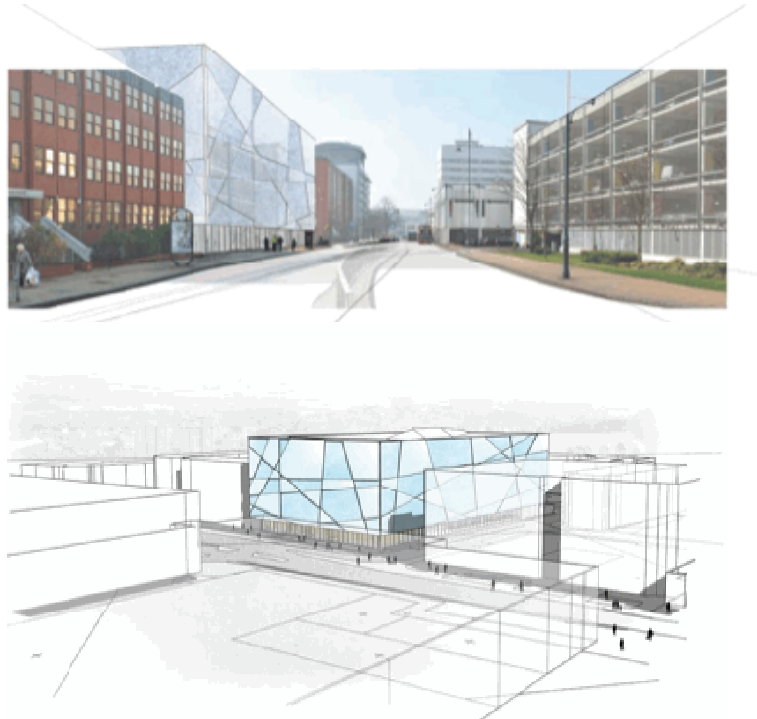
We promised to maintain weekly rubbish collections and we have.

We promised not to close libraries and they're all still open

And we promised to keep council tax stable and we've done that too.

Annual Council, 23 May 2012

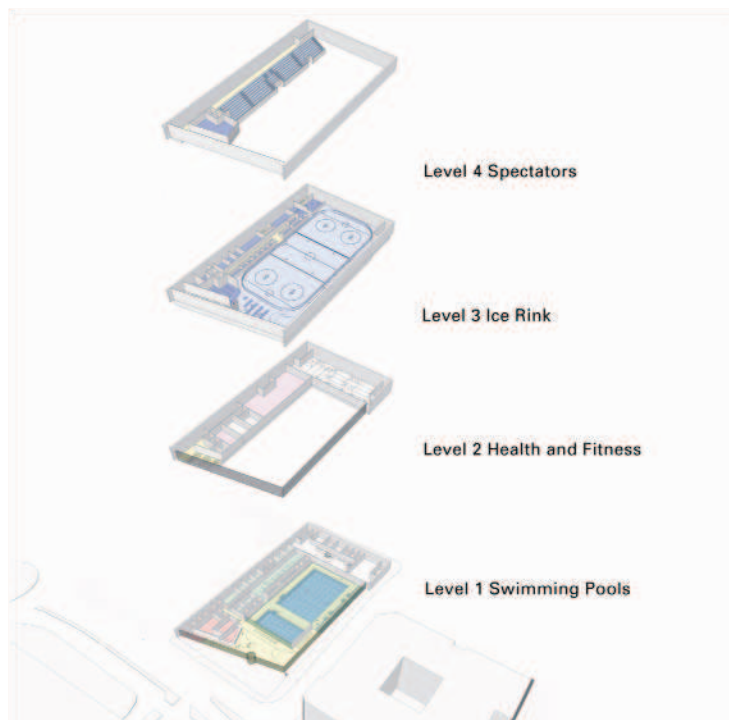
We also promised to deliver a brand new, state-of-the-art leisure centre in the heart of Romford.



Over recent weeks, I've read a number of comments in the press and heard mutterings from various quarters saying that this was one aspiration we would never achieve.

So it gives me great pleasure, Madam Mayor, to announce that today we have exchanged contracts to deliver that leisure centre in Romford.

The centre will have a competition ice rink, a competition swimming pool, a gym, fitness suite and a café.



Annual Council, 23 May 2012

The proposals that we will take forward for planning permission will see this landmark centre take shape on Mercury Gardens, while our partners, William Morrisons, develop a food store on the site of the current ice rink.

Best of all, the land-swap deal that we have negotiated with Morrisons means that this centre will be affordable – with minimal draw on Council funds.

It's a great result for local people and a great deal for taxpayers.

In fact, you might say it's the perfect balance between responsibility and aspiration.

There remain difficult times ahead, Madam Mayor, and tough choices to make.

But I hope my comments tonight show that our principles remain clear and unshaken:

We are on the side of local people and we will continue to work tirelessly in their interests.

Thank you.

DIVISION NUMBER:	1	2	3	4
The Mayor [Cllr. Lynden Thorpe]	O	O	O	O
The Deputy Mayor [Cllr. Eric Munday]	O	O	O	O
CONSERVATIVE GROUP				
Cllr. Michael White	✓	✓	✓	✓
Cllr. Michael Armstrong	✓	✓	✓	✓
Cllr. Robert Benham	✓	✓	✓	✓
Cllr. Becky Bennett	✓	✓	✓	✓
Cllr. Sandra Binion	✓	✓	✓	✓
Cllr. Jeff Brace	✓	✓	✓	✓
Cllr. Wendy Brice-Thompson	✓	✓	✓	✓
Cllr. Dennis Bull	✓	✓	✓	✓
Cllr. Andrew Curtin	✓	✓	✓	✓
Cllr. Osman Dervish	✓	✓	✓	✓
Cllr. Ted Eden	A	A	A	A
Cllr. Roger Evans	✓	✓	✓	✓
Cllr. Georgina Galpin	✓	✓	✓	✓
Cllr. Peter Gardner	✓	✓	✓	✓
Cllr. Lesley Kelly	✓	✓	✓	✓
Cllr. Steven Kelly	✓	✓	✓	✓
Cllr. Pam Light	✓	✓	✓	✓
Cllr. Robby Misir	✓	✓	✓	✓
Cllr. Barry Oddy	✓	✓	✓	✓
Cllr. Frederick Osborne	A	A	A	A
Cllr. Gary Pain	✓	✓	✓	✓
Cllr. Roger Ramsey	✓	✓	✓	✓
Cllr. Paul Rochford	✓	✓	✓	✓
Cllr. Geoffrey Starns	✓	✓	✓	✓
Cllr. Billy Taylor	✓	✓	✓	✓
Cllr. Barry Tebbutt	✓	✓	✓	✓
Cllr. Frederick Thompson	✓	✓	✓	✓
Cllr. Linda Trew	✓	✓	✓	✓
Cllr. Melvin Wallace	O	O	✓	✓
Cllr. Keith Wells	A	A	A	A
Cllr. Damian White	✓	✓	✓	✓
RESIDENTS' GROUP				
Cllr. Clarence Barrett	X	Ø	Ø	X
Cllr. June Alexander	X	Ø	Ø	X
Cllr. Nic Dodin	X	Ø	Ø	X
Cllr. Brian Eagling	X	Ø	Ø	X
Cllr. Gillian Ford	X	Ø	Ø	X
Cllr. Linda Hawthorn	X	Ø	Ø	X
Cllr. Barbara Matthews	X	Ø	Ø	X
Cllr. Ray Morgon	X	Ø	Ø	X
Cllr. John Mylod	X	Ø	Ø	X
Cllr. Ron Ower	X	Ø	Ø	X
Cllr. Linda Van den Hende	X	Ø	Ø	X
Cllr. John Wood	X	Ø	Ø	X
LABOUR GROUP				
Cllr. Keith Darvill	X	O	O	X
Cllr. Denis Breading	X	O	O	X
Cllr. Paul McGeary	A	A	A	A
Cllr. Pat Murray	X	O	O	X
Cllr. Denis O'Flynn	X	Ø	✓	X
INDEPENDENT LOCAL RESIDENTS' GROUP				
Cllr. Jeffery Tucker	X	Ø	Ø	Ø
Cllr. Michael Deon Burton	X	Ø	Ø	Ø
Cllr. David Durant	X	Ø	Ø	Ø
Cllr. Mark Logan	A	A	A	A
TOTALS				
✓ = For Administration nominee	27	27	29	28
X = For Residents' Group nominee	19			16
Ø = For Independents Residents' Group Nominee		16	15	3
O = ABSTAIN/NO VOTE	3	6	5	2
ID = DECLARATION OF INTEREST/NO VOTE	0	0	0	0
A = ABSENT FROM MEETING	5	5	5	5
	54	54	54	54
Note: Councillor Billy Taylor reported that his voting buttons had malfunctioned and his voting record is accordingly based on his oral declaration of voting.				

REPORT OF THE GOVERNANCE COMMITTEE

MEMBERS' CODE OF CONDUCT

- 1 The regime for regulating Members' standards of conduct introduced by the Local Government Act 2000 will be abolished (apart from any outstanding matters then current) with effect from 1 July 2012 and a new, less prescriptive, regime implemented.
- 2 Local authorities are required "to promote and maintain high standards of conduct by Members" and must adopt a Members' Code of Conduct (referred to in this report as "the Code"), and to deal with any alleged breaches themselves.
- 3 The Act requires that the Code should reflect the Nolan Principles of Conduct in Public life, which are:
 - SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 - LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.
- 4 The Code must also provide for registration of interests, both pecuniary and non-pecuniary (the current division of interests into "personal" and "prejudicial" is repealed). This is one area where detailed provisions are expected, but the relevant statutory instruments have not yet been finalised by the government.

- 5 Allegations of breaches of the Code must be investigated and adjudicated upon. If, following investigation, a Member is found to have breached the terms of the Code, he or she may be subjected to “sanctions”, although the new legislation does not specify what such sanctions might be, other than that suspension or disqualification will not be available as sanctions.

Code of conduct

- 6 The Council’s current Code of Conduct, which was based on a national model produced by the Standards Board for the purposes of the current regime, is more complex than is required to comply with the new regime. The Governance Committee has considered model Codes produced by both the Local Government Association (LGA) and the Department for Communities & Local Government (DCLG); a draft Code for Havering, which is an amalgam of the LGA and DCLG models, is now proposed for adoption and is set out in the Appendix.
- 7 The draft Code is greatly simplified, which should make it easier for Members to comply with it. However, such simplification could result in the scope of the Code actually being wider than the current detail/prescriptive Code.
- 8 In accordance with decisions already made by the Council, complaints about standards matters are to be within the purview of the Governance Committee and individual cases dealt with through the Adjudication & Review Sub-Committee. The Committee has agreed a procedure to be followed for handling complaints.

Registration and disclosure of interests

- 9 There continues to be need for a register of Members’ interests, which the Act requires the Monitoring Officer to establish and maintain. The register applies to both elected Members and co-optees.
- 10 The prescriptive requirements of the register that apply in the current regime have been repealed and the Council has some leeway as to what needs to be registered. There are a few statutory requirements but it is for the Council to decide whether to go beyond them. The obligation to register a Member’s interests ceases when he or she no longer has the particular interest or ceases to be a Member (unless re-elected or re-appointed). The register must be open to public inspection and published on the Council’s website.
- 11 The requirements of the register are that:
- (a) Within 28 days of election (or appointment, if co-opted) a Member must notify the Monitoring Officer of any disclosable pecuniary interest (other than any interest already disclosed by a re-elected or re-appointed Member)
 - (b) The Secretary of State will by regulation determine what interests are disclosable. Any such interest must be disclosed if it is an interest:
 - (i) of a Member or
 - (ii) of a Member’s spouse, civil partner or a person with whom the Member lives as if they were spouses or civil partners, and the Member is aware of that interest

- (c) The Monitoring Officer must register any interest disclosed, whether or not it is in fact an interest that must be disclosed.
- 12 A Member (elected or co-opted) who has a pecuniary interest in a matter that is being considered at a meeting of the Council, of the Cabinet or of a Committee or Sub-Committee is present at that meeting then he or she must disclose that interest, whether or not it is registered. An interest disclosed at a meeting must be registered within 28 days of that meeting.
- 13 A Member who has disclosed an interest at a meeting must not participate in any discussion of the matter at the meeting, nor vote upon it. Where a decision is to be taken by an individual Cabinet Member, that Member may not take a decision in relation to any matter in which he or she has a pecuniary interest. It is for the Council to decide whether any Member who has made a disclosure should withdraw from the meeting as well as not participate in discussing or voting upon it.
- 14 In certain circumstances, where a Member (or a person connected with that Member) could be subjected to violence or intimidation, such an interest must not be on the public part of the register nor need details of it be disclosed at a meeting.
- 15 The Council may (by decision at a meeting of the full Council) grant a dispensation from the obligation to make a disclosure where
- (a) So many Members would be prohibited from participating that the transaction of business would be impeded; or
 - (b) Without a dispensation the balance of the representation of different political groups would be so upset as to impede the truncation of business; or
 - (c) It is in the interests of persons living within the area that a dispensation be granted; or
 - (d) Without the dispensation, each Member of the Cabinet would be prohibited from participating or
 - (e) It is otherwise appropriate to grant a dispensation.
- 16 Once granted a dispensation applies for a maximum of four years.
- 17 Failure to register or to disclose a disclosable interest, without reasonable excuse, is an offence, as is participating or voting on a matter in which a Member has a disclosable interest. It is also an offence knowingly to make a misleading, reckless or untrue disclosure. Conviction for such an offence, in addition to a heavy fine, could result in up to five years' disqualification. A prosecution for these offences may be instigated only by, or on behalf of, the Director of Public Prosecutions.

The Governance Committee **RECOMMENDS** that the Council adopt the draft Code of Conduct set out in the Appendix, noting that the Monitoring Officer will amend the section of the Code that deals with interests if necessary to comply with any subsequent secondary legislation on interests.

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LONDON BOROUGH OF HAVERING

Members' Code of Conduct

Members or co-opted members of the Council of the London Borough of Havering have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Personal conduct

Accordingly, Members must act solely in the public interest and:

- Never improperly confer an advantage or a disadvantage or seek financial or other material benefits for family members, friends or close associates
- Never place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties
- Make all decisions on merit alone

Council, 13 June 2012

- Are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office
- Be open as possible about their decisions and actions, and those of the Council, be prepared to explain the reasons for those decisions and actions
- Disclose any private interests, pecuniary or non-pecuniary, that relate to their public duties and take steps to resolve any conflicts of interest that arise, including registering and declaring interests in accordance with the Council's agreed procedures
- Ensure that they do not use, nor authorise the use by others of, facilities provided by the Council for any purpose that would be improper, including for party political purposes, and must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986
- Promote and support high standards of conduct when serving in their public post, in particular as characterised by the requirements of this Code, by leadership and by example

As a Member of the Council, each Member will in particular address the statutory principles of the code of conduct by:

- Championing the needs of all residents and putting those interests first.
- Dealing with representations or enquiries from residents, members of local communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including their own financial interests or those of others connected to them, to deter them from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as members/co-opted members of the Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for their decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Council's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those they work alongside.

Council, 13 June 2012

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Members will be expected to comply with the Council's policies on Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work.

Pecuniary and non-pecuniary interests

The Act further provides for registration and disclosure of interests and in Havering, this will be done as follows:

Registration

A disclosable pecuniary interest must be notified to the Monitoring Officer, who shall arrange for it to be registered in the Council's register immediately following receipt:

- (a) Within 28 days of taking office as a Member or Co-opted Member and
- (b) Forthwith in any other circumstances.

"Interest" includes not only interests of the individual Member but also those of the Member's spouse, civil partner (or a person with whom the Member lives as spouse or civil partner).

Notice of an interest will be placed in the public part of the register unless the Monitoring Officer is satisfied that, pursuant to s.32 of the Localism Act 2012 it is sensitive and should not be made public.

Disclosure

A Member must disclose a disclosable pecuniary interest at any meeting at which a matter to which it relates is considered. Once an interest has been disclosed, the Member may not participate in the discussion of, or voting on, that matter but may, with the permission of the Chairman of that meeting, remain in the meeting room.

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Procedure for investigating and deciding allegations of breaches of the Members' Code of Conduct

- 1 All allegations that a Member (including a co-opted Member) has breached the Council's Members' Code of Conduct shall be referred in the first instance to the Monitoring Officer, who shall provide a copy of the allegation to:
 - The Member against whom it is made and
 - The Independent Person.
- 2 The Independent Person shall take such steps as he/she deems necessary to carry out the functions assigned to him/her by section 28 of the Localism Act 2011.
- 3 The Monitoring Officer shall consider the allegation initially to establish whether there is *prima facie* evidence of the alleged breach. The Monitoring Officer may make enquiries of the person submitting the allegations in order to clarify any point or reference within the allegation.
- 4 Upon conclusion of the initial consideration, the Monitoring Officer shall refer the allegation to an Initial Assessment Panel of three Members of the Adjudication & Review Sub-Committee. The Panel shall consider the report and any recommendation of the Monitoring Officer and may:
 - (i) Require the Monitoring Officer to seek (further) clarification of the person making the allegation and adjourn to reconvene when that clarification is to hand;
 - (ii) Dismiss the allegation as showing no, or insufficient, evidence of a breach warranting further investigation or
 - (iii) Require the Monitoring Officer formally to investigate the allegation and, upon completion of the investigation, to report thereon to a Hearings Panel.
- 5 A Hearings Panel (of three Members of the Adjudication & Review Sub-Committee, other than those who formed the Initial Assessment Panel) dealing with an allegation in accordance with paragraph 4(iii) shall consider the report of the Monitoring Officer and any recommendation made by him at a hearing, which shall take place in public unless the Panel decides that it should be heard, wholly or in part, in private if the nature of the information that might be disclosed is such as to warrant being treated as exempt in accordance with Schedule 12A of the Local Government Act 1972.
- 6 When considering the report, the Hearings Panel shall do so in an inquisitorial style. Those having a right to be heard shall be:
 - (i) The person making the allegation
 - (ii) The Member against whom the allegation is made
 - (iii) The Monitoring Officer
 - (iv) The Independent Person
 - (v) Any person named by the person making the allegation, the Member against whom the allegation is made or the Monitoring Officer as a material witness to the matter (provided that a witness may be invited to attend but shall be under no compulsion to do so)

- 7 Having heard all relevant evidence, the Hearings Panel shall retire to consider its decision in private. Once a decision has been reached, it shall be announced in public and a record of the proceedings published on the Council's website.
- 8 The Hearings Panel may decide:
- (i) That the allegation is proven, wholly or in part, and uphold it, wholly or in part
 - (ii) That the allegation is not proven, and dismiss it
- 9 Where the Hearings Panel decides that the allegation is proven and upheld, it shall decide what recommendation to make to the Council about the matter.
- 10 The sanctions that may be imposed upon a Member found to have breached the Code of Conduct include (but are not limited to):
- Censuring or reprimanding the Member in question
 - Where the Member is within a recognised Group, recommending to the relevant Group Leader that the Member be removed from any or all Committees or Sub-Committees of the Council
 - Where the Member is a Cabinet Member, recommending to the Leader of the Council that the Member be removed from the Cabinet, or relieved of particular portfolio responsibilities
 - Instructing the Monitoring Officer to arrange appropriate training for the Member
 - Removing any or all appointments to outside bodies held by that Member
 - Withdrawing facilities provided by the Council, such as computer facilities or equipment, website access and email
 - Excluding the Member from access to Council offices or premises, except so far as necessary for that Member to attend meetings of the Council, Cabinet and any Committee or Sub-Committee of which he or she is a Member.



AMENDMENTS TO THE CONSTITUTION

REPORT OF THE GOVERNANCE COMMITTEE

AMENDMENTS TO THE CONSTITUTION

Continued review of the Council's schemes for the delegation of responsibility for its various functions had identified the need for a number of comparatively minor changes in the Constitution, to reflect changes of circumstance and in ways of working.

The Governance Committee has now considered, and accepted, proposals for the following changes to the Council's Constitution.

(a) Financial authorities, responsibilities and functions

It is proposed that the inclusion of an explicit power relating to spending authority will enable formal spend delegations covering all aspects of spend to be put in place by CMT members and Heads of Service and remove the need to maintain inefficient processes relating to authorised signatories. This also ties in with the authorisation chain within the new Oracle systems.

In addition, Internal Audit investigations have resulted in a number of recommendations intended to ensure that value for money is obtained and that risk is minimised, as follows.

A specific reference in the Group Director Finance & Commerce's powers relating to pension fund administration will facilitate a single set of delegations and signatories, replacing existing arrangements (which comprise a set of authorisations for each and every fund portfolio).

It is also proposed to update to limits for settling insurance claims. These are required on an annual basis where appropriate.

Finally, an amendment is proposed to ensure that all bank accounts created, for example where the Council is responsible for looking after the financial affairs of a vulnerable person, are in line with treasury guidelines.

These proposed changes are set out in Appendix 1 to this report.

(b) Virements and key decisions

It is proposed to amend the definition of "key decision" and the rules relating to budget virements, as a result of review that has revealed inconsistencies of approach.

These proposed changes are set out in Appendix 2 to this report.

(c) Delegated decision-making powers: Head of Development & Building Control

A number of minor changes are proposed to the delegated powers of the Head of Development & Building Control, in order to streamline planning process.

It should be noted that none of these delegations would affect Members' rights to call in specific applications for consideration by the Regulatory Services Committee.

The proposed changes are set out in Appendix 3 to this report.

The Committee RECOMMENDS that the Council approve the proposed delegations as set out in the Appendices to this report.

PROPOSED CHANGE – GENERAL RULES

PART 3 – RESPONSIBILITY FOR FUNCTIONS

3.3 POWERS OF MEMBERS OF THE CORPORATE MANAGEMENT TEAM

Financial Responsibilities

- (a) To incur expenditure within the revenue and capital budgets for their allocated portfolio as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To oversee the delivery of programmes agreed by Council and Cabinet.
- (c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.
- (d) To authorise the making of ex gratia payments up to the limit specified from time to time by the Head of Finance & Procurement to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.

3.4 POWERS OF ASSISTANT DIRECTOR AND HEADS OF SERVICE

General Powers

- (c) To manage buildings and facilities under their control including letting, hiring or otherwise permitting the use of such premises and property for occasional purposes, and to dispose of obsolete, worn out and surplus stores, plant, equipment and vehicles, ensuring that value for money is obtained on all asset disposals.

Financial Responsibilities

- (a) To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.
- (c) To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.
- (d) In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.

3.7 FUNCTIONS RELATING TO THE FINANCE & COMMERCE GROUP OF SERVICES

3.7.1 Group Director Finance & Commerce

(d) To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.

3.7.3 Head of Finance & Procurement

(a) To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance, and £50,000 for property insurance.

(b) To review and, if necessary, amend the limits in (a) above on an annual basis, following discussion with the Council's insurers.

PART 4 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

Financial Systems & Procedures

15 Banking arrangements and cheques

The Group Director Finance & Commerce must be notified of all bank accounts operated by any of the Council's employees in connection with the business of the Council or funds held by the Council on behalf of others. All bank accounts must comply with the Council's investment principles set out in the Treasury Management Strategy approved by Council.

VIREMENTS AND KEY DECISIONS

PART 3: RESPONSIBILITY FOR FUNCTIONS

2.2 CORPORATE FUNCTIONS

Finance

(a) To take decisions on all matters relating to the Council's finances including but not exclusively:

(vii) virements £1 million or more

(viii) virements between services over £250,000 and up to and including £999,999

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

(m) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Financial Procedure Rules set out in Part 4 of this constitution.

(u) To approve individual virements within a service above £250,000 up to and including £999,999.

PART 4 : RULES OF PROCEDURE

EXECUTIVE PROCEDURE RULES

Key decisions

(a) A key decision is an Executive decision which is likely

(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For this purpose "significant" is defined as:

(a) in excess of £500,000 or

(b) in excess of 10% of the gross controllable budget at Head of Service/Assistant Chief Executive level (subject to a minimum value of £250,000)

whether relating to revenue expenditure/savings or capital expenditure.

Financial Procedure Rules

6 Budget Virements

Budget virements are required when a change to Council policy and/or service delivery requires resources to be reallocated, or when additional resources are received, or to meet any anticipated budgetary shortfalls.

All virements, whether revenue or capital, are subject to the following authorisation process:

(a) Virements of £1 million or more will require Cabinet approval.

(b) Virements between £250,000 and up to £999,999 will require approval by the relevant Cabinet Members.

(c) All other virements will need to comply with procedures specified by the Group Director Finance & Commerce.

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

POWERS OF THE HEAD OF DEVELOPMENT & BUILDING CONTROL

1. Proposed change to text of delegated powers 3.7.6 (vi)

Planning applications for up to two residential units can currently be approved by Head of Development and Building Control under delegated powers. The Council has, however, introduced a requirement for all developers creating one or more net residential units to pay a tariff to contribute to the costs of community infrastructure.

To bind the applicant to paying the tariff requires prior completion of a Unilateral Undertaking which is a form of planning obligation. Currently any planning application involving a planning obligation of that nature is referred to the Regulatory Services Committee for determination.

Delegation of power to enable Head of Development and Building Control to accept the Unilateral Undertaking and to approve such applications would better streamline the process, for the Council and the applicant. It would also avoid applications unnecessarily filling up the Committee agenda.

Accordingly, it is proposed to amend paragraph 3.7.6(vi) to read:

“Erect residential development where the number of dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to paying the Council's Infrastructure Tariffs, the latter involving liaison during the process between Head of Development and Building Control and Head of Legal Services”.

2. Proposed New Delegated Power: 3.7.6 (cc)

The Crossrail Act 2008 (the Act) has conferred the right to construct and maintain Crossrail and in effect is similar to a grant of Outline Planning Permission. Schedule 7 of the Act sets out items that require further detailed approval for both permanent works and construction arrangements, if a local authority chooses to become a “qualifying authority”. Havering is a qualifying authority.

In order therefore to ensure that applications are dealt with within 8 weeks, it would be appropriate for Schedule 7 Applications to be determined at delegated level, unless it is considered that the proposal raises significant issues (for instance, a large number of objections or significant judgement issues over impact).

Accordingly, it is proposed to add a new paragraph 3.7.6 (cc):

“To determine applications under Schedule 7 of the Crossrail Act 2008”.

3. Proposed additional text in 3.7.6 (xiii)

Proposals for school outbuildings and awnings are usually found acceptable and generally attract little public interest. Currently, however, they sit outside the scope of delegated powers so need to come to Committee unnecessarily. Incorporation into this delegated power will streamline the planning process for schools and the Council and reduce the number of applications requiring Committee determination.

Accordingly, it is proposed to add a new paragraph **3.7.6 (xiii)**:

“Extensions less than 1,000sqm, outbuildings, and freestanding shelters and awnings and boundary treatment including walls and fencing proposals in respect of school related applications unless objections have been received or the school is in the Green Belt.”

4. Proposed additional text in 3.7.6 (xiv)

The following proposal addresses a small type of development which is usually approved and generates little public interest. Incorporating this in the existing delegated power will streamline the process for the Council and the applicant and will prevent applications unnecessarily lengthening the Committee agenda.

Accordingly, it is proposed to add a new paragraph **3.7.6 (cc)**:

“To decide all proposals under the advertisement regulations and applications for external building alterations including shop-fronts and canopies in respect of LBH applications which, were they not Havering properties, would be determined under staff delegation powers.”