

COUNCIL SUPPLEMENTARY AGENDA

19 September 2012

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

8 AMENDMENTS TO THE CONSTITUTION (Pages 1 - 4)

To consider a report of the Governance Committee (attached)

9 MEMBER CHAMPION FOR THE NEW DIPLOMA - PROPOSED ABOLITION OF APPOINTMENT (Pages 5 - 6)

To consider a report of the Governance Committee (attached)

10 ADJUDICATION & REVIEW - REINSTATEMENT AS FULL COMMITTEE (Pages 7 - 8)

To consider a report of the Governance Committee (attached)

11 ESTABLISHING A HEALTH & WELLBEING BOARD (Pages 9 - 10)

To consider a report of the Governance Committee (attached)

14 MOTIONS FOR DEBATE

CORRECTION

Motion B Olympic Torch Relay

The figure in amendment B1 should read 150,000 and not as printed.

Ian Burns
Acting Assistant
Chief Executive



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

REPORT OF THE GOVERNANCE COMMITTEE

AMENDMENTS TO THE CONSTITUTION

Review of the Council's Constitution, and recent legislation, have led to proposals for amendment of the Constitution.

The Governance Committee RECOMMENDS that, for the reasons given, the amendments set out in the appendix be approved.

3.7.6 Head of Development & Building Control

1. Proposed new delegated powers 3.7.6 (dd)

Section 127 of the Localism Act has introduced new Sections 225A-K to the Town and Country Planning Act.

These new provisions allow a local authority to serve a "removal notice", where advertisements are being displayed without consent, requiring the person responsible to remove the advertisement within at least 22 days. The local authority then can remove those advertisements subject to a removal notice that have not been removed and recover the costs of doing so.

These powers appear to be more straightforward than current powers under the London Local Authorities Act.

It would be beneficial for these to be delegated to the Head of Development and Building Control so that prompt action against unauthorised adverts can be taken.

Reason for proposed delegation

- (i) Serve Removal Notices under Section 225A of the Act;
- (ii) Remove unauthorised advertisements which have not been removed in accordance with a removal notice;
- (iii) Deal with appeals against removal notices under Section 225B of the Act;
- (iv) Issue removal notices on operational land in accordance with Section 225K of the Act.

3.3 Powers of Members of the Corporate Management Team

1. Proposed changes to text of delegated powers 3.3. Finance (d)

To authorise the making of ex-gratia payments to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.

Reason for change

The Local Government Ombudsman on occasions recommends to the Council the payment of a relatively modest sum to a complainant as a way of settling a matter locally, i.e. without a full Ombudsman investigation. Currently the relevant delegation limits the amount that can be authorised to a figure set by the Head of Finance and Procurement. This is an unnecessary bureaucratic requirement, so it is proposed to delete this restriction.

It should be noted that in the event of a finding of maladministration by the Ombudsman the finding and the compensation will still have to be reported to members as at present.

3.5.6 Head of Children and Young People's Services

1. Amalgamation of two delegated powers 3.5.6 (m) & (q).

To approve payments for children in need, or of their families, and for children and young people in care and leaving care, in accordance with Part III of the Children Act 1989, and to make grants and/or loans to children and their relatives, up to the limit specified from time to time by the Head of Finance & Procurement; otherwise payment must be made in consultation with the Group Director Finance & Commerce.

Reason for change

Currently the Head of Children & Young People's Services has two delegated powers for the provision of financial assistance, once of which is up to a set limit and the other about that limit. There is no logical reason for such an arrangement, which probably relates to a historical sub-division of responsibilities which is no longer relevant. It is therefore proposed to amalgamate the two powers into one.

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REPORT OF THE GOVERNANCE COMMITTEE

MEMBER CHAMPION FOR THE NEW DIPLOMA – proposed abolition of appointment

In 2008, the Council accepted a recommendation of the Children's Services Overview & Scrutiny Committee (OSC) (endorsed by the Cabinet) that a Member Champion be appointed for the New Diploma Scheme. The OSC had made its recommendation following scrutiny of the then newly-introduced Scheme.

The Scheme no longer has the importance that was attached to it at the time and other approaches to 16 plus examination arrangements are under consideration by the Government.

In the circumstances, the appointment of a Member Champion for the Scheme is no longer considered to be necessary and the Governance Committee therefore recommends that it be abolished.

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REPORT OF THE GOVERNANCE COMMITTEE

ADJUDICATION & REVIEW – reinstatement as full Committee

In May 2010, the Council decided to change the then Adjudication & Review Committee into a Sub-Committee of the Governance Committee. Following the abolition of the Standards Committee, effective from 1 July this year, and the transfer of responsibility for dealing with complaints about Members' conduct to Adjudication & Review and the re-absorption by the Council of housing management responsibilities (and, therefore, the handling of complaints by tenants), it is expected that the workload of Adjudication & Review will grow sufficiently to justify being dealt with by a full Committee rather than a Sub-Committee.

The Governance Committee therefore RECOMMEND to the Council that:

- 1 The Adjudication & Review Sub-Committee be reinstated as a full Committee with effect from 1 October 2012, with the functions set out in the Appendix to this report.**
- 2 That the Chairman (Councillor Ted Eden) and Vice-Chairmen (Councillors Barbara Matthews and Frederick Thompson) of the current Sub-Committee be appointed as Chairman and Vice-Chairmen respectively of the new Committee, with effect from 1 October 2012.**

Amendments to the Constitution: Part 3: Responsibility for Functions

In section 1.2 Functions delegated to general council committees, Table of Committees, etc:

1. Before the entry for the Audit Committee, insert:

Council committee	Functions
Adjudication & Review	<p>Appeals and complaints</p> <p>To determine an appeal against any decision made by or on behalf of the authority, including in relation to housing services, except where statute provides for some other route of appeal (see Part 3, section 4: functions not to be the responsibility of an authority's Executive) (group B functions) and Part 3, section 5: local choice functions) – see Hearings Panels below</p> <p>Admission and exclusion of pupils</p> <ul style="list-style-type: none">• To make arrangements pursuant to Chapter I of Part III of the School Standards and Framework Act 1998 (admission appeals), including children to whom section 87 applies (appeals by governing bodies)• To make arrangements pursuant to Chapter 3 of Part 3 of Education Act 2002 (exclusion reviews) <p>These powers are exercisable in relation to maintained schools and, subject to appropriate contract, may be exercised in relation to Academies</p> <p>Governing bodies</p> <p>To hear appeals from teachers about early retirement decisions by governing bodies</p> <p>Members' conduct</p> <p>To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanctions, if any, to be applied in consequence of a finding that the Code had been breached.</p>

2. In the Sub-Committees section, **omit**:

- (a) The entry for the Adjudication & Review Sub-Committee
- (b) The entry for the Sub-Committees of the former Standards Committee

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

REPORT OF THE GOVERNANCE COMMITTEE

ESTABLISHING A HEALTH AND WELLBEING BOARD

The Health and Social Care Act 2012 requires each local authority to establish a Health and Wellbeing Board (“Board”) by April 2013. The Act defines the Board as a committee of the local authority which establishes it and is to be treated as if it were appointed by the authority under section 102 of the Local Government Act 1972.

The Act specifies the following core members:

- At least one councillor of the local authority, nominated by the Leader of the Council
- The director of adult social services for the local authority
- The director of children’s services for the local authority
- The director of public health for the local authority
- A representative of the Local HealthWatch organisation for the area of the local authority
- A representative of each relevant clinical commissioning group
- S 197 of the Act states ‘the National Health Service Commissioning Board (NHS CB) must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in the preparation of the assessment or strategy’ (JSNA and JHWS).

Unusually for a Council Committee, the Board itself has the power to appoint additional members if it so wishes

The membership of the shadow Health and Wellbeing Board has been reviewed in preparation for it becoming a fully fledged Board and the future recommended membership is now presented for formal approval.

The proposed membership of the Board is 12 members, comprising:

- Four councillors (to be appointed by the Leader)
- The director of adult social services
- The director of children’s services

Note: the above two posts are separate at present but membership should reflect statutory role rather than people

- The chief executive
- The director of public health
- A representative of the Local HealthWatch organisation
- A representative of Havering Clinical Commissioning Group, preferably the Chair
- The Clinical Director/Lead for the Havering Clinical Commissioning Group
- The Accountable Officer (Designate), Havering Clinical Commissioning Group

It is also recommended that the Chief Operating Officer, Havering Clinical Commissioning Group, should be an ex officio member without voting rights. The National Health Service Commissioning Board (NHS CB) representative would be invited in accordance with S197 of the Act.

While the appointments will be made formally by the Leader of the Council in exercise of statutory powers, it is anticipated that the initial Councillors will be the Deputy Leader (who will also be the Chairman of the Board) and the Cabinet Members for Culture, Towns & Communities, Housing and Children & Learning.

The proposals outlined reflect the Act as enacted. The Secretary of State has power, and is expected, to make consequential amendments to other legislation (in particular the Local Government Act and associated law) in order to facilitate the operation of the Board; such amendments have yet to be made and may require some adjustment in the arrangements now proposed.

The Governance Committee accordingly RECOMMENDS that the membership of the Health and Wellbeing Board, to be established on and from 1 April 2013, be agreed as set out above, subject to any revisions necessary in the light of consequential legislation.