



Havering

L O N D O N B O R O U G H

GOVERNANCE COMMITTEE AGENDA

7.30 pm

**Wednesday
7 September 2011**

**Havering Town Hall,
Main Road, Romford**

Members 13: Quorum 4

COUNCILLORS:

**Conservative Group
(8)**

**Residents' Group
(2)**

**Labour Group
(2)**

**Independent
Residents' Group
(1)**

Frederick Thompson
(Chairman)
Becky Bennett (Vice-
Chair)
Robert Benham
Osman Dervish
Steven Kelly
Eric Munday
Roger Ramsey
Michael White

Clarence Barrett
Gillian Ford

Keith Darvill
Paul McGeary

Jeffrey Tucker

**For information about the meeting please contact:
Grant Soderberg (01708) 433091
e-mail: grant.soderberg@havering.gov.uk**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 5 July 2011, and to authorise the Chairman to sign them.

5 POLLING DISTRICT REVIEW (Pages 5 - 22)

Members are invited to consider the implications of changes to polling arrangements emanating from the recent review and whether to recommend their acceptance to Council.

6 OUTSIDE BODY APPOINTMENTS - THE LUCAS PLAYSITE TRUST (Pages 23 - 24)

Members are asked to consider the forthcoming end of tenure for present Members and consider whether to reappoint them for a further term and to appoint nominative trustees.

7 MONITORING OFFICER REPORT - 08 (Pages 25 - 28)

8 MONITORING OFFICER REPORT - 09 (Pages 29 - 32)

9 MONITORING OFFICER REPORT (Pages 33 - 36)

10 URGENT BUSINESS

Governance Committee, 7 September 2011

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster
Committee Administration &
Member Support Manager**

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
5 July 2011 (7.30pm – 7.50pm)**

Present:

COUNCILLORS:

Conservative Group	Frederick Thompson (in the Chair), Becky Bennett, Steven Kelly, Eric Munday, Michael White, +Barry Oddy and +Jeff Brace
Residents' Group	Clarence Barrett
Labour Group	Keith Darvill
Independent Residents' Group	Jeffrey Tucker

Apologies for absence were received from Councillors Robert Benham, Osman Dervish, Roger Ramsey and Gillian Ford,

+Councillor Barry Oddy substituted for Councillor Osman Dervish and Councillor +Jeff Brace substituted for Councillor Roger Ramsey

The Chairman reminded Members of the action to be taken in an emergency.

54 MINUTES

The minutes of the meeting held on 2 June 2011 were agreed as a correct record and signed by the Chairman.

55 PUBLIC ACCESS TO THE COUNCIL CHAMBER – REVIEW OF ARRANGEMENTS

The Committee received a report at the request of the Leader for a review to be undertaken to allow members of the public to sit in the Members' area of the Council Chamber during Cabinet meetings. Since 2006, it had been the practice of limiting members of the public to peripheral seating in the Lobby, the Side Gallery or the Balcony. This had come about due to difficulties staff had experienced in trying to move or relocate a member of the public from a place needed by someone else.

Since web-casting commenced in 2009, Members had become conscious that the area could appear sparse and this relaxing of the seating arrangements had been proposed to ensure that any negative perception might be countered by filling the space.

Members discussed the various models contained within the report.

RESOLVED:**That**

1. The rules governing the seating of members of the public in the Members' Area of the Council Chamber which had been in force since October 2006, be relaxed.
2. The preferred style for use in Cabinet meetings in future should be that used by the Regulatory Services Committee at its meetings.
3. Members of the public should also be permitted to sit along the side area if numbers demanded its use.

56 APPOINTMENT OF LOCAL AUTHORITY GOVERNORS TO SCHOOLS, PUPIL REFERRAL UNITS AND ACADEMIES

The Committee received a report outlining changes to the *terms of reference* governing the appointment of LA Governors to a wider range of establishments than had been the case. The report also proposed to update the *terms of reference* in relation to the nomination of governors to the panel and ratify arrangements for LA governor appointments.

Members were asked to approve the changes contained within the report.

RESOLVED:**That**

The changes outlined in the appendix to the report be implemented in full once the reference to the Association of Havering Governors had been amended to read: Havering Governor Forum.

57 URGENT BUSINESS

A member raised a query relating to the previous minutes (he had not been present in the room when the Minutes had been approved and signed at the start of the meeting). He stated that at the previous meeting he had asked for a statement made by the Head of Legal Services to be recorded in the Minutes. He was reminded that the issue had indeed been recorded in the Minutes, but his contention was that it had not been recorded in detail in the Minutes and the Chairman had said that it would be.

The committee agreed that the following addendum be appended to these Minutes:

Following a query raised by Councillor Tucker, the Committee was advised that officer's recollection was that Councillor Michael Deon Burton had been

Governance Committee 5 July 2011

suspended from the Orchard Place Neighbourhood Management Board. This was disputed by Councillor Tucker. As the information needed to resolve the issue was not immediately available the Chairman suggested - and the Committee agreed - to move on to the next matter.

.....
CHAIRMAN
7 September 2011

GOVERNANCE COMMITTEE

7 September 2011

REPORT

Subject Heading:

Polling District Review

CMT Lead:

Ian Burns
Acting Assistant Chief Executive
01708 432431
ian.burns@havering.gov.uk

Report Author and contact details:

Sandra Cottle
Election Services Manager
01708 432446
sandra.cottle@havering.gov.uk

Policy context:

To consider the results of the 2011 Polling District Review.

Financial summary:

There are no direct resource implications.

The subject matter of this report deals with the following Council Objectives

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" type="checkbox"/> |
| Value and enhance the life of every individual | <input type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The Electoral Administration Act 2006 required that a polling district and polling place review be carried out by the Acting Returning Officer in 2007 and every fourth year thereafter. The last review was carried out in 2007 and the 2011 review is now being undertaken. The aims of the review are as follows:

To ensure that:-

- (a) As far as possible polling places are accessible to all.
- (b) Polling places fall within the polling district wherever possible.

Governance Committee, 7 September 2011

- (c) The use of secondary schools be avoided where suitable alternative premises are available.
- (d) Account to be taken of justifiable complaints by electors, and any responses received from this consultation.

The timetable for the review, the list of those consulted, and any responses as a result of the review can be found under "Report Detail".

If agreed these changes will be incorporated into the register published on 1 December 2011, and the alternative polling stations will be used at the GLA elections on 3 May 2012.

RECOMMENDATIONS

That the recommendations relating to changes to polling stations and polling districts contained within this report be accepted and that Council be invited to endorse those changes.

REPORT DETAIL

The timetable for the consultation was as follows:

4 January to 28 February 2011	Formulation of proposals by the (Acting) Returning Officer
Mid February	Calendar Brief
1 March 2011	Public Notice of commencement of the Polling District review
1 March to 12 April 2011 (six week consultation period)	Proposals deposited at all public libraries in the Borough, PASC and the Election Services Office, also on the internet. Direct consultation: list below.
14 to 28 April 2011	(Acting) Returning Officer to consider any representations and if necessary revise proposals
7 September 2011	Recommendations reported to Governance Committee to consider revised final recommendations
21 September	If agreed by Governance Committee final recommendations to be put before full Council. If not agreed report back to Governance and full Council at a later date.
1 December 2011	Publication of Register including any amended polling districts

Consultation was undertaken as follows:

- All elected representatives, political parties and relevant stakeholders were given notification of the review.
- Copies of the proposals were available for public inspection in all libraries in Havering, PASC, and at the Town Hall, with accompanying posters to inform the public of this.

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- Copies of the proposal were given to Havering Association of People with Disabilities, HAVCO, Age Concern and People First, with publicity given in their relevant newsletters or websites.
- An article publicising the review was published in Living.
- The Council's Access Officer was given a copy of the proposals

1. No responses to the consultation or complaints from voters were received in respect of the following wards:- Cranham, Emerson Park, Pettits, South Hornchurch and Upminster. *It is proposed that no changes are made to the existing polling districts or polling places in these wards.*

2. Brooklands Ward (Romford Constituency)

BL1 - Lombard Court: The previous polling station for this polling district, St John's Church Hall, Pretoria Road, is closed until a new buyer can be found. At the May 2010 elections Lombard Court was used for polling, however a Ward Councillor raised concerns about this venue, specifically the safety of the path leading to the station and the noise and inconvenience to the residents.

No alternative premises can be found within this polling district at the present time. Once the church is sold the new owners will be contacted to discuss whether they would be willing to allow the hall to be used for polling.

It is recommended that Lombard Court continue to be the polling place for polling district BL1 until the future of St John's Church is known, and to make no changes to the remaining polling districts or polling places BL2, BL3, BL4 and BL5.

3. Elm Park Ward (Dagenham and Rainham constituency)

EL1 – Scargill Infants School: Since the 2007 review, the polling place has been relocated from Scargill Junior School to Scargill Infants School.

It is recommended this change stands, and to make no changes to the polling places or polling districts for EL2, EL3 and EL4.

4. Gooshays Ward (Hornchurch and Upminster constituency)

GS2 – Harold Hill Library, Hilldene Avenue: Harold Hill Library is being used as the polling station for polling district GS2 as well as GS1 as the Old People's Club in Chippenham Gardens, which was previously the polling station, was closed due to vandalism. No other suitable premises within the polling district can be found at the present time.

Until a suitable alternative can be found for GS2, it is recommended to make no changes to the current polling places or polling districts GS1, GS2, GS3, GS4, GS5 and GS6.

5. Hacton Ward (Hornchurch & Upminster constituency)

HN5 – Elm Park Primary School: Elm Park Primary School has been built on the site of Ayloff Primary School, which was previously used as a polling station. Voters were temporarily redirected to Suttons Primary School; however now the new building is open polling should be relocated back to the former site.

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It is recommended Elm Park Primary School be the polling place for polling district HN5, and no changes be made to the remaining polling places or polling districts HN1, HN2, HN3 and HN4.

6. Havering Park Ward (Romford Constituency):

HP2 - Clockhouse Primary School/HP5 – North Romford Community Centre:

The Clockhouse Primary School Head Teacher and Board of Governors submitted a joint request that their school no longer be used as a polling station. This was made on the grounds that as a school and nursery with 700 children, closing the school both disrupts education and inconveniences parents. Election Services staff have visited the site to ascertain whether a part of the school could be used to avoid closure, but found nothing suitable.

The North Romford Community Centre falls within the boundary of HP2, but is currently used for polling district HP5 as no suitable location is available within the HP5 boundary.

The electorate of HP5, is small, currently 524 electors and could be relocated to the polling station used for HP4, St James' Church, which is large enough to accommodate two polling stations. It is therefore proposed that:

- a) Clockhouse Primary School is no longer used as a polling station.
- b) North Romford Community Centre is in future used as the polling station for HP2 instead of HP5.
- c) The voters in HP5 are redirected to St James' Church, which will also continue to be the polling place for HP4.
- d) The Boundary Commission is currently undertaking a Parliamentary Constituency Boundary review, which is proposing to use polling districts as the basis for future Parliamentary constituencies. This means, at present, polling districts cannot be altered. After the review has concluded, if possible, it is proposed that polling district HP5 be incorporated into HP4.

Please refer to Appendix A for maps illustrating the present and proposed arrangements.

It is recommended that the above proposals be agreed, with no changes to the polling places or polling districts HP1, HP3 and HP6.

7. Heaton Ward (Hornchurch and Upminster constituency)

HT1 - The Ingrebourne Children's Centre: Since the 2007 review, polling has been moved to the Ingrebourne Children's Centre as the Ingrebourne School closed down. The Children's Centre is on the same site as the school and initially could accommodate a polling station with minimum disruption. However, in the last year it has been refurbished and due to space restrictions they have indicated they no longer wish to be used as a polling station. Unfortunately no suitable alternative premises can be found.

It is therefore recommended to make no changes to the current polling places or polling districts HT1, HT2, HT3, HT4 and HT5.

8. Harold Wood Ward (Hornchurch and Upminster constituency)
HW3 - St Peter's Church Hall: For the 2011 Referendum, polling in this district was relocated from the Ingreborne Centre to St. Peter's Church Hall directly opposite. It is a newer building, and caused less disruption to regular attendees of the Ingreborne Centre. No complaints were received about this change.

It is recommended that this change stands, and to make no changes to the polling places and polling districts HW1, HW2, HW4, and HW5.

9. Hylands Ward (Romford Constituency)
HY4 - The Albany School: The Head Teacher of The Albany School wrote to request the school not be used as a polling station. This is on the grounds that, as a secondary school, exam times often clash with polling day and they have concerns regarding Health and Safety when keeping the school open. However, the alternative suggested by them – the Wykeham School – does not fall within the ward boundary. No other suitable alternative premises could be located within the area.

It is therefore recommended to make no changes to the current polling places or polling districts HP1, HP2, HP3, HP4 and HP5.

10. Mawneys Ward (Romford Constituency)
MN6 – Crownfield School: Since the 2007 review, this polling station has been relocated from the main building into the Nursery Unit in order to allow the school to remain open.

It is recommended this change stands, and to make no changes to the polling places and polling districts MN1, MN2, MN3 MN4, and MN5.

11. Rainham and Wennington Ward (Dagenham and Rainham constituency)
RW1/RW5 - Parsonage Farm Primary School: The Head Teacher of this school plans to keep the school open on future polling days. There are also ongoing issues with voters trying to access the site by car as the school no longer has a car park and therefore the main gates are kept closed.

The Head Teacher has proposed moving the polling station to a different part of the school in the classrooms situated separately to the main building accessed via Allen Road, which does not have parking restrictions. If implemented, this will be monitored closely at the 2012 elections.

Please refer to Appendix B for maps illustrating the present and proposed arrangements.

RW2 – Brady Primary School: Since the 2007 review, Wennington Village Hall has closed and since 2009 voters have been redirected to Brady Primary School, which is also the polling place for RW3.

The future of the Village Hall is uncertain, however it is not proposed to make any changes to the polling districts at this review until the future of the Village Hall is known.

It is recommended that the above proposals for Rainham and Wennington be agreed, with no changes to the polling places or polling districts RW3 and RW4.

12. Romford Town Ward (Romford Constituency)

RT1 - Romford Baptist Church Hall: This Hall was used as an interim polling place whilst the Central Library was closed for refurbishment. The Church hall has disabled access, and, unlike the library, disabled parking, and it is proposed that it remains in use as the polling station for this polling district.

RT2 – St Alban’s Church Hall: Since the 2007 review Manor Primary School has closed down. Polling was relocated to St Alban’s Church Hall in 2010 and no complaints have been received. It is proposed that it remains in use as the polling station for this polling district.

RT5 - Hylands Primary School: A Ward Councillor has written to express concern at the use of Hylands School now it has relocated. The new site allows vehicular access from Granger Way, and pedestrian access from Benjamin Close. The concern was for the residents of Benjamin Close, as cars approaching the school that way could not access the car park and there is no public parking on that road. The Councillor suggested using the Craigdale Centre or only allow access through Granger Way.

The Craigdale Centre has been approached but they have declined to be used for polling due to regular bookings. No other suitable venue can be found at this time.

Having visited the school and following discussions with the Head Teacher, it is proposed:

To keep the Benjamin Close gate open for access. If this gate was closed, voters familiar with the school who try to access this entrance on foot will have a very long walk to the other entrance, which would potentially result in elderly voters or those who have mobility issues losing their vote.

To print the address on the poll cards as:
Hylands Primary School
Granger Way (car access)
Benjamin Close (pedestrian access)
Hornchurch
RM11 1DA

Please refer to Appendix C for maps illustrating the present and proposed arrangements.

It is recommended that the above proposals for Romford Town be agreed, with no changes to the remaining polling places and polling districts RT3 and RT4.

13. Squirrel’s Heath Ward (Romford Constituency)

SQ4 - Ardleigh Green Church Hall: At present the polling station in this polling district is Ardleigh Green Church Hall, which has very limited parking. The All Saints Church across the road volunteered their hall for polling, as they have a car park which voters use on polling day if they cannot park at the Ardleigh Green Church Hall. The All Saints Church has a large car park as well as

disabled access and is highly suitable for use as a polling station. It is recommended that this church be used in future elections.

Please refer to Appendix D for maps illustrating the present and proposed arrangements.

It is recommended that the above proposals for Squirrel's Heath be accepted, with no changes to the polling places or polling districts SQ1, SQ2, SQ3 and SQ5.

14. St Andrew's Ward (Hornchurch and Upminster constituency)

ST3 – Birnam Wood Pupil Referral Unit: Since the 2007 review, the polling station has been relocated from the Robert Beard Youth Centre to the building directly behind it, the Birnam Wood PRU.

It is recommended that this change stands, and to make no changes to remaining polling places or polling districts ST1, ST2, ST4 and ST5.

IMPLICATIONS AND RISKS

Financial implications and risks:

Any increase in the amount of polling stations would incur additional costs in terms of building hire, equipment and polling station staff. The cost incurred from using Council maintained buildings is limited to covering heating, lighting and cleaning costs. These costs are met by the Council only when used for Council elections and by-elections.

Legal implications and risks:

There is a legal requirement to complete a full polling district review by 1st December 2011.

Human Resources implications and risks:

There are no HR implications in this report.

Equalities implications and risks:

The main purpose of the review is to ensure that polling stations are accessible to all.

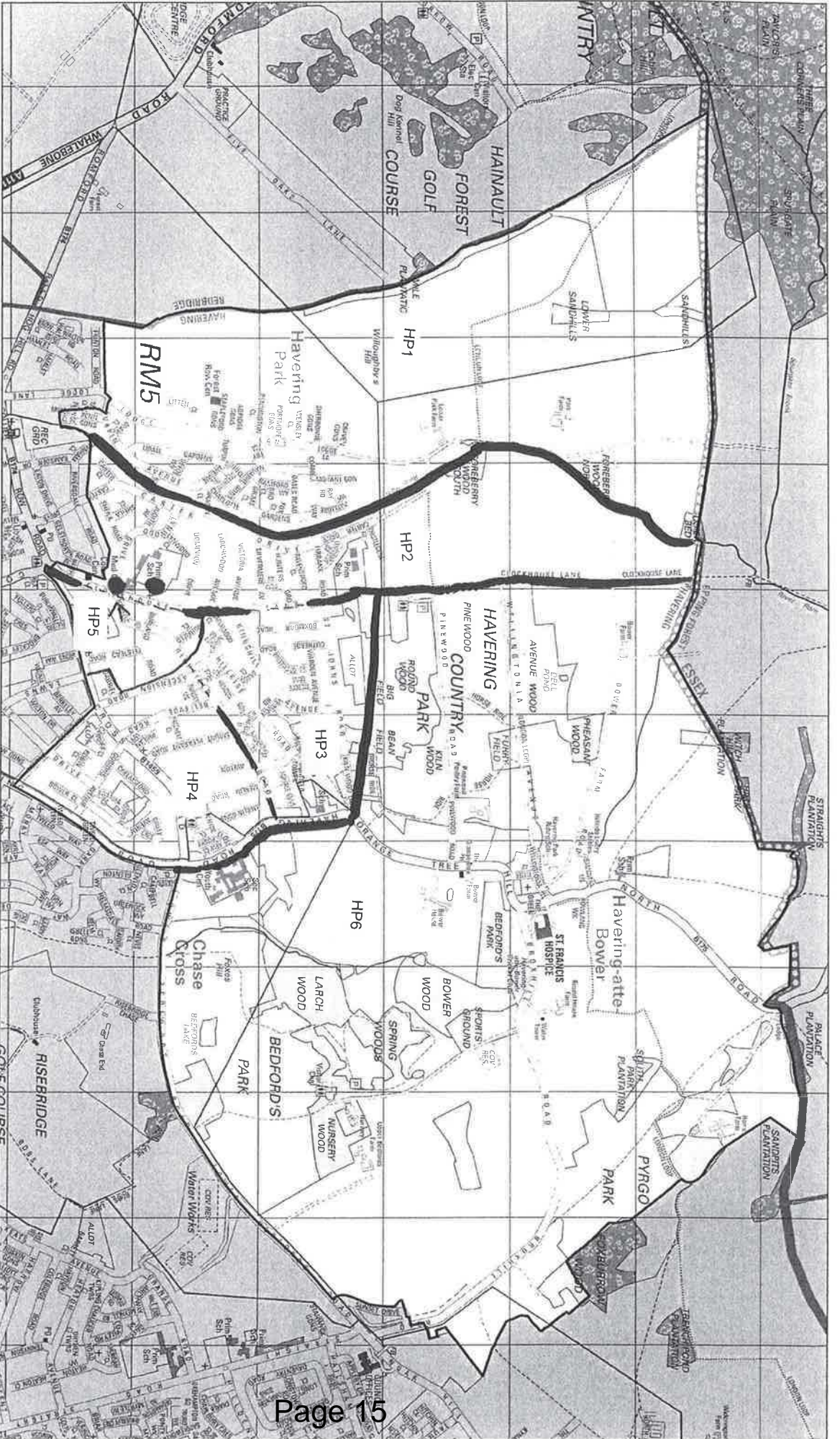
BACKGROUND PAPERS

There are none

List of recommendations:

1. It is proposed that no changes are made to the existing polling districts or polling places in Cranham, Emerson Park, Pettits, South Hornchurch and Upminster.
2. It is recommended that Lombard Court continue to be the polling place for polling district BL1 until the future of St John's Church is known, and to make no changes to the remaining polling districts or polling places BL2, BL3, BL4 and BL5.
3. It is recommended the change in EL1 stands, and to make no changes to the polling places or polling districts for EL2, EL3 and EL4.
4. Until a suitable alternative can be found for GS2, it is recommended to make no changes to the current polling places or polling districts GS1, GS2, GS3, GS4, GS5 and GS6.
5. It is recommended Elm Park Primary School be the polling place for polling district HN5, and no changes be made to the remaining polling places or polling districts HN1, HN2, HN3 and HN4.
6. It is recommended that the proposals for HP2, HP4 and HP5 be agreed, with no changes to the polling places or polling districts HP1, HP3 and HP6.
7. It is recommended to make no changes to the current polling places or polling districts HT1, HT2, HT3, HT4 and HT5.
8. It is recommended that the change in HW3 stands, and to make no changes to the polling places and polling districts HW1, HW2, HW4, and HW5.
9. It is recommended to make no changes to the current polling places or polling districts HP1, HP2, HP3, HP4 and HP5.
10. It is recommended the change in MN6 stands, and to make no changes to the polling places and polling districts MN1, MN2, MN3, MN4, and MN5.
11. It is recommended that the proposals for RW1, RW2 and RW5 be agreed, with no changes to the polling places or polling districts RW3 and RW4.
12. It is recommended the above proposals for RT1, RT2 and RT5 be agreed, with no changes to the remaining polling places and polling districts RT3 and RT4.

13. It is recommended that the proposals for SQ4 be accepted, with no changes to the polling places or polling districts SQ1, SQ2, SQ3 and SQ5.
14. It is recommended that the change in ST3 stands, and to make no changes to remaining polling places or polling districts ST1, ST2, ST4 and ST5.



Havering Park



Map Reference: T05092
Date: 12/01/2011

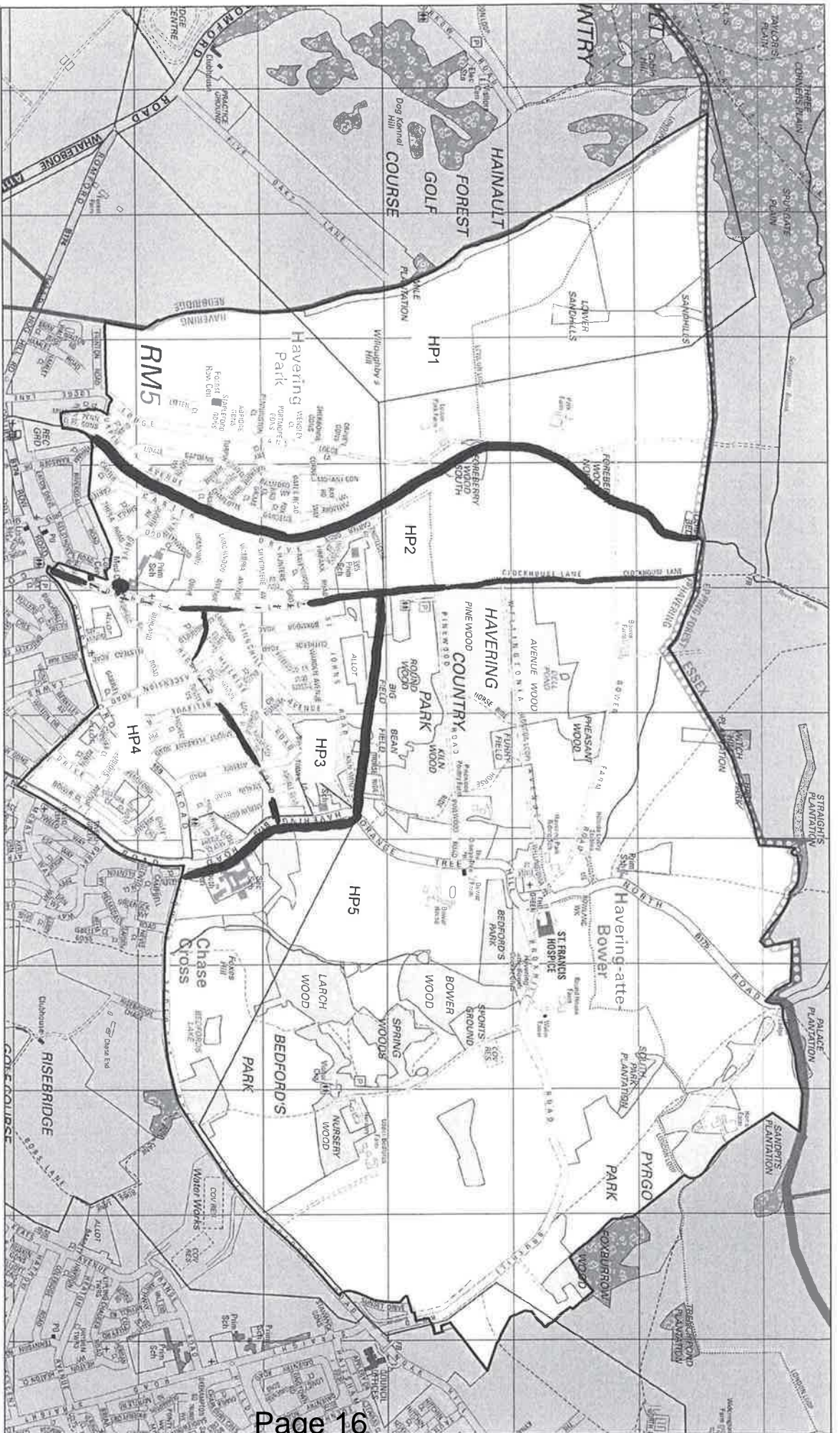
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London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343



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Havering Park



Map Reference: TQ05092
Date: 12/01/2011

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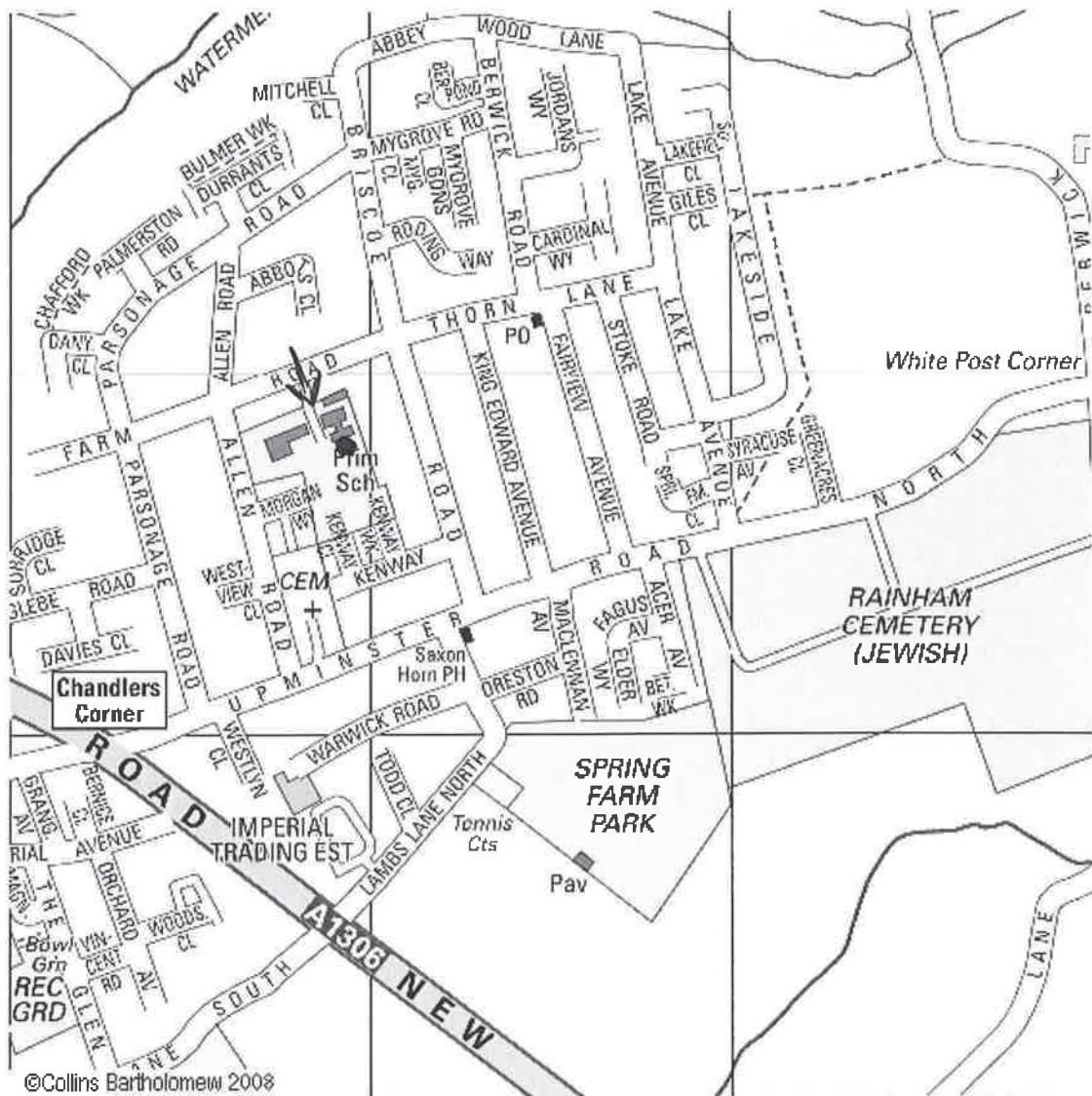
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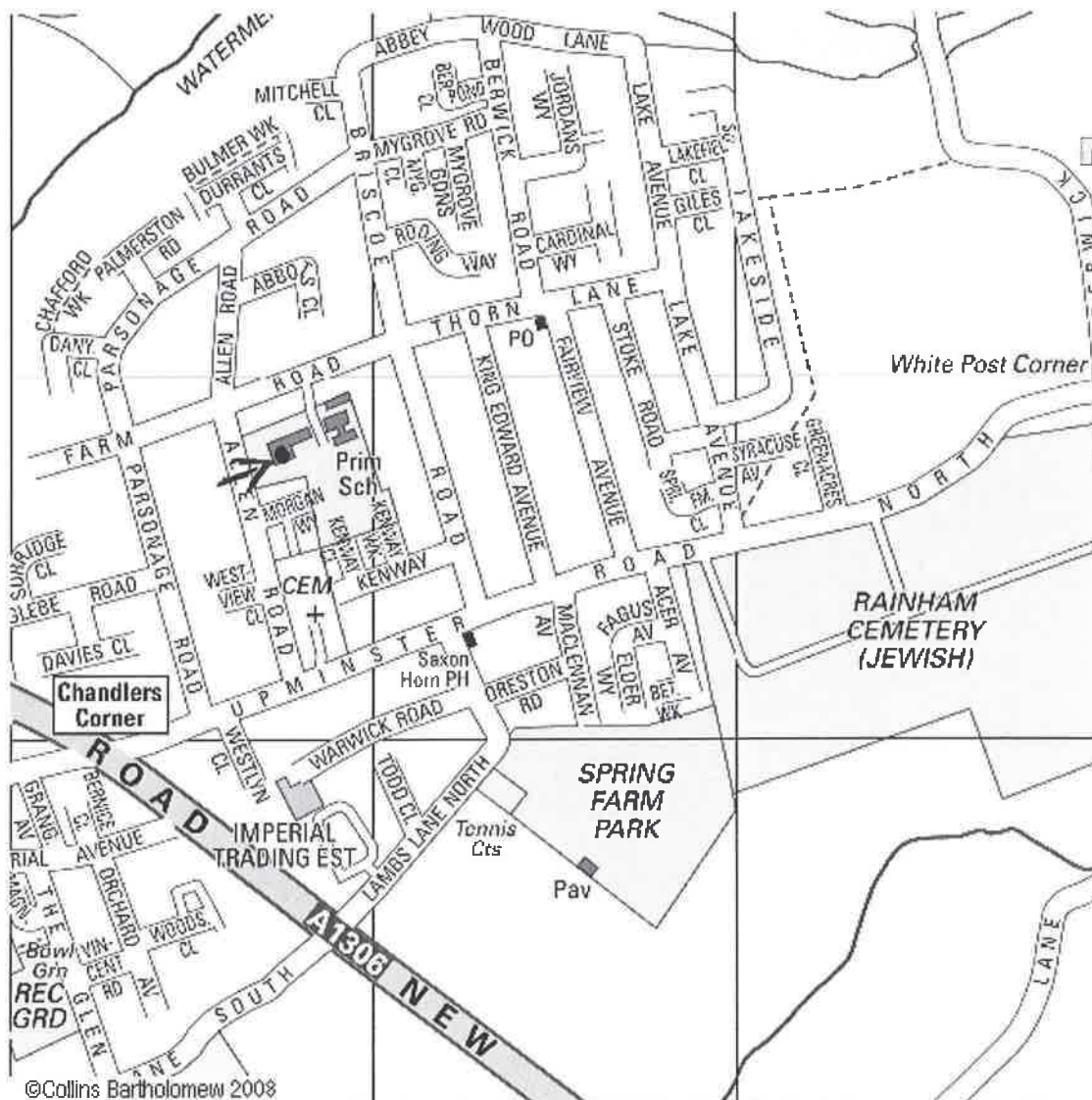


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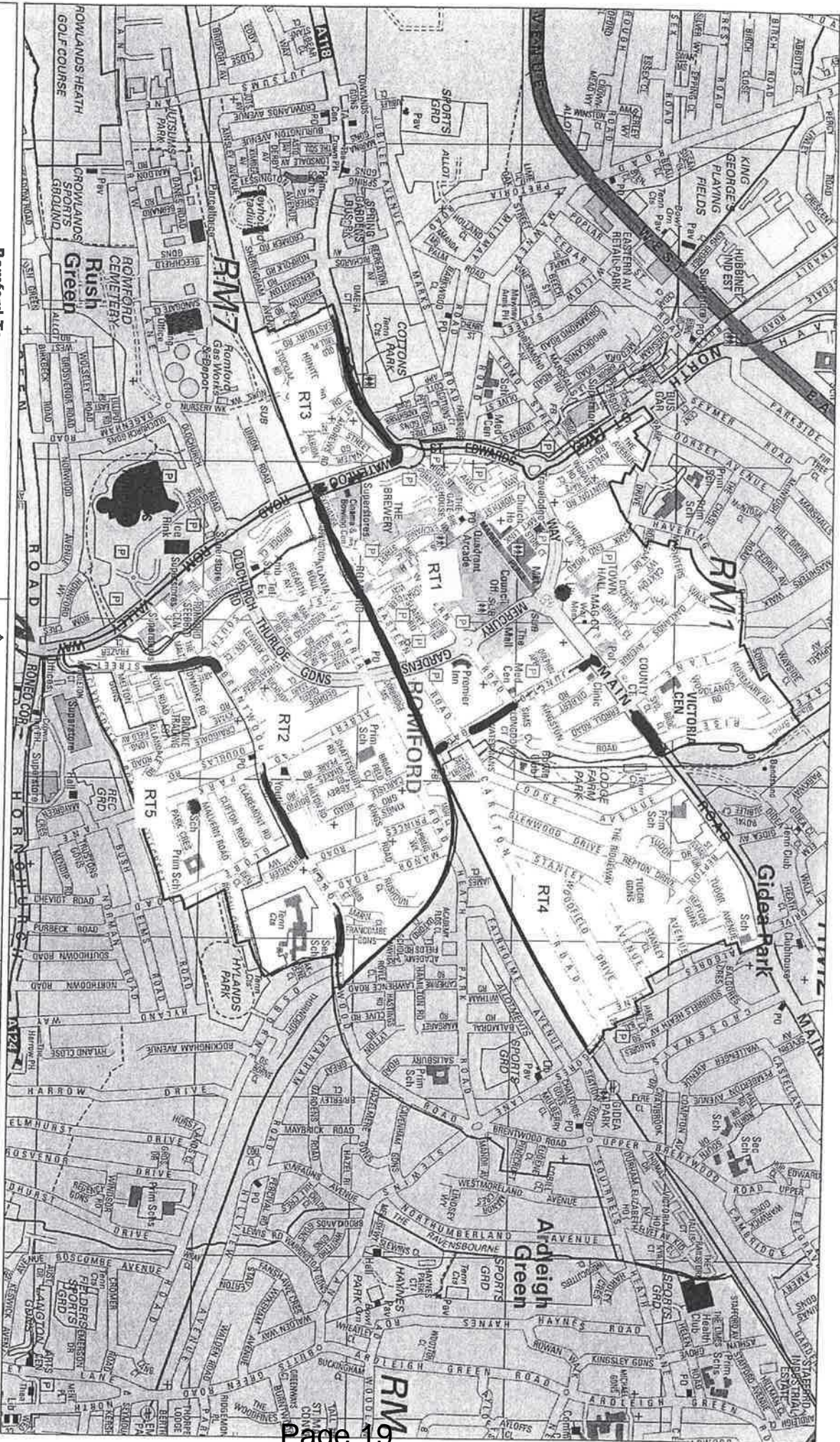
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Rainham & Wennington – present



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Rainham & Wennington – proposed



Romford Town

Map Reference: TQ5188
Date: 12/01/2011

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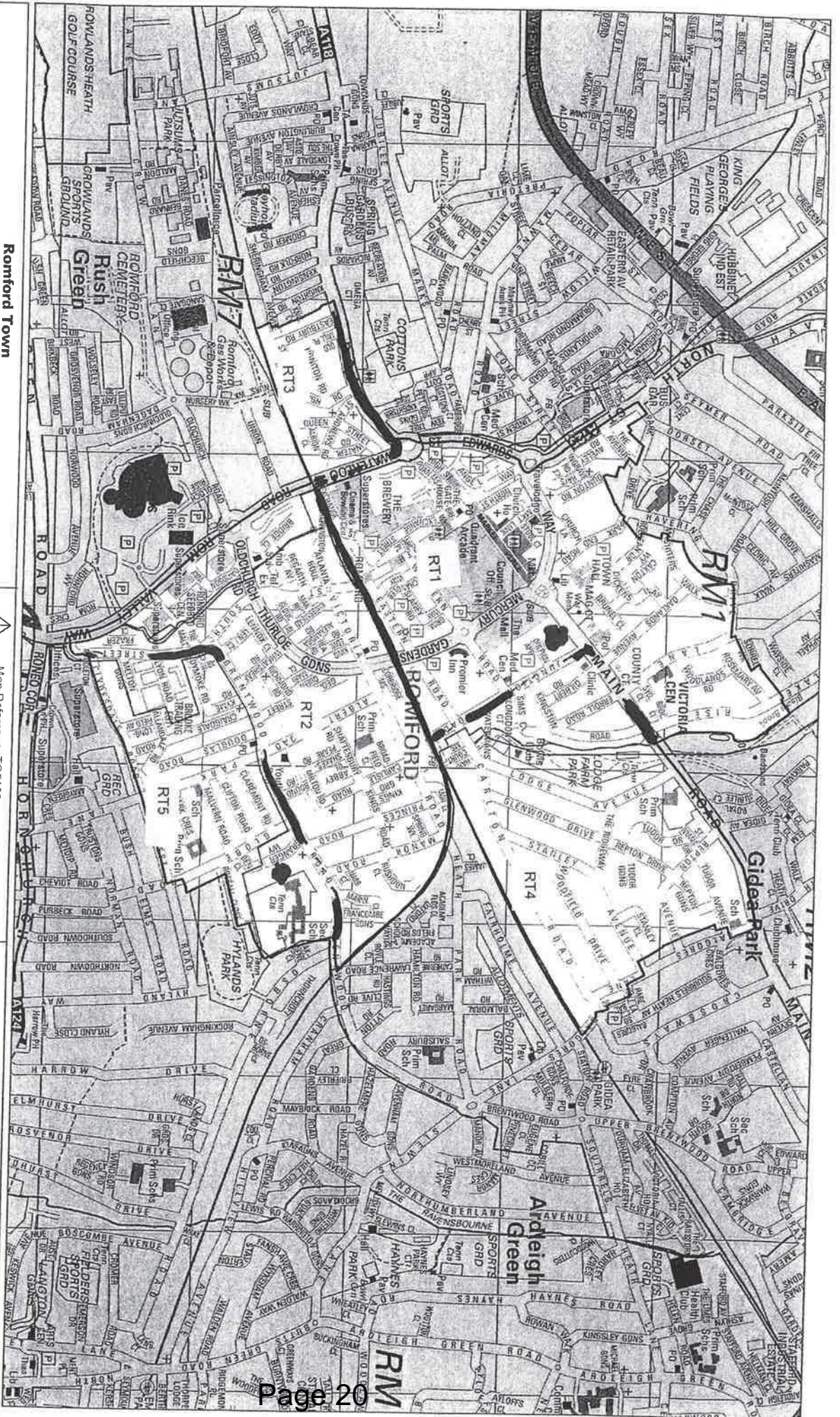


Havering
LONDON BOROUGH

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nlpg
NSG
Ordnance
Survey

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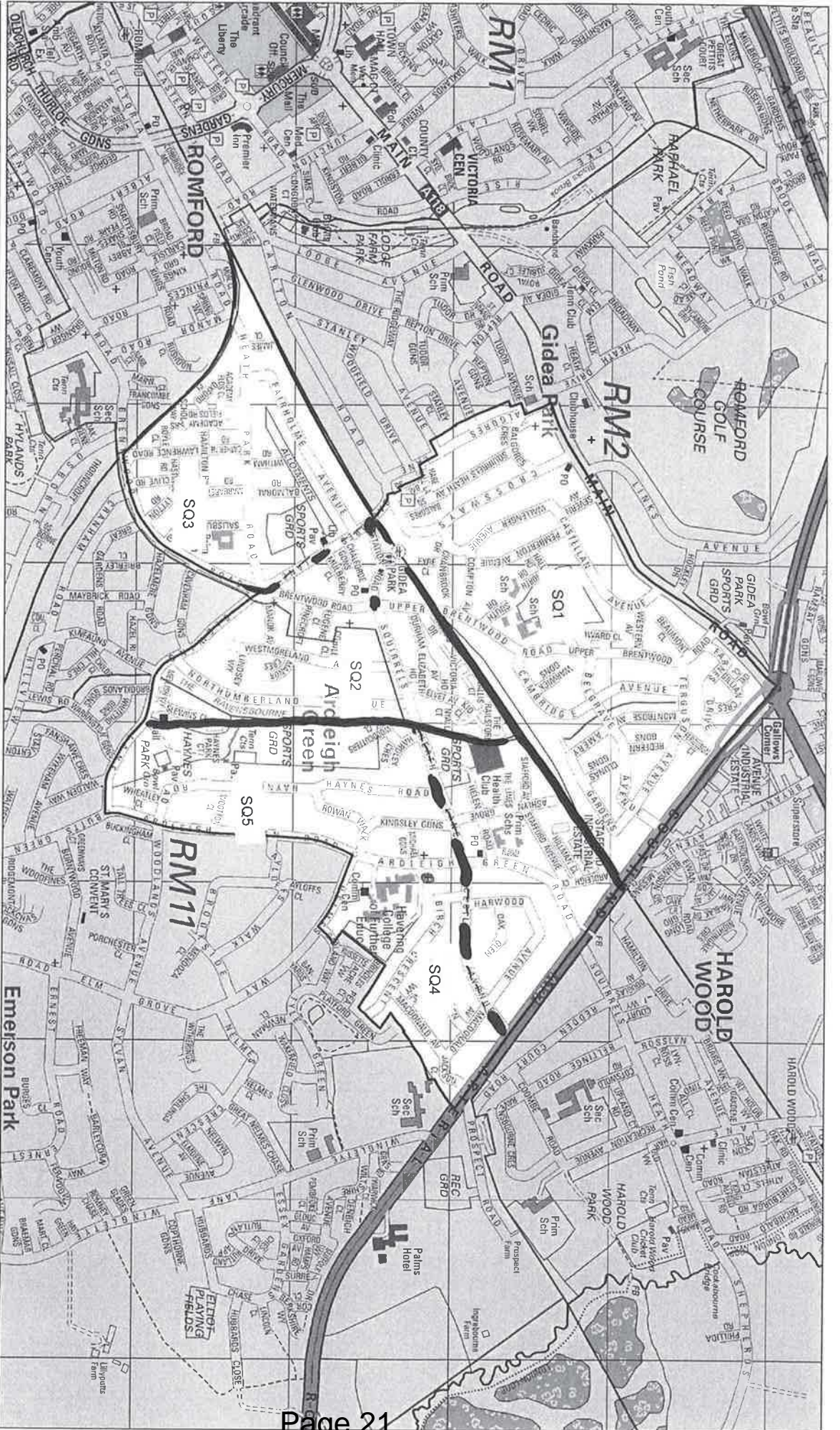


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Squirrels Heath

Map Reference: TQ5389
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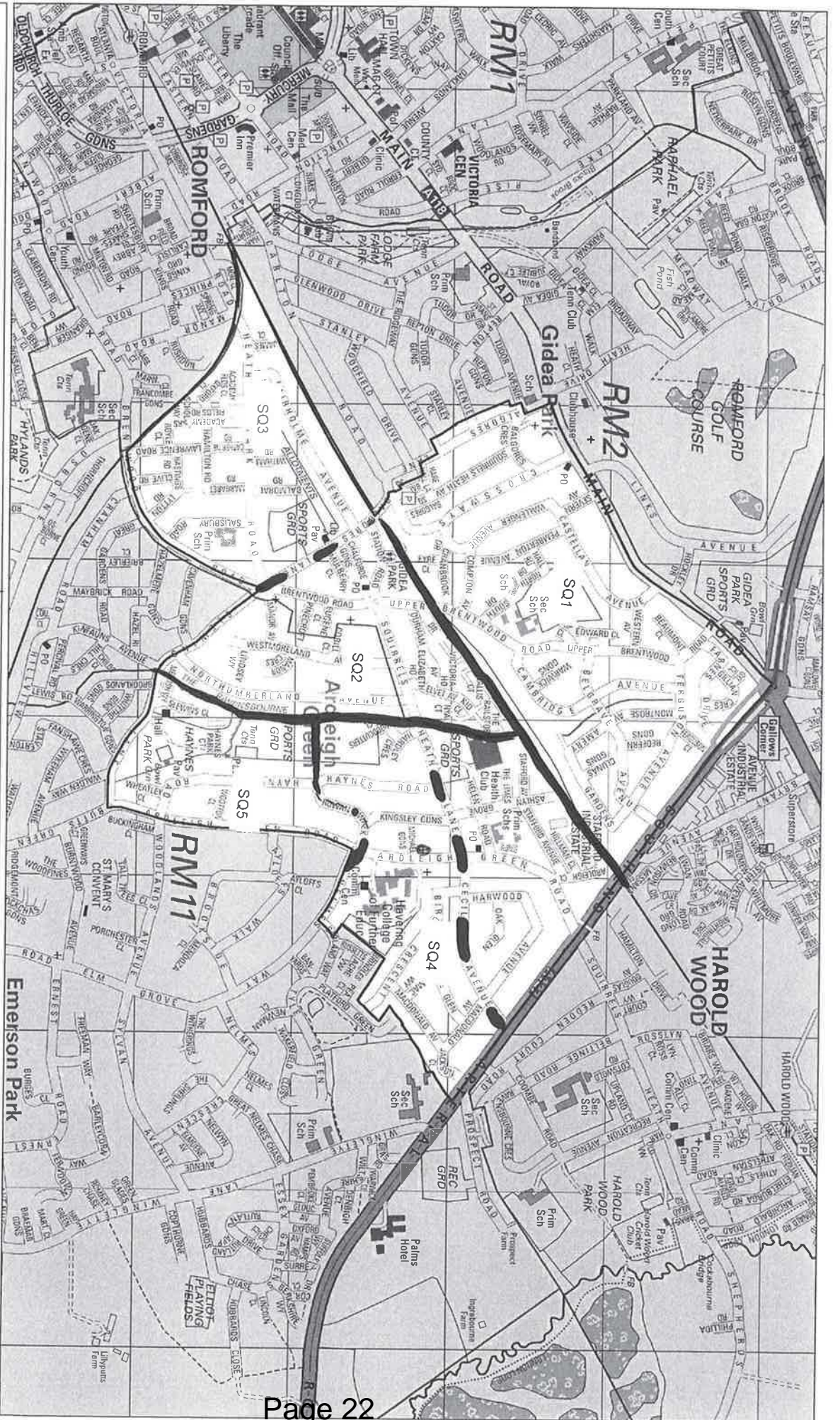


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Squirrels Heath



Map Reference: T05389
Date: 12/01/2011

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GOVERNANCE COMMITTEE

REPORT

7 September 2011

Subject Heading:

**APPOINTMENTS TO OTHER
ORGANISATIONS, 2011/12**

CMT Lead:

Christine Dooley, Assistant Chief
Executive – Legal and Democratic
Services

Report Author and contact details:

Jacqui Barr
Research & Information Officer,
Committee Administration
jacqui.barr@havering.gov.uk
01708 432439

Policy context:

The Council appoints Members and
others to serve on a variety of other
bodies

Financial summary:

There are no financial implications

**The subject matter of this report deals with the following Council
Objectives**

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

THE LUCAS PLAYSITE TRUST:

1.1 Under the terms of the Trust, the Council appoints two nominative trustees, who in turn co-opt up to three more trustees.

- 1.2** The trust was established from the proceeds of the sale of the land comprising a disused play area and its purpose is to use the investment income derived from the proceeds to pay for various improvements to playsite facilities across the borough.
- 1.3** Councillor Andrew Curtin and Councillor Linda Hawthorn are the current representatives. Their term of office is due to expire on 31st October 2011.

RECOMMENDATIONS

That Councillor Andrew Curtin and Councillor Linda Hawthorn be re-appointed to the Lucas Children's Play Charity for the term of office from November 2011 to November 2015.

IMPLICATIONS AND RISKS

Human resources implications and risks

No implications or risks for the human resources arise from this report.

Equalities implications and risks

No implications or risks for the environment arise from this report

Financial implications and risks

No financial implications or risks arise from this report.

Legal implications and risks

No legal implications or risks arise from this report.

BACKGROUND PAPERS

The Charity's deed of trust.

GOVERNANCE COMMITTEE

REPORT

7 September 2011

Subject Heading:

MONITORING OFFICER NO 08
AMENDMENTS TO THE
CONSTITUTION

Report Author and contact details:

IAN BURNS
01708 432442

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

Not applicable

The subject matter of this report deals with the following Council Objectives

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks: None

Legal implications and risks: The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 8

Date 4th August 2011

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.7.2	96	Add paragraph (i): To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau	Reorganisation
Part 3 Section 3.6.6	91/92	Change The Operations Divisional Manager to The Trading Standards Operations Divisional Manager	Reorganisation
Part 3 Section 3.6.6	91/92	Change Fair Trading Standards Fair Trading Divisional Manager to Trading Standards Fair Trading Divisional Manager	Reorganisation

GOVERNANCE COMMITTEE

REPORT

7 September 2011

Subject Heading:

MONITORING OFFICER NO 09
AMENDMENTS TO THE
CONSTITUTION

Report Author and contact details:

IAN BURNS
01708 432442

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

Not applicable

The subject matter of this report deals with the following Council Objectives

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks: None

Legal implications and risks: The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 9

Date 9th August 2011

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 2.6 (Executive Functions)	54	Rename (a) IT to Information & Communication Technology	Reorganisation
Part 3 Section 2.6 (Executive Functions)	54	Rename (g) Exchequer Services to Internal Shared Services	Reorganisation
Part 3 Section 2.6 (Executive Functions)	54	Rename (h) Financial Services to Finance Procurement	Reorganisation

GOVERNANCE COMMITTEE

REPORT

7 September 2011

Subject Heading:	AMENDMENTS TO THE CONSTITUTION
Report Author and contact details:	Christine Dooley Assistant Chief Executive, Legal & Democratic Services - 2442
Policy context:	Constitutional amendments
Financial summary:	There are no relevant financial implications

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

1. Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, the Monitoring Officer shall have power to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, to insert recommendations made pursuant to a written report agreed by Council, to clarify the Constitution, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, the Standards Board and/or any other government appointed inspection regime.

2. Power to clarify the Constitution, insert obvious omissions or to comply with accepted recommendations of external bodies shall only be exercised after first giving five working days' notice to Group Leaders.
3. If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.
4. Other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - make recommendations to the Council about amending the Constitution

RECOMMENDATIONS

Governance Committee recommend to Council the amendments as set out in the body of this report.

REPORT DETAIL

1. In respect of proposed changes to Part 3, Section 4 Functions not to be the responsibility of the Council's Executive (A) Functions relating to Town and Country Planning and Planning Control add paragraph 11A following paragraph 11 on page 124 of the Constitution.

Function	Provisions of Act or Statutory Instrument	Decision Making body
11A Power to issue and serve a discontinuance notice to secure the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.	The regulations made pursuant to Sections 220 and 224 of the Town and Country Planning Act 1990, namely The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.	<ul style="list-style-type: none">• Regulatory Services Committee• Head of Development & Building Control

2. It is proposed to amend Section 3.7.6(p) of the Constitution which sets out powers delegated to the Head of Development and Building Control to allow

delegation of Temporary Stop Notices without necessitating consultations with the ACE and DS. This will allow the Head of Development and Building Control to serve a Temporary Stop Notice as soon as reasonably practical.

3.7.6 (p) (iv) will be deleted and moved to 3.7.6 (bb) following (aa) as follows

“(bb) To take any action as necessary to achieve compliance with any case to issue a Temporary Stop Notice.”

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks: There are no specific financial implications

Legal implications and risks: There are no relevant legal implications

Human Resources Implications and risks:

Equalities implications and risks:

BACKGROUND PAPERS

There are none

