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**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Town Hall, Main Road, Romford  
11 September 2012 (7.30pm - 8.45 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Frederick Thompson (Chairman), Steven Kelly, Eric Munday, Roger Ramsey, +Wendy Brice-Thompson, +Barry Oddy and +Lesley Kelly

**Residents' Group** Clarence Barrett and Gillian Ford

**Labour Group** Keith Darvill

**Independent Residents Group** +Michael Deon Burton

There were no declarations of pecuniary interest

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

Apologies for absence were received from Councillors Michael White, Becky Bennett, Ted Eden, Robert Benham, Paul McGeary and Jeffrey Tucker

Councillors +Lesley Kelly, +Wendy Brice-Thompson, +Barry Oddy and +Michael Deon Burton substituted for Councillors Michael White, Ted Eden, Becky Bennett and Jeffrey Tucker, respectively.

**6 MINUTES**

The minutes of the meeting held on 31 May 2012 were agreed as a true record and signed by the Chairman.

**7 HEALTH AND WELLBEING BOARD GOVERNANCE**

The Health and Social Care Act 2012 required each local authority to establish a Health and Wellbeing Board (the "Board") by April 2013. The Act defined the Board as a committee of the local authority which established it and was to be treated as if it were appointed by the authority under section 102 of the Local Government Act 1972.

The Act specified 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 stated that '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 had the power to appoint additional members if it so wished.

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 was now presented for formal approval.

The proposed membership of the Board would be 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 were 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 was 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 would be made formally by the Leader of the Council in exercise of statutory powers, it was anticipated that the initial Councillors would be the Deputy Leader (who would 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 had power to make consequential amendments to other legislation (in particular the Local Government Act and associated law); amendments had yet to be made and might require some adjustment in the proposed arrangements.

**The Governance Committee accordingly RECOMMENDED to the Council 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.**

**8 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 had the importance that was attached to it at the time and other approaches to 16 plus examination arrangements were under consideration by the Government.

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

**9 OUTSIDE BODIES - HORNCHURCH HOUSING TRUST**

The Council appoints a number of nominative trustees to the Trust for four year terms of office expiring in sequence over each four year period.

Mr R Emmett resigned from the Trust in July 2012. Mr Emmett's term of office was due to expire in February 2015, so a successor needed to be appointed for the remainder of the term. The Committee was asked to consider former Councillor Mr Mike Davis as a replacement trustee to fulfil that role.

The Committee debated whether this appointment would be in the best interests of the Trust and a counter proposal - to appoint Mrs Pam Freer to the Trust - was put forward.

The Committee voted on the counter proposal as follows:

Councillors Frederick Thompson, Steven Kelly, Eric Munday, Roger Ramsey, Lesley Kelly, Barry Oddy and Wendy Brice-Thompson voted In favour of appointing Mrs Frier.

Councillors Clarence Barrett, Gillian Ford, Keith Darvill voted against and Michael Deon Burton abstained.

The motion to appoint Mrs Pam Freer was therefore carried seven votes to three.

10 **ADJUDICATION & REVIEW - REINSTATEMENT AS A 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 was expected that the workload of Adjudication & Review would grow sufficiently to justify being dealt with by a full Committee rather than a Sub-Committee.

**The Governance Committee therefore RECOMMENDED 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.**

11 **CHANGES TO THE STATUTORY RULES ON EXECUTIVE DECISIONS**

The Government had introduced new regulations governing the process of making executive decisions which would increase the amount of information that had to be published on decisions. The new rules took effect on the 10 September 2012 and applied to all executive decisions taken by members and staff.

The Government had, at short notice and without apparent prior consultation, introduced new statutory rules relating to executive decision making and public access to information on those decisions. The statutory instrument was made in mid-August and came into effect on the 10 September 2012.

The new rules related to decision making by the Cabinet, individual cabinet members and officers. It did not impact on decision making by non-executive bodies such as this Committee, Regulatory Services Committee or Licensing Committee.

The regulations made a number of minor detailed changes to existing procedures, but there were three major changes introduced.

a. Forward Notifications

While the requirement for a Forward Plan was abolished, it was replaced with a general requirement for at least 28 days prior notice of the proposed making of a Key Decision.

b. Recording and publication of Decisions by Individuals

Currently only Key Decisions had to be formally registered and published. The new rules massively expanded this requirement to all Executive Decisions made by individual Members and officers. Copies of the decisions would also have to be available for public inspection at a main office and remain so for six years.

c. Inspection of background papers

Background papers relied upon in the preparation of all executive decisions would also need to be available for public inspection at the Council offices and on the website, this time for 4 years after the decision was made.

There would clearly be a cost to the Council in the amount of extra time that staff would have to devote to preparation of the background documents for publication, but it was not possible to put a figure to that cost.

There ensued considerable discussion by Members who expressed amazement that a Department of State could authorise such legislation without having first consulted on it. There was surprise that at a time when the government was cutting council funding and insisting business be conducted with less bureaucracy, it was making councils add to the volume of bureaucratic record keeping they had to manage – and that with radically reduced resources.

There was cross party consensus that this was a measure which needed to be answered and that the GLA and London Councils should be canvassed for the opinions of other authorities and the Council's serious concerns about the burdens being imposed by well intentioned but poorly considered legislation which had neither been consulted over nor debated in Parliament and for which no transition arrangements had been made.

**The Governance Committee noted the report and requested that the Monitoring Officer draft a response to the Secretary of State for Communities and Local Government expressing the serious concerns and reservations of the Group Leaders to this legislation.**

A review of the Council's Constitution and recent legislation had led to proposals for amendment of the Constitution.

**The Governance Committee RECOMMENDED to the Council that, for the reasons given, the amendments set out in the appendix be approved.**

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**Chairman**

### 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.