



Haverling

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

GOVERNANCE COMMITTEE AGENDA

7.30 pm

**Tuesday
11 September 2012**

**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
Steven Kelly
Eric Munday
Roger Ramsey
Michael White
Ted Eden

Clarence Barrett
Gillian Ford

Keith Darvill
Paul McGeary

Jeffrey Tucker

**For information about the meeting please contact:
Grant Soderberg 01708 433091
grant.soderberg@haverling.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 & SUBSTITUTE MEMBERS

(If any) - receive

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in any item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the Committee held on 31 May 2012, and to authorise the Chairman to sign them.

5 HEALTH AND WELLBEING BOARD GOVERNANCE (Pages 7 - 12)

Members are invited to consider the implications of this report and whether to make recommendations to Council in accordance with the recommendations.

6 MEMBER CHAMPION FOR THE NEW DIPLOMA - PROPOSED ABOLITION OF APPOINTMENT (Pages 13 - 14)

Members are invited to determine whether the appointment should be recommended to Council for abolition.

7 OUTSIDE BODIES - HORNCURCH HOUSING TRUST (Pages 15 - 16)

Members are invited to consider whether to accept the proposed replacement for Mr Emmett.

8 ADJUDICATION & REVIEW REINSTATEMENT AS A FULL COMMITTEE (Pages 17 - 22)

Members are invited to consider whether to recommend to Council the reinstatement of the sub-committee to full committee status

9 CHANGES TO THE STATUTORY RULES ON EXECUTIVE DECISIONS

Report to follow (if available)

10 REPORT OF THE MONITORING OFFICER - CHANGES TO THE CONSTITUTION

Report to follow

Governance Committee, 11 September 2012

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

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Agenda Item 4

Public Document Pack

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE Havering Town Hall 31 May 2012 (7.30pm – 9.00pm)

Present:

COUNCILLORS:

Conservative Group	Frederick Thompson (in the Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White and +Wendy Brice-Thompson
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Paul McGeary and +Pat Murray
Independent Residents' Group	Jeffrey Tucker

There were no declarations of interest

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

Apologies for absence were received from Councillors Becky Bennett, Keith Darvill, Ted Eden and Eric Munday,

Councillor +Wendy Brice-Thompson substituted for Councillor Becky Bennett and Councillor Pat Murray substituted for Councillor Keith Darvill

Councillor Michael Deon Burton was also present for part of the meeting

1 **MINUTES**

A member queried the wording in Minute 25 of the meeting of 14 March 2012 in which the word "also" should be inserted in the text so that the sentence read:

*"In order to obtain an accurate consensus on this, the Chairman asked Members to vote on the proposal that the chair of the joint OSCs should **also** be from the Vice Chairmen".*

Upon the amendment being accepted and subject to the change being made, the minutes of the meeting were agreed as a true record and signed by the Chairman.

2 **MINOR CHANGES TO THE CONSTITUTION**

A small number of minor changes were needed to the Constitution to reflect changes in operating processes arising from the implementation of new systems, and recommendations arising from audit reports. The Committee was asked to consider the following changes:

(a) Financial authorities, responsibilities and functions

It was proposed that the inclusion of an explicit power relating to spending authority would 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 tied in with the authorisation chain within the new Oracle systems.

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

The proposed changes were set out in Appendix 1 to the report.

(b) Virements and key decisions

It was proposed to amend the definition of “key decision” and the rules relating to budget virements, as a result of review that had revealed inconsistencies of approach.

The proposed changes were set out in Appendix 2 to the report.

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

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

Members were asked to note that none of the delegations would affect Members’ rights to call in specific applications for consideration by the Regulatory Services Committee.

The proposed changes were set out in Appendix 3 to the report.

A Member raised a query concerning the way the figures were set out and on reassurance that the error would be corrected, the report was accepted unanimously.

RESOLVED

That the Committee RECOMMEND to the Council

That the Council adopt the changes set out in Appendices A and B to this Minute.

3 **AMENDMENTS TO THE CONSTITUTION**

Recent applications of the Constitution had identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work.

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

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 Law.

2. **Proposed New Delegated Power: 3.7.6 (cc)**

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

3. **Proposed additional text in 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)**

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.

Having considered the report and, there being no questions from Members.

RESOLVED

That the Committee RECOMMEND to the Council:

The proposed amendments as set out in this minute be adopted.

4 **STANDARDS OF MEMBERS' CONDUCT – LOCALISM ACT 2011: NEW MEMBERS' CODE OF CONDUCT**

The Localism Act 2011 abolished, with effect from 1 July 2012, the current statutory regime for regulating Members' standards of conduct, introduced by the Local Government Act 2000. The report dealt with the need for a new Members' Code of Conduct and for mechanisms required to deal with alleged breaches of it.

Members were reminded that there was a need for the new procedure to continue to reflect the Nolan Principles which had been put in place to underpin all public services. The principle change was to give greater emphasis to “pecuniary” advantage from the more general “interests” which needed to be declared within the current system, not least because failure to declare a pecuniary advantage becomes a criminal offence. It was being proposed that the mechanisms for considering complaints against Members should be administered by the Adjudication and Review Sub-Committee using a variation of its current procedure for hearing Stage Three complaints. A limited range of sanctions compared with the current arrangements could be applied and it was for Members to consider how to set that out. The Committee was informed that Ipswich had published a range of sanctions and Members might wish to consider whether or not to use part – or all – of it.

Members enquired about the use of Independent Persons (IPs) and were informed that the rules had changed – but had not yet been adequately clarified - though the Department for Communities and Local Government (DCLG) was in the process of publishing further guidance. Delay, however, was not an option. The new Code would come into force and would have to be amended once further clarification had been received.

Members asked about the role of the IP and were informed that the IP’s role was not clear. This would be addressed in time, but for the present the Council was prevented from using any of its current IPs, but had entered dialogue with Redbridge to see whether IPs could be “swapped” until the rules became clearer.

A Member asked whether there was any appeals procedure from a decision by the Panel and was informed that the route could either be to the Local Government Ombudsman or Judicial Review.

Members enquired about the composition and scope of the panels and were informed that membership of both the Initial Assessment and Hearings panels would be drawn from the Adjudication and Review Sub-Committee. Those councillors who sat on the one would not be eligible to sit on the other to hear the same matter.

There was some concern expressed about part of the wording and the following motions were put to the vote:

1. That those Members who had received complaints about them should be informed of the allegation(s) and
2. The right of the complainant to have the decision reviewed to be deleted.

Both motions were **carried** unanimously.

RESOLVED

That the Committee RECOMMEND to the Council that

1. The Code of Conduct set out in Appendix 1 to this minute (subject to the agreed amendments) be adopted.

2. The Monitoring Officer to be authorised to amend the section of the Code that dealt with interests if necessary to comply with any subsequent secondary legislation on interests.
3. The procedure for investigating and adjudicating on alleged breaches of the Code of Conduct be adopted.

5 APPOINTMENTS TO OTHER ORGANISATIONS 2012/13

The Committee was reminded that the Council made appointments to a large number of other organisations, some statutory, others voluntary. Since the new executive governance arrangements came into force, responsibility for making some appointments had passed from the Governance Committee to the Leader of the Council but the Constitution provided that it was for this Committee to make recommendations to the Leader.

The Committee first considered executive Member appointments to external bodies. All were confirmed apart from the Thames Gateway London Partnership which the Leader confirmed as being defunct and replaced by the East and South East London Transport Partnership.

The Committee then considered those appointments for which non-executive Members were nominated.

Changes were made to the appointments in the report:

- Havering Sixth Form College. It was recommended that Councillor Wendy Brice-Thompson should replace Councillor Steven Kelly
- Joint O & S East London Solutions. Councillor Rebecca Bennett is appointed as the representative of this new body with Councillors Wendy Brice-Thompson, Frederick Thompson and Robbie Misir to be added as deputies.
- Romford Combined Charity. Wilf Mills was re-appointed as a Nominated Trustee to take effect from 3 November 2012 until 3 November 2016.

Concerning the Orchard Village Neighbourhood Management Board, the Chairman announced that he had received a communication from Councillor Rebecca Bennett to the effect that she was concerned she might not be able to fulfil her appointment due to personal circumstances. The Leader responded by saying that he had proposed her name and that the proposal stood until she formally resigned from it.

A Member raised a question about the membership of the Board reminding the Committee that due to unfortunate circumstances there had been a loss of one of the Ward councillors and that the position had been filled by a Cabinet Member. He stated that this had not been acceptable at the time and that the Committee ought to replace the Cabinet Member with the third Ward councillor.

The Chairman invited the Member to propose a replacement and Councillor Michael Deon Burton's name was put forward. There being no seconder to this proposal, the amendment fell and the proposed membership of the body was confirmed.

The Committee:

- 1 (a) Determined the appointments to the organisations referred to in the appendix to this minute for the period until the meeting that dealt with appointments for the municipal year, 2012/13 (or such other period as may be relevant in any specific case).
- (b) **RECOMMENDED** to the Leader that where the appointment was executive the Committee make that appointment.
- 2 Confirmed that where the Council’s representative (or any deputy or alternative representative where applicable) was unable to attend a particular meeting and the constitutional arrangements of the body in question so permitted; that representative might mandate the Chair of the meeting to exercise a proxy vote.
- 3 Confirmed that the Council’s voting rights at the General Assembly of the Local Government Association should be exercised by Councillor Michael White (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either was unable to vote in person).

.....

CHAIRMAN

.....

DATE



GOVERNANCE COMMITTEE

REPORT

11 September 2012

Subject Heading:	Health and Wellbeing Board Governance
Cabinet Member:	Councillor Steven Kelly, Lead Member for Individuals and Deputy Leader
CMT Lead:	Lorna Payne, Group Director, Adult & Health
Report Author and contact details:	David Jones, Adults & Health Project Manager David.jones@havering.gov.uk
Policy context:	The Health and Social Care Act 2012 requires the establishment of a Health and Wellbeing Board; this report details the membership changes supported by the Shadow Health and Wellbeing Board.
Financial summary:	There is no additional funding for this new statutory requirement.

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

Ensuring a clean, safe and green borough	X
Championing education and learning for all	□
Providing economic, social and cultural activity in thriving towns and villages	□
Valuing and enhancing the lives of our residents	X
Delivering high customer satisfaction and a stable council tax	X

SUMMARY

The Health and Social Care Act 2012 requires each council area to have a Health and Wellbeing Board by April 2013.

A Health and Wellbeing Board is defined by the 2012 Act as a committee of the local authority which establishes it and is to be treated as if it were a committee

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appointed by the authority under section 102 of the Local Government Act 1972.

There has been a review of the membership of the shadow Health and Wellbeing Board in preparation for it becoming a fully fledged Board.

The recommended membership changes were supported by the shadow Board at its meeting on 25th July 2012 and are presented for formal approval.

RECOMMENDATIONS

That the Committee:

1. Agree the recommended membership of the Health and Wellbeing Board as detailed in paragraph 1.12.
2. **RECOMMEND** the proposal to the Council for formal approval.
3. Note that the selection of councillor representatives on the Board is a statutory power given to the Leader of the Council by the legislation
4. Note that the shadow Health and Wellbeing Board has adopted the same membership as from 1 September 2012.
5. Note there is a possibility that the technical regulations, still to be laid before Parliament, may require some further revisions to the membership.

REPORT DETAIL

- 1.1 At its meeting on 14 March 2012, the shadow Health and Wellbeing Board agreed to undertake a review of current arrangements against good practice, to strengthen and streamline the local Board, develop options for revised governance, seeking additional stakeholder views where appropriate, and prepare a revised governance model for consideration.
- 1.2 This report summarises the purpose of the Health and Wellbeing Board and the membership changes which were supported by shadow Board at its meeting on 25 July 2012.
- 1.3 The Health and Social Care Act 2012 requires each council area to have a Health and Wellbeing Board by April 2013.
- 1.4 The NHS and Social Care Act, 2012 (sections 195 – 199) includes a duty to encourage integrated working. It also places a mutual obligation on councils and NHS commissioners to undertake a Joint Strategic Needs Assessment (JSNA) and a joint health and wellbeing strategy (JHWS).

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- 1.5 It sets an expectation of alignment of health, social care and public health commissioning plans and promotes joint commissioning and integrated provision.
- 1.6 In summary, the Health and Wellbeing Board will work in partnership to ensure people in Havering have services of the highest quality which promote their health and wellbeing. Through commissioning and transformational change, it will achieve greater integrated working and make the best use of collective resources so Health and Social Care / other local services narrow inequalities and improve outcomes for local residents.
- 1.7 A Health and Wellbeing Board is defined by the 2012 Act as a committee of the local authority which establishes it, despite it having a membership which includes officers of the Council, a unique occurrence, and despite it exercising executive powers on behalf of the Council. Although it is a hybrid, it is to be treated as if it were a committee appointed by the authority under section 102 of the Local Government Act 1972.
- 1.8 Technical regulations relating the Health and Wellbeing Boards should be laid before Parliament in November 2012 but this could be as late as January 2013. It is expected that the recommendations will be consistent with them but there is a possibility some limited changes may be required.
- 1.9 There is strong support for the Health and Wellbeing Board being a commissioning body which provides strategic leadership across the local authority and health local systems; this implies providers should not be members in order to avoid potential conflicts of interest.
- 1.10 In canvassing views as part of the governance review, support has been expressed for a Board which does not exceed 12 members in order to facilitate decision making.
- 1.11 The Act specifies (extracted from S194) the following core members:
 - At least one councillor of the local authority, all 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

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- 1.12 It is recommended that the Board members (12 at present) should be:
- Four councillors
 - The director of adult social services for the local authority
 - The director of children's services for the local authority (these are separate posts at present but membership should reflect statutory role rather than people)
 - The chief executive of the council
 - The director of public health for the local authority
 - A representative of the Local HealthWatch
 - A representative of Havering Clinical Commissioning Group, preferably the Chair
 - Clinical Director / Lead for the local authority; Havering Clinical Commissioning Group
 - Accountable Officer (Designate), Havering Clinical Commissioning Group
- 1.13 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.
- 1.14 While it is a power given to the Leader of the Council by the legislation to determine which councillors will be members of the Board, 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 and Communities, Housing and Children and Learning.
- 1.15 Members of the shadow Board have been consulted on the proposed change in membership and the recommendations were generally supported by the shadow Board at its meeting on 25th July 2012.
- 1.16 The shadow Board also supported the next stage of the review which would include developing models for sub structures which would involve providers and extend engagement.

IMPLICATIONS AND RISKS

Financial implications and risks:

While the Chairman of a Council committee would normally be in receipt of a special responsibility allowance, if the Deputy Leader is appointed chairman then there will not be a new cost as his current SRA is greater than the standard SRA for a committee chairman.

Legal implications and risks:

There is a statutory requirement to have a Health and Wellbeing Board in place by April 2013. The proposed changes fully comply with the Health and Social Care Act 2012. There is a possibility that the technical regulations, still to be laid before Parliament, may require some further revisions to the membership.

Human Resources implications and risks:

There are no apparent implications or risks.

Equalities implications and risks:

There are no apparent implications or risks.

BACKGROUND PAPERS

Operating Principles for Health and Wellbeing Boards – nhsconfed.org 2011

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GOVERNANCE COMMITTEE

REPORT

11 September 2012

Subject Heading:	MEMBER CHAMPION FOR THE NEW DIPLOMA – proposed abolition of appointment
CMT Lead:	Sue Butterworth, Acting Group Director, Children’s Services Ian Burns. Acting Assistant Chief Executive
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager
Policy context:	The Council appoints several Member Champions, including one for “the new Diploma scheme”. That particular appointment is no longer needed.
Financial summary:	No financial implications arise from this report.
Has an Equality Impact Assessment (EIA) been carried out?	No equalities implications arise from this report.

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

REPORT DETAIL

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 it is, therefore, recommended that it be abolished.

Since its inception, the appointment has been held by the Cabinet Member for Children & Learning (who is also statutory Lead Member for Children's Services). Abolition of the Champion appointment has no effect on those other appointments.

RECOMMENDATIONS

That it be **RECOMMENDED to the Council** that the appointment of Member Champion for the new Diploma Scheme be abolished.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no implications or risks.

Legal implications and risks:

There are no implications or risks.

Human Resources implications and risks:

There are no implications or risks.

Equalities implications and risks:

There are no implications or risks.

BACKGROUND PAPERS

There are no background papers.



GOVERNANCE COMMITTEE

11 September 2012

REPORT

Subject Heading:

**APPOINTMENTS TO OTHER
ORGANISATIONS**

CMT Lead:

Ian Burns
Assistant Chief Executive
01708 432442

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 significant financial implications.

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

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

SUMMARY

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 is due to expire in February 2015, so a successor needs to be appointed for the remainder of the term.

RECOMMENDATIONS

That the Committee appoints **Mr Mike Davis** to the vacant position of Trustee for the term of office expiring in February 2015.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

There are no specific implications or risks. Appointments should be made with the Council's equalities policies in mind.

Legal, Finance and Environmental Implications and Risks

These appointments are administrative and have no direct legal, financial or environmental implications or risks. In some cases, membership of an organisation is dependent upon the Council paying a subscription: where relevant, the subscription will be met from within an appropriate budget provision.

BACKGROUND PAPERS

Files are held by Committee Administration containing background information on the organisations to which appointments are being made.

GOVERNANCE COMMITTEE

REPORT

11 September 2012

Subject Heading:

ADJUDICATION & REVIEW –
reinstatement as full Committee

CMT Lead:

Ian Burns, Assistant Chief Executive

Report Author and contact details:

Ian Buckmaster, Committee
Administration & Member Services
Manager
Tel: 01708 432431

Policy context:

Email: ian.buckmaster@havering.gov.uk
Following changes in the management of complaints about Members' conduct and of complaints by tenants following the re-absorption by the Council of housing management functions, it is proposed to reinstate Adjudication & Review as a full Committee.

Financial summary:

The Committee Chairmanship role will attract a Special Responsibility Allowance of £7,650 in a full year (£3,825 in 2012/13)

Has an Equality Impact Assessment (EIA) been carried out?

An EIA is not necessary.

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

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.

This report identifies the various steps required to put this into effect and invites the Committee to make appropriate recommendations to the Council.

RECOMMENDATIONS

That the Committee **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.
- 3 That the post of Chairman of the new Committee be paid a Special Responsibility allowance at the same rate as the Chairman of the Audit and other Committees, and that the Members' Allowances Scheme 2012/13 be amended by the addition to Schedule 1 of the Scheme, in the final line, of "Adjudication & Review " before "Audit"

REPORT DETAIL

- 1 At its Annual Meeting in May 2010, the Council decided that the Adjudication & Review Committee should become a Sub-Committee of the Governance Committee rather than continue as a full Committee in its own right.

- 2 Since then the Council has conferred on the Adjudication & Review Sub-Committee responsibility for dealing with complaints about Members' conduct, formerly dealt with by the Standards Committee. The Standards Committee has now been abolished in consequence of the Localism Act 2011; it remains this Committee's role to consider policy issues relating to standards.
- 3 In addition, Members will be aware that, with effect from 1 October, responsibility for managing the Council's housing stock will revert directly to the Council and Homes in Havering will cease to exist. Complaints by tenants of Council housing will, therefore, once more become a direct responsibility of the Council under Adjudication & Review.
- 4 It is expected that the workload of Adjudication & Review will be increased sufficiently to justify reinstating it as a full Committee, and this Committee is therefore invited to recommend accordingly to the Council. The Chairmanship of the new Committee will attract a SRA; the recommendations to Council cover the steps necessary to provide for that.
- 5 The appendix to this report sets out the changes to the Council's Constitution that are a necessary consequence of this proposal. The opportunity has also been taken to amend wording to reflect recent changes in legislation.

IMPLICATIONS AND RISKS

Financial implications and risks:

The addition of a Special Responsibility Allowance for the Chairman of the new Adjudication & Review Committee will result in additional expenditure of £3,825 (excluding employer's National Insurance Contributions) in the provision for Members' Allowances in the current year and £7,650 in a full year.

This additional cost pressure will need to be contained within the overall Members allowances budget and reflected within the development of the 2013/14 revenue budget.

There are no other financial implications arising from this report.

Legal implications and risks:

There are no legal implications or risks.

Human Resources implications and risks:

There are no HR implications or risks.

Equalities implications and risks:

It is not necessary to carry out an Equalities Impact Assessment. There are no implications or risks for equalities as no changes of substance are proposed.

BACKGROUND PAPERS

There are no background papers.

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

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