



Haverling

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

GOVERNANCE COMMITTEE AGENDA

7.30 pm	Wednesday 14 November 2012	Town Hall, Main Road, Romford
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Members 13: Quorum 4

COUNCILLORS:

**Conservative Group
(8)**

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

**Residents' Group
(2)**

Clarence Barrett
Gillian Ford

**Labour Group
(2)**

Keith Darvill
Paul McGeary

**Independent
Residents' Group
(1)**

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 Tuesday 11 September 2012 and to authorise the Chairman to sign them.

5 INGREBOURNE WAY Sustrans Connect2 Project - Proposed Amendment of Pleasure Ground Bylaw on Cycling (Pages 7 - 16)

Members are invited to consider the new model byelaw on cycling as approved by the Department for Communities & Local Government be adopted and decide whether current byelaw 9(ii) of the 1990 Pleasure Ground Byelaws be repealed.

6 PROPOSED NEW PARLIAMENTARY CONSTITUENCIES - Outcome of Representations (Pages 17 - 26)

Members are invited to note the revised proposals for the Borough's Constituencies and consider whether any further representations should be made in response.

7 REVIEW OF THE OPERATION OF THE HIGHWAYS ADVISORY COMMITTEE (Pages 27 - 32)

Members are invited to consider the report and decide whether to recommend to the Council the changes to the Committee's Terms of Reference, Procedure Rules and the Head of StreetCare's delegated powers.

8 REPORT OF THE MONITORING OFFICER (NO 13) (Pages 33 - 36)

The report is for Members to note.

Ian Buckmaster
Committee Administration &
Member Support Manager

Agenda Item 4

Public Document Pack

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE Havering Town Hall 11 September 2012 (7.30pm – 8.45pm)

Present:

COUNCILLORS:

Conservative Group	Frederick Thompson (in the Chair), Steven Kelly, Eric Munday, Roger Ramsey, +Lesley Kelly, +Wendy Brice-Thompson and +Barry Oddy
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Keith Darvill
Independent Residents' Group	+Michael Deon Burton

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 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 & WELLBEING BOARD GOVERNANCE**

The Health and Social Care Act 2012 requires 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

Governance Committee 11 September 2012

- 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 Frier 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 Frier 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.

12 **REPORT OF THE MONITORING OFFICER – CHANGES TO THE CONSTITUTION**

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.

.....
CHAIRMAN

.....
DATE

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GOVERNANCE COMMITTEE

14 November 2012

Subject Heading:	Ingrebourne Way Sustrans Connect2 Project – Proposed Amendment of Pleasure Ground Byelaw on Cycling
CMT Lead:	Cynthia Griffin, Group Director, Culture & Community
Report Author and contact details:	Benjamin Sanderson, Regeneration Officer – Environmental Programmes x2873
Policy context:	Harold Hill Ambitions, Rainham Compass, Hornchurch Urban Strategy, Community Strategy, Culture Strategy, Sustainable Transport Policies
Financial summary:	Connect2 is funded from BIG Lottery (£880K to be spent by April 2013) , Veolia Havering Riverside Trust (£120K not time limited), Heritage Lottery Fund (£35K), TfL LIP (£180k to be spent by April 2013), £150K from Rainham Trackway project replaced by LIP grant originally dedicated to Connect2 in 2011/12.

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

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

SUMMARY

The Ingrebourne Way Sustrans Connect2 project aims to form a continuous, fully accessible walking and cycling route from Noak Hill to the River Thames at Rainham. As far as possible the route will follow the River Ingrebourne and utilises a number of parks and open spaces, as well as highway space.

1. The project has been allocated a £880k BIG Lottery grant distributed by the sustainable transport charity, Sustrans. Additional funding from Veolia Havering Riverside Trust and Transport for London make the total funding for the project more than £1.5 million.
2. Current pleasure ground byelaws (copy extract attached to this report) provide for a qualified prohibition of cycling in many of the Council's parks. In order to permit cycling on signed, designated routes through Parks it is proposed to make a single minor amendment to the existing byelaws by the Council adopting the Department for Communities & Local Government model byelaw on cycling. This will be subject to approval of a further report to full Council in November 2012 followed by a statutory consultation period and approval by the Department for Communities & Local Government.
3. Approval of this amendment will be necessary for the successful delivery of the Ingrebourne Way Sustrans Connect2 Project. In the interim the Council has entered into a licence with Sustrans to permit and give lawful authority for use of existing pathways, on the Connect2 route through parks, for cycling.

RECOMMENDATIONS

1. That the Committee recommend to the Council that the new model byelaw on cycling as approved by the Department for Communities & Local Government be adopted and
2. That the current byelaw 9(ii) of the 1990 Pleasure Ground Byelaws be repealed subject to adoption of the new model byelaw on cycling as approved by the Department for Communities & Local Government.

REPORT DETAIL

Background

1. In 2009 London Borough of Havering embarked on the Ingrebourne Way Sustrans Connect2 project. The project aims to form a continuous, fully accessible walking and cycling route from Lower Noke Close in Noak Hill to the River Thames at Rainham. As far as possible the route follows the River Ingrebourne and utilises a number of parks and open spaces, as well as highway space.
2. The project has been allocated a total of £880k BIG Lottery grant distributed by the sustainable transport charity, Sustrans. Additional funding from

Veolia Havering Riverside Trust and Transport for London brings the total funding for the project more than £1.5 million.

3. Connect2 is a UK-wide project that aims to transform local travel in 79 communities by creating new sustainable transport routes, as a result it is hoped many more people will be able to walk and cycle for everyday journeys.
4. Connect2 won £50 million from the BIG Lottery Fund's "Living Landmarks: The People's Millions" as a result of a public vote televised on ITV1 in December 2007. Overall, Connect2 is a £142 million scheme - £50 million from the largest ever single lottery grant and the remaining millions in match funding for individual projects.
5. The project in Havering was agreed by Cabinet in 2009 and most recently, in August 2012, an executive decision approved delivery of the final two phases of the project. The deadline for completion is March 2013 and in order to receive the BIG lottery grant the route must be completed in its entirety. Moreover, as part of a Memorandum of Understanding between the Council and Sustrans public access for the purpose of walking and cycling needs to be secured for at least the next 40 years.

1. Pleasure Ground Byelaws

6. The majority of the Council's parks are covered by a byelaw that prohibits cycling. The byelaws were made under Section 164 of the Public Health Act, 1875, and Sections 12 and 15 of the Open Spaces Act, 1906, by the Mayor and Burgesses of the London Borough of Havering acting by the Council with respect to the open spaces and pleasure grounds vested in or maintained by the Council. The byelaw on cycling in pleasure grounds as currently worded threatens successful completion of the Ingrebourne Way Connect 2 route.
7. The purpose of the byelaws is to help improve everyone's enjoyment of the Council's parks and open spaces. Sometimes parks and open spaces are used for activities that are unacceptable. For example, an activity might cause distress or even injury to other users, or damage council or personal property. The byelaws allow the Council to monitor such activity and, if necessary, prevent it altogether. Breaching a byelaw is an offence and an offender may be prosecuted in court or issued with a fixed penalty notice.
8. In addition to the byelaws, parks and open spaces managed by the Council can also be covered by national laws. The Council are responsible for enforcing byelaws and national laws when appropriate.

2. Proposed Change to the Byelaw on Cycling

9. The current byelaws apply to all pleasure grounds listed in the first and second schedules of these byelaws and provide a qualified prohibition on cycling, as follows:

3. *“A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.”*
10. Although at one time cycling may have been unacceptable in parks, today cycling is considered on its merits as healthy activity and as a sustainable form of transport and is actively promoted at a local, regional and national level.
11. In order to enable completion of the Ingrebourne Way Connect 2 route it is proposed to permit cycling on signed, designated routes through Parks. This will be achieved through a minor amendment to the existing byelaws by the Council adopting the DCLG model byelaw on cycling. This will be subject to a further report to full Council in November 2012 followed by a statutory consultation period and approval by DCLG. In the interim the Council has entered into a licence with Sustrans to permit and give lawful authority for the use existing pathways, on the Connect2 route through parks, for cycling.
12. A number of Havering’s parks through which the Ingrebourne Way route passes are currently covered by the current 1990 Pleasure Ground Byelaws which provides for a qualified prohibition on cycling. These parks are:
 - Dagnam Park
 - Central Park
 - Paines Brook Adventure Playground and Open Space
 - St Neots Adventure Playground
 - Upminster Park
 - Gaynes Parkway
 - Hacton Parkway
 - Suttons Parkway
13. In order to overcome this barrier to cycling through these and other parks in the Borough it is proposed that the Council repeals the current byelaw and replace it with the Model DCLG byelaw (Set 2 Byelaws for Pleasure Grounds, Public Walks and Open Spaces) which is more in line with the aspiration to promote cycling in the Borough.
14. The DCLG has already produced an approved set of model byelaws (a copy extract is attached to this report) which Local Authorities have some scope to adapt for their own requirements, providing the adaptations are approved by the Department for Communities & Local Government. Part 3 Paragraph 20 of these new model byelaws applies to cycling and the exact wording is as follows:

“No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].”

“In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;”

15. Under this new byelaw, the caveat states that cycling will be permitted on designated routes defined as those which are appropriately signed. This will be appropriate to satisfy requirements of the Connect2 route and any other future proposals for introducing new cycle routes into parks. It is considered that control of people who cycle dangerously can be enforced effectively by Parks Protection Team under other provisions about public order and safety.

IMPLICATIONS AND RISKS

Financial implications and risks:

1. It is proposed to amend byelaws to permit cycling for all pleasure grounds. This amendment will facilitate completion of the Connect2 project. For information funding for the final two phases of this project was approved by a key Executive Decision by Individual Cabinet Member. In summary the approved route of the Ingrebourne Way project largely utilises existing paths in parks and open spaces, Public Rights of Way or Highway which are currently maintained at public expense. As a consequence the revenue costs associated with maintenance of the route will be met from existing budgets in Culture and Leisure Services and Streetcare. Paths crossing land currently maintained by the Forestry Commission will be maintained by the Forestry Commission.

2. Capital costs will be met by grant from BIG Lottery, TfL LIP in 2012/13 and the Veolia Havering Riverside Trust. BIG Lottery funding will only be paid once the funder is satisfied that phases 2 and 3 can be completed so the Council needs to ensure that it does not commit to expenditure contractually on these phases unless it has all funding and agreements in place to complete the necessary works. Otherwise the project would be scaled back to utilise remaining funding to implement key aspects.

Conway Mulcahy
Finance Business Partner

Legal implications and risks:

A number of Parks through which the Connect2 route passes are currently covered by byelaws that provide a qualified prohibition of cycling. That qualified prohibition would not apply should the model byelaw on cycling produced by the Department for Communities & Local Government be adopted by the Council subject to the route being a designated route indicated by notices placed in a conspicuous position. Council authority will be required in order to repeal the existing byelaw on cycling and adopt this model byelaw. Subject to Council approval the model

byelaw on cycling to replace the existing cycling byelaw will be sent to the Department for Communities & Local Government where it will be subject to a further statutory consultation after which the model byelaw may be adopted.

Vincent Healy, Legal Manager

Human Resources implications and risks:

There are no human resource implications associated with this report.

Geraldine Oakley, HR Business Partner

Equalities implications and risks:

As per the findings of the Equalities Impact Assessment work associated with the development of the Ingrebourne Way Sustrans Connect2 route will respect diversity and equalities issues and ensure that all members of the community, including disabled people, are able to contribute to and benefit from its development and implementation.

Martha Goodhill, Diversity Programme Manager

BACKGROUND PAPERS

1. Pleasure Ground Byelaws 1990
2. DCLG (May 2006) Model Byelaws Set 2 – Byelaws for Pleasure Grounds, Public Walks and Open Spaces.

7. A person shall not, except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any cattle, sheep, goats or pigs, or any beast of draught or burden.

8. A person shall not, except along the bridleways in the pleasure ground known as Bedfords Park or in the exercise of any lawful right or privilege, ride a horse in the pleasure ground.

9. (i) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than:-
(a) a wheeled bicycle or other similar machine;
a wheelchair, perambulator or chaise drawn or propelled
(b) by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the pleasure ground of any vehicle of the class for which it is set apart.

(ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.

10. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon:-

(i) any flower bed, shrub or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant;

(ii) any part of the pleasure ground where the Council by a notice board affixed or set up in some conspicuous position in the pleasure ground prohibits its being wheeled or stationed.

11. A person shall not in the pleasure ground, walk, run, stand, sit or lie upon:-

PART [3]

HORSES, CYCLES AND VEHICLES

Interpretation of Part [3]

15. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

Horse riding permitted

16. No person shall ride a horse in the ground in such a manner as to cause danger to any other person.

Horse riding prohibited except in certain grounds (subject to bridleway, etc)

17. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part [3] of Schedule [2]; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw [17](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited (subject to bridleway, etc)

18. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited except on designated route (subject to bridleway, etc)

19. (1) No person shall ride a horse except:
- (a) on a designated route for riding; or
 - (b) in the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of byelaw [19](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

20. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].

Motor vehicles

21. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way [or a designated route] for that class of vehicle.
- (2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].

Overnight parking

22. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART [4]

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part [4]

23. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

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GOVERNANCE COMMITTEE

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

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

PROPOSED NEW PARLIAMENTARY CONSTITUENCIES – outcome of representations

Ian Burns, Acting Assistant Chief Executive

Ian Buckmaster, Committee Administration & Member Support Manager

Tel: 01708 432431;

ian.buckmaster@havering.gov.uk

New parliamentary constituency boundaries

There are no relevant financial implications

There is no need for an EA as the proposed changes do not affect equality issues.

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 November 2011, the Committee considered proposals from the Boundary Commission for England had recently published proposals for new Parliamentary Constituencies for Havering, two of which would be wholly within the borough, with a third partly covering Havering and parts of eastern Barking & Dagenham.

On the recommendation of this Committee, the Council subsequently expressed the view to the Commission that the proposals were unacceptable as they stood, and alternatives were suggested.

The Commission has now considered the representations submitted and prepared new proposals, details of which are set out in the report. The revised proposals broadly retain the existing constituency boundaries (for Havering).

RECOMMENDATIONS

- 1 That the revised proposals for the Borough's Constituencies be noted.
- 2 For consideration as to whether any further representations should be made in response.
- 3 That the Council be informed of the position and, should the Committee consider that further representations are necessary, be invited to endorse them.

REPORT DETAIL

- 1 At its meeting in November 2011, the Committee considered a report about the then recently published proposals by the Boundary Commission for England for adjustments to the Borough's Parliamentary Constituencies in order to accommodate the reduction in the number of MPs consequent upon the Parliamentary Voting System and Constituencies Act 2011.
- 2 The then proposals were for three constituencies to cover the borough, including Havering wards as follows:

Constituency (Electorate)	Including the following Wards
Hornchurch & Upminster (80,227)	Elm Park; Hacton; Hylands; Rainham & Wennington; St Andrew's; South Hornchurch; and Upminster
Romford (80,166)	Emerson Park; Gooshays; Harold Wood; Havering Park; Heaton; Pettits; Romford Town; and Squirrels Heath
Dagenham North (74,095)	Brooklands and Mawneys

- 3 The Council, on the recommendation of this Committee, advised the Commission that it was wrong to disregard both existing, strong local community ties and the fact that there had been significant change to constituency boundaries as recently as May 2010, and urged that alternatives be considered.

- 4 The revised proposals now prepared by the Commission go a considerable way to accepting the alternatives proposed by the Council, although they are not adopted in their entirety.
- 5 The constituencies now proposed are as follows:

Constituency (Electorate)	Including the following Wards
Dagenham & Rainham (75,880)	Elm Park; Rainham & Wennington; and South Hornchurch (plus 7 wards in Barking & Dagenham, from Chadwell Heath in the north to River in the south)
Hornchurch & Upminster (79,568)	Cranham; Emerson Park; Gooshays; Hacton; Harold Wood; Heaton; St Andrew's; and Upminster
Romford (79,271)	Brooklands; Havering Park; Hylands; Mawneys; Pettits; Romford Town; and Squirrels Heath (plus Eastbrook Ward in Barking & Dagenham)

- 6 Maps of the proposed constituencies are appended to this report.
- 7 In general, the current constituency boundaries are retained. The adjustments are as follows:

Dagenham & Rainham

No change in the Havering portion

Hornchurch & Upminster

No change

Romford

The Havering wards are unchanged but Eastbrook ward from Barking & Dagenham – which includes the Dagenham portion of Rush Green – is added to the constituency.

- 8 The Commission has commented that, of 68 constituencies in Greater London, the proposals for 51 have changed following the consultation. The new proposals are now the subject of further consultation, closing in December.

- 9 The 2011 Act referred to earlier in this report required a reduction in the number of MPs for England from 533 to 502, and that their electorates should all range between 72,810 and 80,473. It will be seen that the present proposals are each within the necessary range.
- 10 It should be noted that the Eastbrook Ward of Barking & Dagenham has an electorate of 7,293. Removing it from the proposed Romford constituency and adding it to Dagenham & Rainham would reduce Romford to below the statutory minimum and increase Dagenham & Rainham to above the maximum, and would therefore be unacceptable.
- 11 The Committee is now invited to consider whether any further representations should be made.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications for the Council. The cost implications of the boundary adjustments for Election Services are minimal.

Legal implications and risks:

There are no relevant legal implications for the Council. The division of the borough in to constituencies has no effect on the provision of Council services.

Human Resources implications and risks:

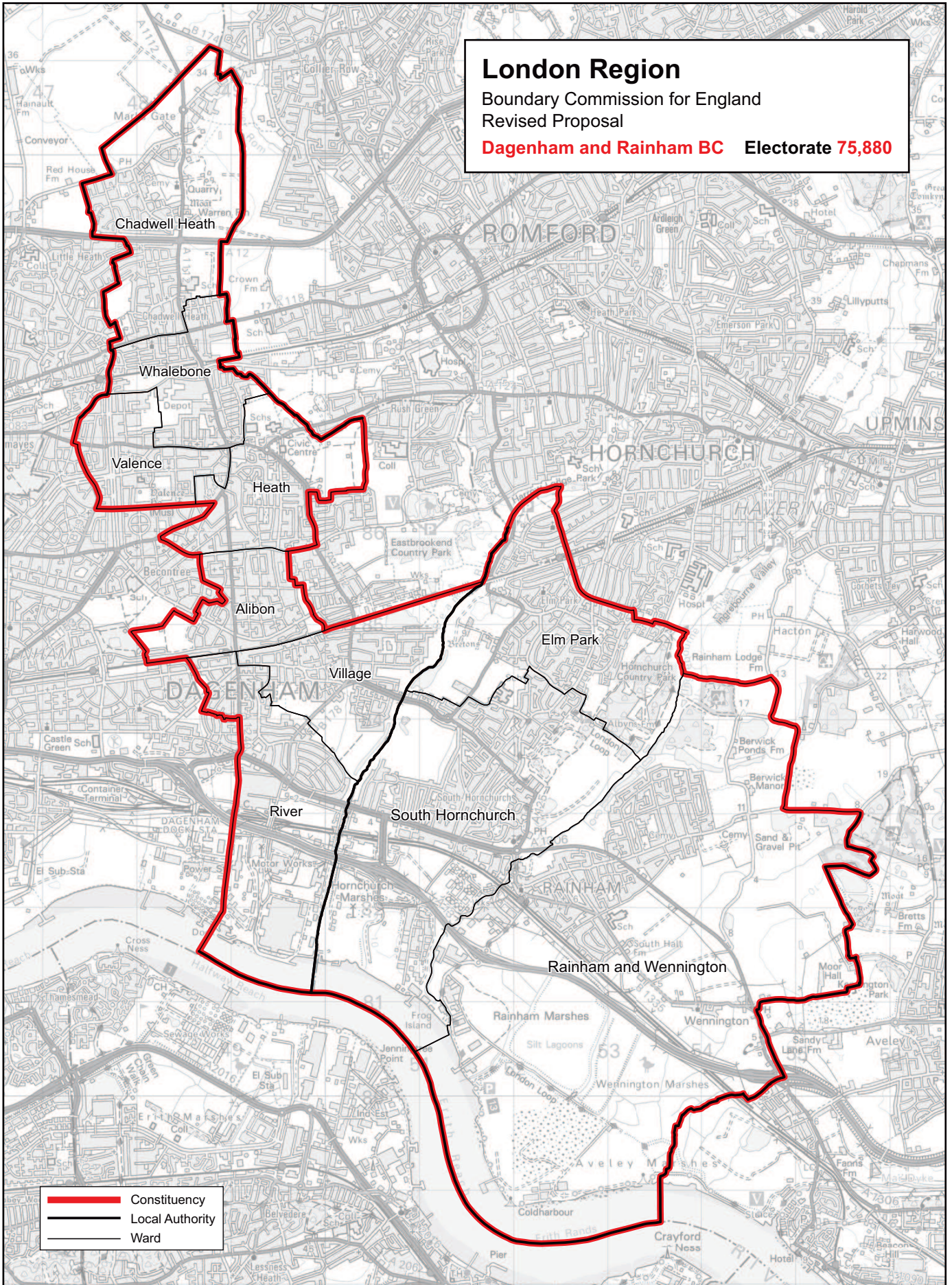
None

Equalities implications and risks:

None.

BACKGROUND PAPERS

There are no background papers.

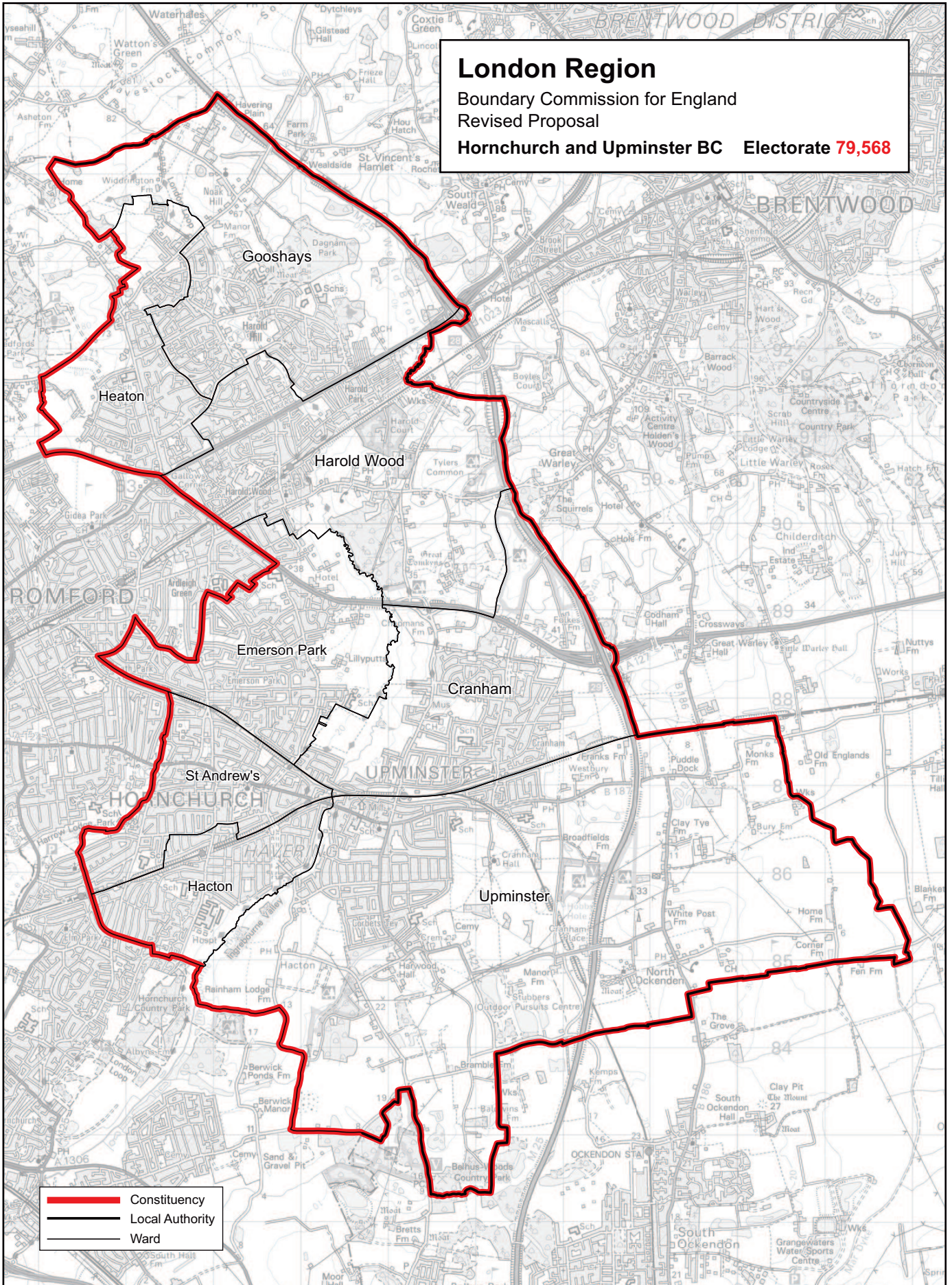


London Region
 Boundary Commission for England
 Revised Proposal
Dagenham and Rainham BC Electorate 75,880

- Constituency
- Local Authority
- Ward

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GOVERNANCE COMMITTEE

14 November 2012

Subject Heading:	Review of the Operation of the Highways Advisory Committee
CMT Lead:	Ian W. Burns
Report Author and contact details:	Ian W. Burns Acting Assistant Chief Executive ian.burns@havering.gov.uk 01708 432484
Policy context:	
Financial summary:	

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

Ensuring a clean, safe and green borough	□
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	□
Delivering high customer satisfaction and a stable council tax	□

SUMMARY

The current procedure for the consideration of traffic management proposals by the Highway Advisory Committee often results in the service proposal being considered multiple times by the Committee. It is proposed to streamline the work for the Committee while maintaining the consideration of representation on highway schemes.

RECOMMENDATIONS

1. To consider this report
2. To recommend to the Council the changes to the Committee's Terms of Reference and Procedure Rules and to the Head of StreetCare's delegated powers set out in the attached Appendix.

REPORT DETAIL

1. The Highways Advisory Committee (HAC) was created several years ago to provide a forum for the consideration of highway schemes, in particular representations for objections to detailed proposals, following the demise of area committees and then advise the Cabinet Member with responsibility for making the final decision (currently the member for Community Empowerment)

The current terms of reference of the Committee are:

- To advise the Council's Executive on local highway and traffic management schemes
- To consult objectors, and consider objections made to schemes
- To make recommendations to the Cabinet Member for Community Empowerment for the implementation of schemes.

And the Committee Procedure Rules specific to the Committee are:

Highways Advisory Committee

- (a) *The Highways Advisory Committee will consider all parking schemes which are not subject to officer delegation.*
- (b) *Where representations have been received to a scheme, one objector and one supporter shall have an opportunity to address the Committee. The addresses shall not exceed six minutes (which means that each address shall not exceed 3 minutes) or such lesser time as the committee by resolution, either generally or in relation to a specific scheme, may agree.*
- (c) *The Chairman may use his/her discretion to allow more than one objector and/or one supporter to address the Committee.*
- (d) *A Councillor calling-in a scheme or speaking as a Ward Councillor shall be limited to four minutes in addressing the Committee.*

2. The Head of StreetCare has only limited delegated powers to make decisions on highway schemes. Currently the only schemes that fall within his delegation are:
 - The creation, amendment and removal of disabled persons' parking bays and footway parking bays
 - Minor alterations to traffic management orders to enable implementation of approved proposals or continuation of traffic management schemes
 - To authorise the issue of temporary traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.
3. In consultation with the Administration, a review of the working of the Committee has been undertaken. Currently the Council receives a substantial number of proposals from the public for the traffic schemes, usually waiting restrictions and/or parking bays to overcome a perceived local issue. The proposals receive a brief assessment from staff before being presented to the Committee for consideration, where a substantial majority of them are rejected. Proposals that are accepted, together with proposals put forward by staff, are then worked up into detailed schemes which are re-presented to the Committee for approval prior to commencement of public consultation. The results of the public consultation are then reported back to the Committee for consideration which can, on occasion, result in amendments to the proposals which necessitate further public consultation and report back. Finally, once the Committee is satisfied the proposal is reported to the Cabinet Member for formal consideration and decision – traffic schemes being an executive matter which can only be formally determined by Cabinet, a Cabinet Member or an officer. The practice has also arisen of reporting matters such as the Highways Local Investment Plan, the Committee, even though it is not strictly within its remit.
4. As will be seen from the above description, it is possible for a traffic proposal to be presented to what is an advisory committee three times before a formal decision is made once. The proposals in question are often relatively localised and of limited impact and it suggested that the level of Member oversight involved is excessive compared with almost all other decisions made by the Council which affect the physical environment. It also results in a substantial amount of staff time being deployed to assess schemes and draft Committee papers for proposals that have little or not likelihood of proceeding. The role of the Committee, however, in being a forum for the public consideration of representations on proposals is valuable, particularly the ability for residents to address the Committee.
5. It is therefore proposed that the role and functioning of the Committee should be amended to streamline the current arrangements whilst maintaining the effective consideration of traffic schemes.

6. The following proposals are put forward

That:

- (a) The general practice of reporting draft schemes to the Committee prior to them being sent out for public consultation cease, but that the Head of StreetCare may refer a draft scheme to the committee if he considers it appropriate, with a minor change to the terms of reference to reflect this.
- (b) The Head of StreetCare be authorised to determine whether initial requests for traffic schemes proceed further or not based on criteria approved by the Cabinet Member for Community Empowerment following consultation with the Committee.
- (c) The traffic schemes which are fully delegated to the Head of StreetCare be extended to include 'At any time' waiting restrictions at bends and junctions.
- (d) Paragraph (a) of the Committee Procedure Rules for the Committees be amended to "*The Highway Advisory Committee will consider representations on all parking schemes which are not subject to officer delegation.*"
- (e) Highway related matters outside the terms of the Committee are no longer considered.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications

Legal implications and risks:

There are no direct Legal implications

Human Resources implications and risks:

There are no direct human resource implications

Equalities implications and risks:

There are no direct Equalities implications.

BACKGROUND PAPERS

None

Appendix

1. That the terms of reference of the Highway Advisory Committee be amended to:
 - To advise the Council's Executive on local highway and traffic management schemes.
 - To consider representation made as a result of public consultation to proposed schemes
 - To make recommendation to the Cabinet Member for Community Empowerment on the implementation of proposed schemes
2. That paragraph (a) of the Committee Procedure Rules specific to the Highways Advisory Committee be amended to:
 - (a) The Highway Advisory Committee will consider all representation made on all parking schemes which are not subject to officer delegation.
3. To amend the delegated powers of the Head of StreetCare as follows:
 - (u) To authorise the creation, amendment and removal of disabled, persons' parking bays, footway parking bays and at any time waiting restrictions at bends and road junctions.
 - (r) To approve local highway management schemes in principle for public consultation.
 - (gg) To approve or reject for further consideration proposals made to the Council for local highway management schemes in accordance with the criteria agreed from time to time by the Cabinet Member for Community Empowerment.

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GOVERNANCE COMMITTEE

14 NOVEMBER 2012

Subject Heading:

MONITORING OFFICER AMENDMENTS
TO THE CONSTITUTION (No 13)

Report Author and contact details:

IAN BURNS
01708 432442

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

These changes are purely procedural and
have no specific 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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

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:

These changes are purely procedural and have no specific financial implications

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. 13

Date 3rd October 2012**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 3.6.6 Head of Housing & Public Protection	90	Amend (dd) To supervise the following functions which are carried out by Homes in Havering To read: (dd) To carry out the following functions:	Reorganisation
Part 3.6.6 (dd) Head of Housing & Public Protection	90	Amend (vii) To deal with compensation claims from tenants/leaseholders arising from works carried out by Homes in Havering To read: (vii) To deal with compensation claims from tenants/leaseholders arising from works carried out by or on behalf of the Council	Reorganisation
Part 3.6.6 (dd) Head of Housing & Public Protection	91	Amend (viii) To deal with applications to carry out internal redecoration at any council dwelling at Homes in Havering's expense. To read: (viii) To deal with applications to carry out internal redecoration at any council dwelling at the Council's expense.	Reorganisation

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
<p>Part 3.6.6 (dd)</p> <p>Head of Housing & Public Protection</p>	91	<p>Amend</p> <p>(xii) To approve applications for the carrying out at the Homes in Havering's expense of internal decorations at council dwellings occupied by a tenant who is, or whose spouse is, vulnerable.</p> <p>To read:</p> <p>(xii) To approve applications for the carrying out at the Council's expense of internal decorations at council dwellings occupied by a tenant who is, or whose spouse is, vulnerable.</p>	Reorganisation