



Haverling

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

GOVERNANCE COMMITTEE AGENDA

7.30 pm

**Wednesday
16 January 2013**

**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 - 12)

To approve as a correct record the minutes of the Committee held on 14 November 2012 and to authorise the Chairman to sign them.

5 MEMBERS' ALLOWANCES SCHEME REVIEW (Pages 13 - 16)

6 APPOINTMENTS TO OUTSIDE BODIES: LONDON CITY AIRPORT CONSULTATIVE GROUP (Pages 17 - 18)

7 MONITORING OFFICER'S REPORT 14 (Pages 19 - 22)

8 KEY DECISION LIMITS (Pages 23 - 26)

9 REVIEW OF THE ANNUAL COUNCIL ARRANGEMENTS (Pages 27 - 32)

10 REVIEW OF CALL-IN TIMINGS (Pages 33 - 38)

11 WEBCASTING: REVIEW OF CURRENT POSITION (Pages 39 - 42)

Ian Buckmaster
Committee Administration &
Member Support Manager

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
14 November 2012 (7.30pm - 8.40 pm)**

Present:

COUNCILLORS

Conservative Group	Frederick Thompson (Chairman), Becky Bennett (Vice-Chair), Robert Benham, Steven Kelly, Eric Munday, Roger Ramsey and Michael White
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Keith Darvill and Paul McGeary
Independent Residents Group	Jeffrey Tucker

Apologies were received for the absence of Councillors Ted Eden.

All decisions were taken with no votes against.

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

13 MINUTES

The minutes of the meeting held on 11 September 2012 were agreed as a true record and signed by the Chairman.

14 INGREBOURNE WAY SUSTRANS CONNECT2 PROJECT - PROPOSED AMENDMENT OF PLEASURE GROUND BYLAW ON CYCLING

The Committee was informed that the Ingrebourne Way Sustrans Connect2 project aimed 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 would follow the River Ingrebourne, using a number of parks and open spaces, as well as highway space, on its way.

The project had been allocated an £880k BIG Lottery grant and additional funding from Veolia Havering Riverside Trust and Transport for London made the total funding for the project more than £1.5 million.

The Committee noted that current pleasure ground byelaws provided for qualified prohibition of cycling in many of the Council's parks. In order to permit cycling on signed, designated routes through parks it was now

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.

If approved, the byelaw in question would provide that:

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].

The Committee RESOLVED to RECOMMEND to Council:

- 1 That the new model byelaw on cycling as approved by the Department for Communities & Local Government be adopted.
- 2 That, simultaneous with the adoption of the new byelaw the current byelaw 9(ii) of the 1990 Pleasure Ground Byelaws be revoked
- 3 That the Assistant Chief Executive be authorised to take all steps necessary to secure the revocation of the existing byelaw and its replacement by the new byelaw as soon as practicable, including publication of all necessary notices and the securing of all necessary consents.

15 **PROPOSED NEW PARLIAMENTARY CONSTITUENCIES - OUTCOME OF REPRESENTATIONS**

In November 2011, the Boundary Commission for England 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 the Governance Committee, the Council subsequently expressed the view to the Commission that the proposals were unacceptable as they stood, and alternatives were suggested.

The Commission, having considered the representations submitted, have prepared new proposals, broadly retaining the existing constituency boundaries (for Havering). 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)
---------------------	--

Maps of the proposed constituencies are appended to this Minute.

In general, the current constituency boundaries were retained. The adjustments were as follows:

Dagenham & Rainham - No change in the Havering portion

Hornchurch & Upminster - No change

Romford - The Havering wards were unchanged but Eastbrook ward from Barking & Dagenham – which included the Dagenham portion of Rush Green – was added to the constituency.

The Commission had commented that, of 68 constituencies in Greater London, the proposals for 51 had changed following the consultation. The new proposals were now the subject of further consultation, closing in December.

The view of the Committee was that, while not entirely ideal, the new proposals were a significant improvement upon the unacceptable initial proposals and were to be welcomed.

The Committee accordingly RESOLVED to RECOMMEND to Council that the revised proposals for the Borough's Constituencies be welcomed.

16 **REVIEW OF THE OPERATION OF THE HIGHWAYS ADVISORY COMMITTEE**

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

The current terms of reference of the Committee were:

- 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.

The Committee Procedure Rules specific to the Committee were:

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.*

The Head of StreetCare had only limited delegated powers to make decisions on highway schemes. Currently the only schemes that fall within his delegation were:

- 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.

Following consultation with the Administration, the working of the Committee had been reviewed, and it had been concluded that current procedures meant that a traffic proposal could be presented up to three times before a formal decision was reached, even though proposals were often relatively localised and of limited impact. The level of Member oversight involved appeared excessive compared with almost all other decisions made by the Council which affect the physical environment, and also resulted staff time being deployed on schemes having little or no likelihood of proceeding. The role of the Committee as a forum for the public consideration of representations on proposals continued to be valuable, particularly given the ability for residents to address the Committee.

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.

Accordingly, the Committee put forward the following proposals:

- (a) That 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) That 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) That 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) That 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) That Highway related matters outside the terms of the Committee are no longer considered.

The necessary changes to the Council's Constitution are set out in the Appendix to this report.

The Committee discussed and agreed the proposals, and also agreed with a suggestion put forward in discussion that members be notified weekly of all requests received for traffic schemes as part of Calendar Brief and that the Committee Procedure Rules and the Scheme of Delegation be amended accordingly.

The Committee RESOLVED to RECOMMEND to Council that the changes to the Highways Advisory Committee's Terms of Reference and Procedure Rules and to the Head of StreetCare's delegated powers set out in the attached Appendix to this Minute be approved.

17 REPORT OF THE MONITORING OFFICER (NO 13)

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

The Committee NOTED the report

18 URGENT REQUEST FOR THE CONSIDERATION OF THE PROVISION OF AN SRA FOR THE CHAIRMAN OF THE ADJUDICATION & REVIEW COMMITTEE

With the permission of the Chairman, a Member reminded the Committee that prior to the Adjudication and Review Committee's status being changed to that of a sub-committee, its chairman had always received a special responsibility allowance (SRA) along with every other committee chairman.

The Member argued that withholding an SRA from a committee chairman was a discriminatory departure from the principle that all chairmen have additional responsibilities over and above those of committee members and even those chairing sub-committees. In the case of the Adjudication and Review Committee, if anything, since the reabsorption of housing – which would increase the number of complaints coming forward - along with taking on the responsibility of dealing with Member issues in the place of the old Standards Committee (where an SRA was paid for just that work alone); these factors alone should make it obvious that an SRA should be paid.

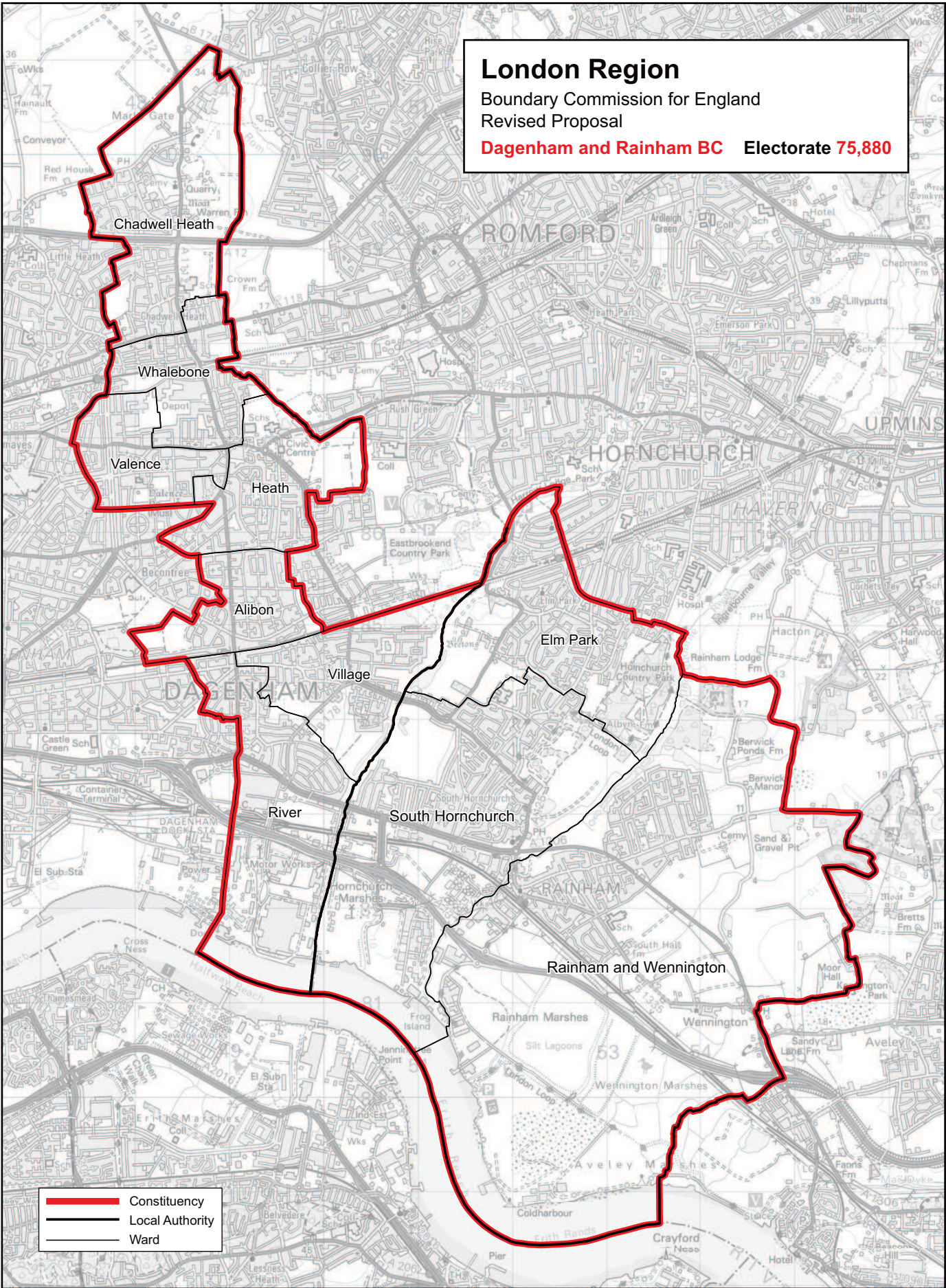
It was argued that there could be no justification for delaying the award of an SRA into the New Year especially as other committees had been set up and SRA awarded without a need for the chairmen to justify it.

Members responded by stating that there had been no decision to withhold an SRA – certainly there had been no decision to delay considering it. When the matter was discussed in September, it had been decided to monitor the activity of the committee over a period of time and assess what work was actually being dealt with.

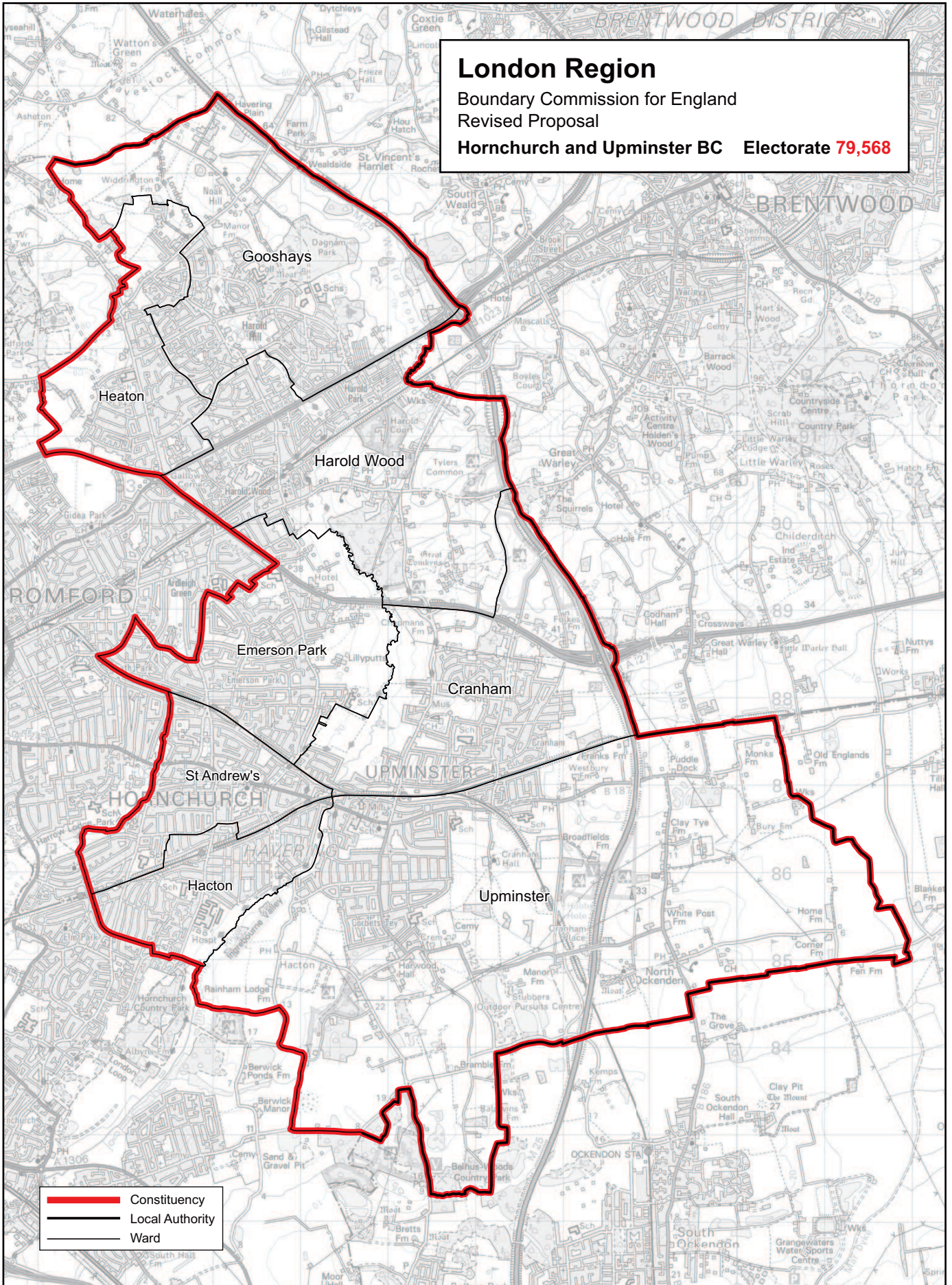
All Members were aware that there were budgetary constraints and that the Executive had to manage its funds prudently. Once the Committee had evidence one way or the other, it would decide whether an SRA should be awarded or not, for the time-being, the matter remained under review.

The Committee NOTED the concerns expressed by the Adjudication and Review Committee, but RESOLVED to continue to monitor the workload of the Committee for the time being.

Chairman



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APPENDIX to Item 16

The Governance Committee recommended:

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 any proposal for a parking scheme which is referred to it by a member within 7 days of the proposal being notified to members via Calendar Brief, and all representations made on all parking schemes which are not subject to officer delegation.
3. That the delegated powers of the Head of StreetCare be amended 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, provided that the proposal has previously been notified to members via Calendar Brief and no member has requested within 7 days of the notification that the proposal be referred to the Highways Advisory Committee for consideration

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GOVERNANCE COMMITTEE

Subject Heading:	Members' Allowances Scheme: Review
CMT Lead:	Andrew Blake-Herbert, Group Director, Finance and Commerce Ian Burns, Assistant Chief Executive
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager
Policy context:	Reviewing the Members' Allowances Scheme
Financial summary:	
Has an Equality Impact Assessment (EIA) been carried out?	Not applicable

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

This report is submitted following discussion at the last meeting about Members' Allowances, in particular the Special Responsibility Allowance for Chairmen of Committees.

Opportunity is also taken to seek Members' agreement to an amendment to the Scheme following the appointment of the Independent Person for standards of Members' conduct.

RECOMMENDATIONS

- 1 That the report as to the Members' Allowances Scheme be noted.
- 2 For consideration as to whether any changes to the Scheme (other than that referred in 3 following) should be recommended to the Council.
- 3 That it be RECOMMENDED to the Council that paragraph 15 of the Scheme be amended as proposed in paragraph 8 of the report.

REPORT DETAIL

Members' Allowances Scheme generally

- 1 The Council's current Members' Allowances Scheme provides as follows:

Category of Allowance	Amount Per Member £
Basic Allowance paid to all Members	10,208
Special Responsibility Allowances:	
Leader of the Council	51,191
Deputy Leader of the Administration	35,705
Cabinet Members	32,705
Leader of Principal Opposition	18,000
Leader of Principal Minority Opposition	6,390
Leader of Minority Opposition	2,227
Deputy Leader of Principal Opposition	3,825
Mayor	14,418
Deputy Mayor	7,650
Overview and Scrutiny Committees Chairmen	14,418
Licensing and Regulatory Services Committee Chairmen	20,430
Audit, Pension, Highways, Governance Committee Chairmen	7,650

- 2 In addition, a standard rate of allowance for statutory co-optees is £117 per meeting attended. Co-optees may also claim travel expenses, for all travel whether within or outside the borough.

- 3 Where a Member holds more than one appointment attracting a Special Responsibility Allowance (SRA), only the higher SRA is payable. In addition, Members may opt to receive less than their full entitlement to allowances: currently two Cabinet Members have waived part of their Cabinet Member allowance, and one Member has opted to receive no allowance at all.
- 4 Leaving aside the waived allowances, the total annual provision for basic allowances in 2012/13 is £576,045 and that for SRAs is £602,945. There is currently a funding shortfall estimated at £23,950, which is being addressed. It should be noted that the provisions for allowances include not only the actual payments, but payment by the Council of employers' National Insurance Contributions, which are a statutory obligation (even where the Member is him or herself exempt from paying NICs).
- 5 At the last meeting of the Committee, a suggestion was considered that the Chairman of the Adjudication & Review Committee should be paid the same SRA as the Chairmen of the Audit, Pensions, Highways and Governance Committees. This report was requested to assist Members' consideration of the issue.

Allowance for Independent Person

- 6 At its meeting in November, the Council appointed the new Independent Person for standards of Members' conduct. The Independent Person is entitled to be paid an allowance for carrying out his duties and it has been agreed that he should be paid a flat rate of £1,000 per annum, by monthly instalments. This will be less expensive than the arrangement previously, whereby the former Independent Members of the Standards Committee were paid £117 per meeting attended (£240 in the case of the Chairman of the Committee). For 2012/13, this will be a pro rata amount of £337 as payment will be due only for the period 28 November 2012 to 31 March 2013.
- 7 Assuming this arrangement is agreed, Council will need to approve an amendment (as follows) to the current Members' Allowances Scheme, which will be carried forward into the new Scheme for 2013/14 when it goes before Council for approval.
- 8 The amendment is to paragraph 15 of the Scheme, to read (with deleted words struck through and additions shown in italics):

15 *Co-Optees and Independent Persons' Allowances*

The standard rate of allowance for statutory co-optees is £117 per meeting attended.

The Independent Person for standards of Members' Conduct will be paid an annual allowance of £1,000, in monthly instalments.

Co-optees and Independent Persons will be reimbursed for all travel costs in accordance with the above, whether the travel is within or

outside the Borough, but ~~co-optees should~~ will not be paid subsistence.

IMPLICATIONS AND RISKS

Financial implications and risks:

Current provision for Members' Allowances has a funding shortfall, which is being addressed. Any additional payment will add to the shortfall.

Legal implications and risks:

The Council has an obligation to pay allowances but the rates of allowance are at the Council's discretion, subject of recommendations of an Independent Remuneration Panel. The Council's Scheme complies with the recommendations of the London Councils' IRP.

There is no obligation to pay any particular office holder an SRA or a particular rate of SRA.

Human Resources implications and risks:

No HR issues arise. The payment of allowances is not a matter for HR.

Equalities implications and risks:

There are no equalities issues.

BACKGROUND PAPERS

There are no background papers



GOVERNANCE COMMITTEE

Subject Heading:

Appointment to outside bodies and other organisations 2012/13 - **London City Airport Consultative Group**

CMT Lead:

Ian Burns, Acting Assistant Chief Executive – Legal and Democratic Services

Report Author and contact details:

Jacqui Barr, Committee Administration, 01708 432439
jacqui.barr@havering.gov.uk

Policy context:

Not applicable

Financial summary:

There are no financial implications

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

Not applicable

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

There are several outside bodies which have member-level representation from London Councils. All nominations to outside bodies are made by the London Councils Leaders’ Committee which delegate this function to an Appointments Panel comprising of the Elected Officers of London Councils. The Appointments Panel then further delegates this task to the Chief Executive of London Councils, in consultation with the chair of the relevant London Councils member body, for final ratification.

RECOMMENDATIONS

The Committee is asked to **NOTE** the appointment of Councillor Barry Tebbutt to represent the boroughs of Waltham Forest, Redbridge and Havering on the London City Airport Consultative Group.

REPORT DETAIL

The London City Airport Consultative Group, reviews, and monitors all aspects of the airport's operation to ensure that noise pollution is kept to a minimum. The Committee also has a role in discussing complaints from the public.

The Group comprises representatives of the London Boroughs of Bexley, Greenwich, Newham, Barking and Dagenham, and Tower Hamlets, Waltham Forest, Redbridge and Havering.

The Committee also comprises of members from Community Groups and the Airport and airport users.

Members serve for three years (with the exception of those for LBs Newham and Greenwich who are nominated on an annual basis).

Councillor Tebbutt's appointment is effective from September 2012 until April 2015

IMPLICATIONS AND RISKS

Human resources implications and risks

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

Equalities implications and risks

No implications or risks for the environment arise from this report

Financial implications and risks

No financial implications or risks arise from this report.
The Council has no financial commitment to, or responsibility for, the Charity.

Legal implications and risks

No legal implications or risks arise from this report.

BACKGROUND PAPERS



GOVERNANCE COMMITTEE

Subject Heading:	MONITORING OFFICER NO 14 AMENDMENTS TO THE CONSTITUTION
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.

Governance Committee,

As a new Constitution has been adopted with effect from 9 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. 14

Date 4th December 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 3.7.1	95	Amend: (j) To set the Council Tax Base each year unless it involves matters of policy To read: (j) To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.	Legislation

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GOVERNANCE COMMITTEE

Subject Heading:	Key Decisions – amendment of definition
CMT Lead:	Ian Burns, Assistant Chief Executive, Legal & Democratic Services
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager
Policy context:	The Council is obliged by law to define what constitutes a “Key Decision”. This report suggests an amendment to that definition.
Financial summary:	There are no financial implications
Has an Equality Impact Assessment (EIA) been carried out?	Not required

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"/>

SUMMARY

In the light of recent changes in legislation, the Committee is now invited to consider the use of the term “savings” in the Council’s definition of key decision, in order to avoid the possibility of challenge to a decision on the basis that it was not properly taken.

RECOMMENDATION

That it be **RECOMMENDED** to the Council that the term “savings” in the Council’s definition of Key Decision be defined as meaning “expenditure avoided, additional revenue income generated or capital receipts obtained”, and that an appropriate note be added to the definition of Key Decision in paragraph 14(a)(i) of the Council’s Executive Procedure Rules.

REPORT DETAIL

1 The Local Government Act 2000, as amended by and under the Localism Act 2011, requires that, when decisions that are considered to be “Key” are to be made, particular procedural steps be taken before, when and after they are taken. Failure to observe those steps – for example, giving 28 days’ notice of them before they are taken, and allowing time for them to be called in before being implemented – could result in the decisions being challenged and, for example, open to being quashed on judicial review.

2 There is no statutory definition of what constitutes a “key decision”: each local authority is free to develop its own definition. The Council’s current definition is as follows:

A key decision is an Executive decision which is likely

(i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates. For this purpose “significant” is defined as

(a) In excess of £500,000

(b) In excess of 10% of the gross controllable composite budget at Head of Service/ Assistant Chief Executive level (subject to a minimum value of £250,000)

In determining the meaning of “significant”, regard must be had to any guidance issued by the Secretary of State

3 The term “savings” has not thus far been defined further. Although, however, the term is normally recognised as meaning “expenditure avoided”, it has been stretched on occasion to cover more than that – for example, the capital receipt obtained on sale of an asset has generally been regarded as being, in effect, a saving in that the money received avoids the need to borrow that sum and so is in effect a saving.

4 Hitherto, this has not resulted in any particular difficulty. Members will be aware, however, that the Secretary of State for Communities & Local Government has recently changed the law relating to the making of executive decisions, with the explicit aim of ensuring that decision-making

by the executives of local authorities is more transparent and more open to public scrutiny.

- 5 The lack of definition of savings leaves the Council potentially open to challenge. For example, if a decision to dispose of an asset values in excess of £500,000 were treated as non-key (on the basis that the prospective capital receipt were not a “saving”), it would be open for an aggrieved party to accuse the Council of acting improperly.
- 6 It is suggested, therefore, that the meaning of “saving” be now defined, in order to avoid such challenges.
- 7 In the past, “savings” has been taken also as including additional income generated or capital receipts obtained. Given the effect of the recent legislation, it is now suggested that a note be added to paragraph (14)(a)(i) of the Rules. This would be added at the end of the sentence beginning “In determining the meaning of “significant”, which would then read:

In determining the meaning of “significant”, regard must be had to any guidance issued by the Secretary of State. For the avoidance of doubt, “savings” includes expenditure avoided, additional revenue income generated or capital receipts obtained.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications or risks arising from this report. The proposed change may result in a minor saving in administrative costs by removing ambiguity about what constitutes a “significant” effect in financial terms.

Legal implications and risks:

There is a possibility that allowing the ambiguity to continue might lead to legal challenges to controversial decisions.

Human Resources implications and risks:

There are none.

Equalities implications and risks:

There are none.

BACKGROUND PAPERS

There are none.

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GOVERNANCE COMMITTEE

Subject Heading:

Review of Annual Council arrangements

CMT Lead:

Ian Burns, Acting Assistant Chief Executive

Report Author and contact details:

Ian Buckmaster, Committee Administration & Member Support Manager

01708 432431

ian.buckmaster@havering.gov.uk

Policy context:

To review arrangements for the Annual Meeting of the Council to determine whether recent changes are to be recommended for permanent use

Financial summary:

The cost of any change would be minimal

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

Not required.

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

This report invites consideration of future arrangements for the Council's Annual Meeting in the light of recent experiences.

RECOMMENDATIONS

- 1 For consideration as to the arrangements to be made for the Annual Meeting for 2013:
 - (a) Retain the current Council Procedure Rules arrangements, as agreed for 2011;
 - (b) Amend the Council Procedure Rules to provide for an arrangement similar to that used in 2012; or
 - (c) Revert to the arrangements in use prior to 2011.
- 2 Irrespective of the decision on 1 above, for consideration as to whether (except in the year of an election of Councillors), the civic Awards should be conferred at an extraordinary meeting held immediately before the Annual Meeting.
- 3 That a report as to the steps necessary to implement the Committee's decisions on 1 and 2 above be submitted to the next meeting.

REPORT DETAIL

Introduction

- 1 At its meeting in January last year, the Committee considered a report about the format of the Annual Meeting of Council. Changes to the Annual Meeting arrangements in 2011, with the aim of enabling ordinary business as well as the traditional ceremonial business to be dealt with, had not been as successful as had been hoped. It was recommended to the Council – and subsequently agreed – that, for 2012, there should be an Annual Meeting in May, with business limited to the formalities of electing the Mayor and appointing Committees and their Chairmen and Vice-Chairmen, etc, to be followed in June by an additional meeting at which the business of an ordinary meeting would be dealt with.
- 2 Among the aims of this arrangement was separating the formal civic and ceremonial business of the Annual Meeting from that of an ordinary meeting, while bridging the otherwise lengthy gap between ordinary meetings in March and July.
- 3 When setting the particular arrangements for these meetings, the Committee agreed that they should be reviewed subsequently, and this report is submitted accordingly.

The 2012 arrangements

- 4 The Annual Meeting took until just short of 10pm, the business comprising:
- Conferment of the honour of Honorary Freedom of the borough on two individuals (dealt with as an extraordinary meeting before the main meeting)
 - Election of the Mayor for 2012/13 and associated ceremonial activities
 - Appointing Committees
 - Appointing Committee Chairmen and Vice-Chairmen, and the Member Champions
 - A Statement by the Leader of the Council
- 5 The June meeting did not finish until 11pm. It dealt with:
- A debate on the Leader's Statement to the Annual Meeting
 - Debate of a report (and amendment to it) on the new arrangements for the Members' Code of Conduct
 - Consideration of several reports (without debate)
- 6 Each of the debates at the June meeting took time to deal with, so that it was not possible to take Members' questions or to debate two motions. The debate on the Leader's Statement was not as structured as it might have been as no formal amendment was tabled to it.

Future arrangements

- 7 The Committee is now invited to consider what arrangements should be made for the Annual Meeting in 2013.
- 8 The practicable options appear to be:
- (a) To retain the 2012 arrangements – the Annual Meeting in May confined to civic and ceremonial activities, plus the Leader's Statement, followed by an ordinary meeting in June
 - (b) To revert to the 2011 arrangements (as currently provided for in the Council Procedure Rules) – the civic and ceremonial activities, followed by the Leader's Statement and then in such time as remains, ordinary business
 - (c) To revert to the pre-2011 arrangements – an Annual Meeting comprising the civic and ceremonial activities, plus the Leader's Statement, but no other business, and no ordinary meeting between those in March and July.

- 9 There is a statutory obligation for the Council to hold an Annual Meeting and to elect the Mayor at it. Although there are certain legal formalities to be observed, it is not however strictly necessary for the ceremonial activities to take place; the Mayoral election could simply be conducted as just another item of business.

Conferring the Honorary Freedom of the Borough

- 10 Currently, the order of the agenda for the Annual Meeting places the awarding of Civic Honours as business to be conducted after the election of the Mayor. The Mayor for 2011/12 – Councillor Melvin Wallace – however, wished to present the Awards earned during his Mayoralty himself before his mayoralty ended, and so the Awards were dealt with at an Extraordinary meeting held in advance of the Annual Meeting; although convened as two separate meetings, they were conducted on the night as a single meeting.
- 11 There is a particular logic to Councillor Wallace’s request that could be a useful precedent for the future. The Committee may wish to consider whether (irrespective of other changes) it should become a permanent feature of the Council’s Annual Meeting arrangements in years other than those in which there is an election of Councillors (when different considerations apply), thus enabling the outgoing Mayor to preside over the conferment while still in office. In election years, the awards ceremony would have to take place after the Annual Council (currently, at the July meeting) since such Annual Meetings are inevitably more complex than other years’ and the newly-elected Groups will not have had time to consider who to nominate either for the Freedom, or as Honorary Aldermen.

Recommendations to Council

- 12 The recommendations of this report set out a range of options for the Committee to consider. Unless the Committee opts for the status quo of the current Council Procedure Rules, changes will be required. If changes are agreed, recommendations for revised Council Procedure Rules will be submitted to the next meeting for onward recommendation to the Council at its March meeting.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no significant financial implications. The cost of an additional Council meeting would be absorbed within existing budget provision.

Legal implications and risks:

There are no legal implications or risks. The holding of an additional meeting would facilitate the efficient conduct of the Council's business.

Human Resources implications and risks:

There are no HR implications or risks.

Equalities implications and risks:

There are no equalities implications or risks and Equalities Assessment has been necessary.

BACKGROUND PAPERS

There are no background papers.

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GOVERNANCE COMMITTEE

Subject Heading:	Call-in of Executive Decisions - timing
CMT Lead:	Ian Burns, Acting Assistant Chief Executive
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager
Policy context:	Reviewing the procedure for call-in of Executive Decisions in the light of the availability of new technology
Financial summary:	There are no direct cost implications or risks.
Has an Equality Impact Assessment (EIA) been carried out?	Not required

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"/>

SUMMARY

This report invites the Committee to consider two possible changes in the Council's Overview & Scrutiny Procedure Rules intended to streamline the call-in procedure for the review by Overview & Scrutiny Committees of executive decisions made by Cabinet, Cabinet Members and, if Key, by officers.

The report suggests that the period for call-in of executive decisions could be adjusted in the light of the availability of earlier notifications using new technology and that a specific timescale for the holding of OSC meetings following a call-in be introduced.

RECOMMENDATIONS

That the Committee consider whether to **RECOMMEND to the Council** that:

- (a) Executive Decisions be formally published as soon as practicable following their being taken, through *Modern.gov* rather than Calendar Brief
- (b) The period for call-in begin on the day following publication through *Modern.gov* (but remain three working days)
- (c) Where an Executive Decision has been called in, a meeting of the relevant Overview & Scrutiny Committee(s) be held to consider it as soon as possible and, so far as practicable, within 10 working days of submission of that call in (unless a meeting of the Committee is scheduled to be held within 15 working days, in which case the matter be dealt with at that meeting)
- (d) The Overview & Scrutiny Procedure Rules be adjusted to give effect to these changes, as set out in the Appendix to this report.

REPORT DETAIL

- 1 As part of its executive decision-making process, the Council is obliged by the Local Government Act 2000 (as amended by the Localism Act 2011) to make arrangements for the review of certain executive decisions by the relevant Overview & Scrutiny Committee (OSC). The current arrangements enable an Executive Decision by Cabinet, by an individual Cabinet Member or, if Key, by an officer to be called in, provided that the call-in procedure is complied with (there are limited exceptions to call-in but they are not relevant to the consideration of this report).
- 2 The call-in procedure is set out in the Council's Overview & Scrutiny Procedure Rules (OSPRs). The basic steps in the procedure are:
 - two Members from different Groups (or in the case of the Children's OSC, co-opted Members) may submit a requisition, setting out the grounds of their call-in
 - decisions are taken to be "published" on the Friday of each week (or earlier at Easter and Christmas) in the edition of Calendar Brief for that week
 - the requisition must be submitted within three working days of the publication of the decision (i.e. generally midnight of the Wednesday of the following week)
 - once called in, a decision may not be acted upon until either the requisition has been disposed of, or withdrawn

- once called in, the decision is referred to the relevant OSC at either its next ordinary meeting or to a special meeting if the ordinary meeting is not due to be held relatively soon. The aim is to deal with the call-in within two weeks or so
 - there is provision for “holding requisitions” (a decision is called in, but opportunity is taken for discussion with the decision-maker rather than referral to the relevant OSC in an effort to address issues of concern informally)
 - if the call-in is upheld, the decision must be reviewed by the Cabinet; if not, the decision may be implemented forthwith
- 3 Where more than one OSC has a relevant interest in the matter under review, each will normally be invited to consider the call-in.
- 4 This report does not propose any fundamental change in the call-in procedure but invites consideration of two issues around timings within it.

Period for call-in

- 5 As noted above, decisions for call-in have hitherto been published weekly in Calendar Brief on a Friday. This practice arose at a time when email and website technology were in their infancy and most, if not all, Members and senior staff relied upon a hard copy edition of Calendar Brief as their principal source of information.
- 6 For some time, Calendar Brief has both been published in hard copy and circulated by email, with hyperlinks to copies of executive decisions, which have also been available on the website. The “three working days” have not begun until 00.01 hours on the Monday following publication, even though the emailed version of Calendar Brief has generally been circulated on the Thursday, as soon as it is available. On occasion, a decision might have just missed the deadline for publication in Calendar Brief and thus not be published for call-in purposes for a week.
- 7 Until very recently, publication via Calendar Brief was the only generally reliable way of ensuring that any Member who might wish to call-in a decision had the means of doing so. Members will be aware, however, that following the introduction of the *Modern.gov* Committee Management software by Committee Administration, it is now possible to alert Members to the publication on the website or intranet of a range of reports and other material. Included in the alerts available is one relating to the publication of Executive Decisions by individuals, both Member and officer.
- 8 It is, therefore, open to the Committee to consider whether the call-in procedure for both Cabinet decisions and individual Executive Decisions should continue to use the publication of Calendar Brief as the trigger, or to replace it by publication of a decision through *Modern.gov*.
- 8 “Publication by *Modern.gov*” comprises the posting of a decision to the intranet and, unless confidential or exempt, the public website. At the time of

publication, an email is autogenerated by *Modern.gov* and sent to those who need to know about it. The text of the email includes details of the call-in deadline.

- 9 If Members' so wished, therefore, it is now possible to cease the use of Calendar Brief as the trigger for the call-in process – details of decisions taken would still appear in it but the call-in process would instead be triggered by publication through *Modern.gov*.
- 10 The effect of this change would be that “the clock would start ticking” for call-in as soon as the email was sent notifying the appearance of the decision on the website. In practice, this would reduce by several calendar days the period during which a call-in could be made, although there would still be a minimum of three working days between publication and deadline (and the day of publication would of course not count as one of those three days).
- 11 The Committee is invited to consider whether to amend the OSPRs to change the publication arrangements for Executive Decisions.

Arranging for review by an Overview & Scrutiny Committee

- 12 Once a decision has been called in, arrangements need to be made for the relevant OSC to convene a meeting to consider the matter. Generally, unless the next ordinary meeting is imminent, a special meeting of the OSC will need to be called.
- 13 A balance is needed between:
 - compliance with the legal requirements for convening a meeting
 - ensuring that the executive business of the Council can be taken forward without avoidable disruption
 - ensuring that the Members who have submitted the requisition have due opportunity to explain the reasons for their requisition and to seek the support of the OSC
- 14 In practice, this means that the OSC will generally need to meet either at the end of the week following receipt of the requisition or during the week following that.
- 15 Currently, there is no specific timescale for convening an OSC meeting following receipt of a requisition. This has, on occasion, led to difficulty and it is now suggested that it would be useful to include in the OSPRs a requirement that the OSC should be convened to meet within 10 working days of the requisition being received, where it is practicable to do so (for example, it might not be practicable to do so over the Christmas/New Year period; nor where the OSC in question was due to meet any way within a few days of those 10).
- 16 The Committee is, therefore, invited to consider whether to recommend that such a requirement be added into the OSPRs.

Amendment to the Constitution

- 17 If the Committee accepts these suggestions, it will be necessary to recommend to the Council that the Constitution be amended. The requisite changes are set out in the Appendix.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications or risks associated with any changes that arise out of this report. To the (very limited) extent that the changes result in additional administrative activity, its costs will be met out of existing budget provision. In the long-term, a small reduction in costs – particularly of printing – is expected.

Legal implications and risks:

There are no legal implications or risks. The changes proposed comply with current legal requirements, and merely amount to a slightly different approach to existing administrative practice.

Human Resources implications and risks:

No HR implications or risks arise.

Equalities implications and risks:

No Equalities Assessment has been carried out, or is required. Nothing in the proposals now presented affects any individual's or group's rights.

BACKGROUND PAPERS

There are no background papers.

Overview & Scrutiny Procedure Rules

For ease of reference, the proposed changes in the text are highlighted.

17 Call-in (“requisition”) procedure

- (a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by an officer will be notified to all members, who shall be entitled to requisition that decision. Notification will be by email to all members indicating the availability of the decision on the Council’s website, and the latest date for submission of a requisition.
- (b) If the Committee Administration and Member Support Manager is notified of a requisition of a decision shown on that notification within three working days of the issue of the email referred to in (a) above, then that decision shall not be acted upon but shall be submitted to the OSC as soon as possible, either at the next ordinary meeting if due within 15 working days of receipt of the requisition or at a special meeting convened for the purpose (to be held, so far as practicable, within 10 working days of the receipt of the requisition), for determination.

GOVERNANCE COMMITTEE

Subject Heading:	Webcasting: Review of current provision
CMT Lead:	Ian Burns, Acting Assistant Chief Executive
Report Author and contact details:	Andy Beesley, Principal Committee Officer. 01708 432437. andrew.beesley@havering.gov.uk
Policy context:	Webcasting is a means of making the Council's decision-making procedures open and accessible to its stakeholders
Financial summary:	Any associated costs will be met from existing budget provision

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

Havering Council has been 'webcasting' full Council and Cabinet meetings since December 2009, and more recently 'Havering Community Questions.'

This report proposes that the Council expand its webcasting operation to include the Regulatory Services Committee. In doing so, the Council continues to support webcasting as a means of making its decision-making procedures open and accessible to the wider public.

RECOMMENDATIONS

That the Committee **RECOMMEND** to the Council that all meetings of the Regulatory Services Committee be webcast with immediate effect, with associated costs being absorbed from existing budget provision.

REPORT DETAIL

Introduction

1. As part of its commitment to improving engagement with local people, the Council commenced the webcasting of meetings of Council and Cabinet in October 2009. It was felt at that time that once experience of webcasting had been gained, it could be extended to cover other Committees, subject to there being adequate capacity within the webspace contract. More recently, meetings of 'Havering Community Questions' have been webcast; indeed it was the most popular meeting in November 2012 with a total of 124 viewers. The webcasting of additional meetings of Councils Committees will continue to help people understand how local democracy works, and allow them to view the process in action at a time and a place that is convenient for them.
2. In total 60 meetings have been broadcast since October 2009. There has been a total of 1042 viewings of live meetings. Significantly more people, 10,624, have accessed the archive webcast. On average 17 people watch each meeting through the webcast and 177 access the archive material.
3. There is sufficient provision within the current contract to increase the volume of webcasting even further. By far, the Council's Regulatory Services Committee attracts the highest number of attendees to its meetings. Indeed, there have been occasions where members of the public have been turned away from meetings as there has been insufficient space within the Council Chamber and the overspill facilities in Committee Rooms 3 A & B to cater for the numbers who wished to view proceedings. In addition, the Committee generates a large volume of calls from interested parties post-meeting which Committee Administration staff have to respond to. Considerable staff time would be saved by directing such queries to the webcast facilities available on the Council's website were it available.
4. To alleviate this pressure on staff resources and to expand the webcasting operation to incorporate one of the Council's most high profile meetings it is proposed that meetings of the Regulatory services Committee be webcast.

5. It is anticipated that the webcasting of all meetings of the Regulatory Services Committee would require approximately 50 hours per annum. There is sufficient capacity within the current contract to accommodate this.
6. Members may be interested to know that neighbouring local authorities, including Epping Forest and Brentwood District Councils, webcast meetings of their equivalents to the Regulatory Services Committee. By increasing the webcasting operation this will not only increase the profile of this Council's Regulatory Services Committee but also enhance the reputation of the Council.

Members' concerns

7. When webcasting of Council meetings was first introduced in 2009, Members raised concerns about their ability to speak freely at meetings, without fear of legal action for defamation, and the possibility that malicious extracts from webcasts could be used against Members and others. To date, there have been no standards complaints received concerning Member conduct following the viewing of either a Council or Cabinet meeting which has been webcast. Members are also reminded at meetings of the Council and its Committees convened under the Local Government Act 1972 they enjoy qualified privilege from action for defamation – comments made in the course of meetings would not be liable to action for libel or slander provided that they were not made with malicious intent. That qualified privilege applies to webcasts as it would to the meetings themselves.
8. A Protocol (based on similar protocols tried and tested by other local authorities) which addresses the rights of members of the public attending meetings who might not wish to appear in the webcast has been in operation since October 2009. The Protocol ensures Council compliance with the Data Protection Act 1998 and the Human Rights Act 1998

IMPLICATIONS AND RISKS

Financial implications and risks:

The webcasting of meetings of the Regulatory Services Committee, if approved, will be covered by existing contract provision. Any extra staff costs that would be incurred in webcasting such meetings will be absorbed into the duties of those staff who already attend the meetings.

Legal implications and risks:

The recording and broadcasting of the meetings will result in a clear record of how the committee reached its decisions on the applications before it. This could result

in the recording being used to either attack or defend the Council in any legal challenges against particular decisions.

Human Resources implications and risks:

The webcasting of meetings of the Regulatory Services Committee will be absorbed into the duties of those staff who already attend the meetings.

Equalities implications and risks:

There are no direct equalities implications or risks, however any increased provision for the webcasting of Council meetings is considered to enhance Council compliance with equalities legislation and helps to promote knowledge of local democracy decision-making.

BACKGROUND PAPERS

Report to the Governance Committee, 2 June 2011