



Havering

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

GOVERNANCE COMMITTEE AGENDA

7.30 pm

Thursday
31 May 2012

Town Hall, Main Road,
Romford

Members 13: Quorum 4

COUNCILLORS:

Conservative Group
(8)

Residents' Group
(2)

Labour Group
(2)

**Independent
Residents' Group**
(1)

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

Clarence Barrett
Gillian Ford

Keith Darvill
Paul McGeary

Jeffrey Tucker

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

3 DECLARATIONS OF INTEREST

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

4 MINUTES (Pages 1 - 10)

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

5 MINOR CHANGES TO THE CONSTITUTION (Pages 11 - 18)

Members are invited to consider the proposed minor changes to the Constitution and decide whether to recommend them to Council.

6 AMENDMENTS TO THE CONSTITUTION (Pages 19 - 22)

Members are invited to consider the proposed amendments and decide whether to recommend them to Council.

7 STANDARDS OF MEMBERS' CONDUCT - LOCALISM ACT 2011: NEW MEMBERS' CODE OF CONDUCT (Pages 23 - 34)

Members are invited to consider the need for a new Members' Code of Conduct and for mechanisms required to deal with alleged breaches of it and decide whether to recommend these to Council.

8 APPOINTMENTS TO OTHER ORGANISATIONS, 2012/13 (Pages 35 - 48)

Members are invited to consider the proposed appointees for serving on other organisations for the forthcoming year.

9 URGENT BUSINESS

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

Ian Buckmaster
Committee Administration &
Member Support Manager

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Havering Town Hall
14 March 2012 (7.30pm – 8.35pm)**

Present:

COUNCILLORS:

Conservative Group	Frederick Thompson (in the Chair), Becky Bennett, Osman Dervish, Robert Benham, Eric Munday, Roger Ramsey, Michael White and +Lynden Thorpe
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Paul McGeary
Independent Residents' Group	Jeffrey Tucker

There were no declarations of interest

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

Apologies for absence were received from Councillors Steven Kelly and Keith Darvill.

Councillor +Lynden Thorpe substituted for Councillor Steven Kelly

20 MINUTES

A member queried the voting records at the meeting of 17 January 2012. Upon the query being accepted and changes being made, the minutes of the meeting were agreed as a true record and signed by the Chairman.

21 PAY POLICY STATEMENT 2012 - 2013

The Localism Act 2011 required the Council to prepare a pay policy statement by the 31 March each year before it would come into force. The pay policy statement was required to be approved by a full meeting of the Council and published on the Council's website.

The Council's pay policy statement must set out:

- The remuneration of the its Chief Officers
- The remuneration of its lowest-paid employees
- The relationship between the remuneration of its Chief Officers and its other employees

Under the Localism Act 2011, Chief Officers in Havering are defined as the following roles:

- Chief Executive
- Group Directors
- Assistant Chief Executive/Assistant Director
- Heads of Service
- Joint Director for Public Health

Members sought clarification about the structure of the pay scales and asked officers how Havering's pay scales compared to its neighbours. The Committee was assured that the pay scales before it was comparable to the borough's neighbours. It was neither the lowest of the London boroughs, nor was it the highest. Members asked questions concerning aspects of the pay structure in respect of additional payments and were informed that in each of the cases cited, there were sound reasons for making the additional payments.

RESOLVED

That the Committee RECOMMEND to the Council that the Pay Policy Statement 2012/13 be approved.

22 AUDIT AND PENSIONS COMMITTEES – TERMS OF REFERENCE AND CONSTITUTION

The Committee was advised that the Pensions Committee had considered the outcome of the Annual review of the Statement of Investment Principles and undertaken a review of its Governance Compliance Statement. There was concern that not all members of that Committee had received suitable training. Members also expressed the view that named substitute Members should be trained to the same level as Committee Members themselves. To encourage all Members to avail themselves of the training opportunities, the Pensions Committee had recommended that its Terms of Reference be amended.

The Pensions Committee was expected to conform to the "Myners Principles", which were set out in the Appendix to the report.

Whilst reviewing its Governance Compliance Statement, the Pensions Committee also considered its current duties and terms of reference on the appointment of advisors and felt that these needed amendment.

The Audit Committee had also given consideration to the need to ensure that all Members of that Committee, and named substitutes, should be adequately trained.

Members expressed various views concerning the need for training. Whilst the majority view was that because of the technical and changing nature of the financial aspects involved in Pensions and Audit, a straight-forward "lay" approach was no longer tenable and whilst acknowledging that the role of Members was not the same as that of officers, a sound understanding of the issues and even the terminology being used was essential to good decision-making.

The proposal was put to the vote and was **CARRIED** 11 votes to 1.

For: Councillors Clarence Barrett, Becky Bennett, Robert Benham, Osman Dervish, Gillian Ford, Paul McGeary, Eric Munday, Roger Ramsey, Frederick Thompson, Lynden Thorpe and Michael White

Against: Councillor Jeffrey Tucker.

A Member queried the wording of recommendation 1 and, after discussion, it was decided by the Committee to amend the wording to read: "To authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and *in respect of* other related matters".

RESOLVED

That the Committee RECOMMEND to the Council that:

1. Part 3 of the Constitution, paragraph 1.2 Functions delegated to general council committees be **amended** as follows:
 - a. **Advisers and Investment managers**
To "Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and in respect of other related investment matters

To appoint and review the performance of advisers and investment managers for pension fund investments."
2. Part 4 of the Constitution, Paragraph 12 **Pensions Committee amended** to read:
 - (a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.
3. section 3, of the constitution, Committee Procedure Rules paragraph 17 '**Training and continuity of membership of certain committees**', sub paragraphs (a) and (c) be amended by the addition of the following sentence at the end of both paragraphs "If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed" and at the end of paragraph (c): "Non-nominated members may not act as substitutes."

23 AMENDMENTS TO THE CONSTITUTION – CONTRACT PROCEDURE RULES

The Contract Procedure Rules (in Part 4 of the Council's Constitution) were revised and updated in 2008, as part of the review of the Constitution then undertaken. A further review had recently been completed and the Committee was now invited to approve the revised version.

With the introduction of new technology the Council would be using the Oracle i-procurement module, an electronic form of ordering goods and services, this

would become the default method of procurement across the Council, and therefore the rules had been changed to reflect this.

The Council had also developed its Internal Shared Services where the Operational Procurement team would be dealing with all procurements with an estimated value over £100k. The reason for this was that there were only 29 contracts on the contracts register which had a value of between £60k (previous value in the CPR's) and £100k and over 140 contracts over £100k. It was therefore apparent that there needed to be a change to procedure and this was reflected in the CPR.

RESOLVED

That the Committee RECOMMEND to the Council that the revised Contract Procedure Rules (CPR's) be adopted.

24 STANDARDS OF MEMBERS' CONDUCT – LOCALISM ACT 2011: NEW REGIME

The Localism Act 2012 had introduced a new regime for adjudicating the standards of Members' conduct. There would no longer be a national standards framework and there was no obligation to appoint a Standards Committee. There was, however, a requirement for a Members' Code of Conduct, alleged breaches of which would have to be formally dealt with, and if upheld, sanctions could be imposed.

The Committee considered some initial matters relating to the management of the new process within the Council and to the appointment of an "Independent Person", required by the Act, who would be involved in dealing with the investigation of alleged breaches of standards. It was noted that a further report would follow in due course in relation to the required Code of Conduct and other matters.

The Committee noted that complaints made before the new system was fully implemented would be dealt with under transitional arrangements and so, for a short period, there was the possibility that both the old and the new systems would operate in parallel.

RESOLVED

That the Committee RECOMMEND to the Council that:

- 1 With effect from the date on which section 26 of the Localism Act 2011 comes into force - save insofar as it was necessary for any outstanding complaint made before that section comes into force to be disposed of:
 - (a) The existing Standards Committee be abolished.
 - (b) Responsibility for standards matters under the new regime be delegated to the Governance Committee and that the Adjudication & Review Sub-Committee deal with the investigation and resolution of allegations of breaches of the

Council's Code of Conduct for Members.

- (c) The functions of the Appointments Sub-Committee be extended to include the interview of applicants for appointment as Independent Person for Standards under section 28(7) of the Act and making recommendations to the Council as to the appointment.
 - (d) The changes to the Constitution set out in the Appendix to the report be approved.
- 2 The terms of office of the Independent Members of the Committee due to retire at the forthcoming Annual Meeting of the Council be extended until it is abolished and all outstanding matters have been dealt with.

25 JOINT MEETINGS OF OVERVIEW & SCRUTINY COMMITTEES – CHAIRING ARRANGEMENTS

From time to time it was necessary to arrange for a joint meeting of all Overview & Scrutiny Committees. In recent years, there had generally been two such meetings annually, to scrutinise the Council's budget proposals.

Customarily, the chair at such meetings had been taken by the Chairman of an Overview & Scrutiny Committee, nominated in advance of the meeting. At the joint meeting held in January 2012, however, some confusion had arisen over the chairing arrangements and, in consequence, the report before the Committee suggested that the Council's Committee Procedure Rules (CPR) be amended to provide a clear process for selecting the Chairman of such joint meetings.

For legal reasons, the joint meeting had to be chaired by a Member who was an existing Member of an Overview & Scrutiny Committee, and clearly it was logical that one of the overview & scrutiny committee chairmen should perform the task. This was queried by Members who argued that Vice Chairmen should also be eligible.

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

The proposal was put to the vote and was **LOST** 3 votes to 8

For: Councillors Clarence Barrett, Gillian Ford and Paul McGeary
Against: Councillors Becky Bennett, Robert Benham, Osman Dervish, Frederick Thompson, Eric Munday, Roger Ramsey, Lynden Thorpe and Michael White
Councillor Jeffrey Tucker abstained

The report as a whole was then put to the vote.

For: Councillors Becky Bennett, Robert Benham, Osman Dervish, Frederick Thompson, Eric Munday, Roger Ramsey, Lynden Thorpe and Michael White
Councillors Clarence Barrett, Gillian Ford, Paul McGeary and Jeffrey Tucker abstained.

The motion was therefore **CARRIED** 8 votes to nil.

RESOLVED

That the Committee RECOMMEND to the Council that the Committee Procedure Rules (CPR) be amended as follows:

Amend CPR 5(g) to read:

- (i) Subject to (ii) following, where two more Committees met jointly, the chair should be taken by whichever of the Chairmen of those Committees appointed by the Committees so to act.
- (ii) Where a joint meeting of all Overview & Scrutiny Committees was to be held, the chair should be taken by whichever of the Chairmen of those Committees nominated in advance by the Chairmen of all of those Committees.

26 PROCEDURE FOR THE REMOVAL OF LOCAL AUTHORITY APPOINTED GOVERNORS

The Committee was asked to approve the procedure set out in the report to allow for the removal of a School Governor from a governing body where the need to do so arose.

Members were informed that the LA Governor Appointment Panel dealt with the appointment of LA governors after considering applications against set criteria and personal references and that LA appointed governors might be removed from office by the person who appointed them (Guide to the Law for School Governors Chapter 2 paragraph 27).

The Committee NOTED the proposed procedure and APPROVED its use.

27 APPOINTMENT TO OUTSIDE BODIES AND OTHER ORGANISATIONS 2012 – TRUSTEES OF THE POYNTZ CHARITY

The Committee was reminded that the Council appointed three trustees to this charity and that the current trustees' appointment would expire in March 2012. The Committee was asked to re-appoint Councillor June Alexander and a local resident, Mr David Livermore and confirm the appointment of the Reverend George Baisley as trustees.

Poyntz Charity was a small local charity responsible for administering benefits for the poor, including some almshouses in North Ockendon. Trustees could be Councillors, but that was not a requirement of the scheme of appointment.

The Committee AGREED to appoint Councillor June Alexander, David Livermore and the Reverend Baisley as trustees of the Charities of Richard Poyntz and others.

28 **LOCALISM ACT – REPEAL OF STATUTORY PETITIONS PROCEDURE AND FUTURE ARRANGEMENTS FOR HANDLING PETITIONS**

Members were reminded that the Localism Act 2011, among other things, had repealed the requirement for a statutory petitions scheme and mandatory e-Petitions facility. This had an effect of the process currently in place in Havering.

The former statutory Petitions Scheme had established clear procedures for handling petitions and there were some instances where statutory procedures were triggered by petitions. These were unaffected by the Localism Act – indeed, that Act had added to the number of statutory petition arrangements.

It was clearly useful for there to be a set procedure for handling petitions in order to ensure that there was a consistent and orderly approach to them. The proposed Procedure had been modelled on the former Petitions Scheme but omitted the statutory elements of it. In particular, it omitted entirely the provisions of the former Scheme that would have required petitions passing certain thresholds of signatory numbers to be debated by the relevant Overview & Scrutiny Committee (OSC) or the Council.

The former legislation required that each local authority set up on its website an e-Petitions facility. The Government made a financial contribution to the cost of so doing which, in the event, substantially exceeded the cost incurred by the Council in setting one up. The current e-Petitions facility was provided by the Council's webcasting contractor.

As the cost of the initial installation of the facility had already been met by the government and there were effectively no on-going maintenance costs as the current contract with *Public-1* included the facility free of charge as part of the overall webcasting package, when the need to decide where to award a new contract arose, whichever provider was used, the facility would be effectively available at no cost and so the report proposed that there was no need to withdraw it.

As a consequence of the repeal of the statutory requirements in relation to petitions and e-Petitions, there was no longer a need to make specific provision in the Council, Committee and Overview & Scrutiny Procedure Rules for dealing with petitions, and the report invited the Committee recommend to Council that they be dispensed with.

Members were asked to note that the deletion of these provisions would not prevent Members from:

- (a) Formally presenting petitions at Council meetings
- (b) Submitting motions relating to the subject matter of petitions

- (c) Requesting that the relevant Overview & Scrutiny Committee consider the subject matter of petitions

RESOLVED

That the Committee RECOMMEND to the Council that:

- (i) Rule 23 of the Council Procedure Rules should be amended as follows:
 - (a) Omit the number 23.1 from in front of the opening paragraph
 - (b) Delete paragraphs 23.2 and 23.3 (which relate to the holding of debates in response to petitions having 3,500 or more signatories)
- (ii) Rule 15 of the Committee Procedure Rules (which relates to the consideration by Overview & Scrutiny Committees of petitions having 2,500 or more signatories) be deleted and all subsequent paragraphs renumbered accordingly.
- (iii) In the Overview & Scrutiny Procedure Rules:
 - (a) Sub-paragraphs (g) and (h) be deleted from Rule 2 (Role of OSCs: dealing with petitions)
 - (b) Sub-paragraph (e) be deleted from Rule 3 (Specific functions of OSCs: responding to petitions)
 - (c) Sub-paragraphs (vi) and (vii) be deleted from Rule 20 (Procedure at OSC meetings: considering petitions)

29 MONITORING OFFICER NO 10 – AMENDMENTS TO THE CONSTITUTION

The Monitoring Officer submitted the constitutional amendments to the Committee shown in appendix 1 to these Minutes.

The Committee NOTED the amendments in the Monitoring Officer’s report.

30 MONITORING OFFICER NO 11 – AMENDMENTS TO THE CONSTITUTION

The Monitoring Officer submitted the constitutional amendments to the Committee shown in appendix 2 to these Minutes.

The Committee NOTED the amendments in the Monitoring Officer’s report.

31 **URGENT BUSINESS**

The Chairman permitted a Member to ask a question of the Monitoring Officer concerning the issue of requiring a Member to undertake training when to do so might have repercussions on that Member.

The reply given was that there was not an immediate necessity for training to be undertaken, but a period of, say, six months grace could be allowed for the Member to make their own arrangements.

.....
CHAIRMAN

.....
DATE

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**GOVERNANCE
COMMITTEE**

REPORT

31 MAY 2012

Subject Heading:	MINOR CHANGES TO THE CONSTITUTION
CMT Lead:	Andrew Blake-Herbert Group Director Finance & Commerce
Report Author and contact details:	Mike Stringer Head of Finance & Procurement
Policy context:	Minor changes to parts of the constitution to reflect changes in process and technology
Financial summary:	There are no immediate financial consequences, these changes are needed to bring the constitution in line with proposed operating practice

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

A small number of minor changes are needed to the Constitution to reflect changes in operating processes arising from the implementation of new systems, and recommendations arising from audit reports.

RECOMMENDATIONS

To **RECOMMEND** to Council the adoption of the changes set out in Appendices A and B to this report.

REPORT DETAIL

1. It is good practice for the Council's Constitution to be amended and updated to reflect changing circumstances. Whilst a major review of the Constitution was undertaken in 2010, there have been a number of developments that now necessitate some minor changes. These are intended to reflect the proposed operating procedures being put in place.
2. The changes set out in Appendices A and B reflect in broad terms changes resulting from either the implementation of new systems and the need to align formal processes with these or from recommendations made as part of audit reports.
3. In brief, the proposed changes are as follows:
 - Inclusion of an explicit power relating to spending authority; this will enable formal spend delegations covering all aspects of spend to be put in place by CMT members and Heads of Service and remove the need to maintain inefficient processes relating to authorised signatories. This also ties in with the authorisation chain within the new Oracle systems
 - Inclusion of requirement to ensure value for money is obtained from the disposal of any assets. This arises from an internal audit report. Consequential changes to the Financial Framework are currently in hand to reflect the recommendations in the audit report
 - Specific reference in the Group Director Finance & Commerce powers to pension fund administration. This will facilitate a single set of delegations and signatories, replacing what exists at present (a set of authorisations for each and every fund portfolio)
 - Update to limits for settling insurance claims. These are required on an annual basis where appropriate
 - An amendment to ensure that all bank accounts created are in line with treasury guidelines. This also arises from an internal audit report
 - Changes to the definition of a key decision and the rules relating to budget virements. This follows on from discussions at Committee over both the definition and inconsistencies in the virement process.

4. Work is in hand to undertake any consequential changes to processes, such as the Financial Framework and other guidance, and these will be implemented once the changes to the Constitution have been formalised.
5. The changes proposed to the Key Decision definition and associated virement rules are designed to both rationalise and considerably simplify them.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct implications or risks arising from these proposed amendments. It is good practice to ensure that the Council's formal rules are maintained and that they reflect any recommendations arising from changes in process, audit reports, and so on. There are various consequential changes needed as a result of these proposed changes and these are all underway. The impact of the changes will need to be communicated to the relevant officers.

Legal implications and risks:

There are no direct legal implications from the proposed changes to the Constitution.

Human Resources implications and risks:

There are no Human Resources implications or risks arising directly from this report.

Equalities implications and risks:

There are no implications or risks arising from this report.

BACKGROUND PAPERS

There are no background papers.

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PROPOSED CHANGE – GENERAL RULES

PART 3 – RESPONSIBILITY FOR FUNCTIONS

3.3 POWERS OF MEMBERS OF THE CORPORATE MANAGEMENT TEAM**Financial Responsibilities**

- (a) To incur expenditure within the revenue and capital budgets for their allocated portfolio as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To oversee the delivery of programmes agreed by Council and Cabinet.
- (c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.
- (d) To authorise the making of ex gratia payments up to the limit specified from time to time by the Head of Finance & Procurement to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.

3.4 POWERS OF ASSISTANT DIRECTOR AND HEADS OF SERVICE**General Powers**

- (c) To manage buildings and facilities under their control including letting, hiring or otherwise permitting the use of such premises and property for occasional purposes, and to dispose of obsolete, worn out and surplus stores, plant, equipment and vehicles, ensuring that value for money is obtained on all asset disposals.

Financial Responsibilities

- (a) To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation permitted by the Council's contract and financial procedure rules.
- (b) To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.
- (c) To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.
- (d) In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.

3.7 FUNCTIONS RELATING TO THE FINANCE & COMMERCE GROUP OF SERVICES

3.7.1 Group Director Finance & Commerce

(d) To manage the Council's loan debt, investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts and arrange insurance of property and the selecting and accepting of tenders for insurance cover and related services which are considered to offer best value for the Council promoting good risk management practices at all times.

3.7.3 Head of Finance & Procurement

(a) To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to maximum of £145,000 for motor insurance, £147,750 for liability insurance, and £50,000 for property insurance.

(b) To review and, if necessary, amend the limits in (a) above on an annual basis, following discussion with the Council's insurers.

PART 4 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

Financial Systems & Procedures

15 Banking arrangements and cheques

The Group Director Finance & Commerce must be notified of all bank accounts operated by any of the Council's employees in connection with the business of the Council or unofficial funds held by the Council. All bank accounts must comply with the Council's investment principles set out in the Treasury Management Strategy approved by Council.

VIREMENTS AND KEY DECISIONS

PART 3: RESPONSIBILITY FOR FUNCTIONS**2.2 CORPORATE FUNCTIONS****Finance**

(a) To take decisions on all matters relating to the Council's finances including but not exclusively:

(vii) virements £1 million or more

(viii) virements between services over £250,000 and up to and including £999,999

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

(m) To consider reports on the exercise of virement, within the Budget Framework Procedure Rules and/or Financial Procedure Rules set out in Part 4 of this constitution.

(u) To approve individual virements within a service above £250,000 up to and including £999,999.

PART 4 : RULES OF PROCEDURE**EXECUTIVE PROCEDURE RULES****Key decisions**

(a) 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 or

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

whether relating to revenue expenditure/savings or capital expenditure.

Financial Procedure Rules**6 Budget Virements**

Budget virements are required when a change to Council policy and/or service delivery requires resources to be reallocated, or when additional resources are received, or to meet any anticipated budgetary shortfalls.

All virements, whether revenue or capital, are subject to the following authorisation process:

(a) Virements in excess of £1 million will require Cabinet approval.

(b) Virements between £250,000 and up to £1 million will require approval by the relevant Cabinet Members.

(c) All other virements will need to comply with procedures specified by the Group Director Finance & Commerce.

The cumulative value of virements for the year should be considered when deciding whether the various thresholds have been reached. The Group Director Finance & Commerce will take the final decision as to whether a number of smaller virements need to be grouped together for threshold calculation purposes.

GOVERNANCE COMMITTEE

REPORT

31 MAY 2012

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

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

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

SUMMARY

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will:
 - a. monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - b. make recommendations to the Council about amending the Constitution

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

RECOMMENDATIONS

To **RECOMMEND** to Council the proposed amendments as set out in this report.

REPORT DETAIL

3.7.6 Head of Development & Building Control

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

Erect residential development where the number of dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to paying the Council's Infrastructure Tariffs, the latter involving liaison during the process between Head of Development and Building Control and Head of Law.

Reason for proposed delegation

Planning applications for up to two residential units can currently be approved by Head of Development and Building Control under delegated powers. The Council has introduced a requirement for all developers creating one or more net residential units to pay a tariff to contribute to the costs of community infrastructure.

To bind the applicant to paying the tariff requires prior completion of a Unilateral Undertaking which is a form of planning obligation. Currently any planning application involving a planning obligation such as Section 106 or Unilateral Undertaking comes to Regulatory Services Committee for determination. The only reason a Unilateral Undertaking would be required for applications described in the title above is to bind the applicant to pay the tariff. Applications of this type and scale would not otherwise usually come to Committee. Delegation power to enable Head of Development and Building Control to accept the Unilateral Undertaking and approve such applications would better streamline the process, for the Council and the applicant. It would also avoid applications unnecessarily filling up the Committee agenda. It's proposed that in delegating the power to Head of Development and Building Control there must be liaison during the process with Head of Legal which would be needed operationally in any event and would be similar to the liaison already done for example on Enforcement Notices.

2. Proposed New Delegated Power: 3.7.6 (cc)

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

Reason for proposed delegation:

The Crossrail Act 2008 (the Act) has conferred the right to construct and maintain Crossrail and in effect is similar to a grant of Outline Planning Permission. Schedule 7 of the Act sets out items that require further detailed approval for both permanent works and construction arrangements, if a local authority chooses to become a “qualifying authority”. Havering are a qualifying authority and has entered into a Memorandum to:

- Use best endeavours to determine applications within eight weeks
- To have dedicated staff to deal with submissions
- To use delegated authority where appropriate.

If a local planning authority repeatedly fails to expedite requests for approval, or seriously fails to expedite a request in line with the appropriate timescales, or repeatedly or seriously fails to act in accordance with all the requirements of the Memorandum, the Secretary of State is authorised to cease the authority’s status as a qualifying authority.

If an authority doesn't have Qualifying Status it has no power to impose conditions or negotiate/refuse on Crossrail related development.

Therefore, in order to ensure that applications are dealt with within 8 weeks, it would be appropriate for Schedule 7 Applications to be determined at delegated level, unless it is considered that the proposal raises significant issues (for instance large number of objections or significant judgement issues over impact).

3. Proposed additional text in 3.7.6 (xiii)

Extensions less than 1,000sqm, outbuildings, and freestanding shelters and awnings and boundary treatment including walls and fencing proposals in respect of school related applications unless objections have been received or the school is in the Green Belt.

Reason for proposed delegation.

Proposals for school outbuildings and awnings are usually found acceptable and generally attract little public interest. Currently these sit outside the scope of delegated powers so need to come to Committee unnecessarily. Incorporation into this delegated power will streamline the planning process for school and the Council and reduce the number of applications requiring Committee determination.

4. Proposed additional text in 3.7.6 (xiv)

To decide all proposals under the advertisement regulations and applications for external building alterations including shop-fronts and canopies in respect

of LBH applications which, were they not Havering properties, would be determined under staff delegation powers.

Reason for proposed delegation

It addresses a small type of development which is usually approved and generates little public interest. Incorporating this in the existing delegated power will streamline the process for the Council and the applicant and will prevent applications unnecessarily lengthening the Committee agenda.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications

Legal implications and risks:

There are no relevant legal implications

Human Resources Implications and risks:

There are no relevant HR implications

Equalities implications and risks:

There are no relevant equality implications

BACKGROUND PAPERS

There are none

GOVERNANCE COMMITTEE

REPORT

31 May 2012

Subject Heading:	STANDARDS OF MEMBERS' CONDUCT – Localism Act 2011: new Members' Code of Conduct
CMT Lead:	Ian Burns Acting Assistant Chief Executive 01708 432442
Report Author and contact details:	Ian Buckmaster Committee Administration & Member Support Manager ian.buckmaster@havering.gov.uk 01708 432431
Policy context:	The Localism Act 2012 requires the adoption of a new Code of Conduct for Members
Financial summary:	There are no financial implications

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

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

SUMMARY

The Localism Act 2011 abolishes, with effect from 1 July 2012, the current statutory regime for regulating Members' standards of conduct, introduced by the Local Government Act 2000.

This report deals with the need for a new Members' Code of Conduct and for mechanisms required to deal with alleged breaches of it.

RECOMMENDATIONS

1. To **RECOMMEND** to the Council the adoption of the Code of Conduct set out at Appendix 1 to this report.
2. To authorise the Monitoring Officer to amend the section of the Code that deals with interests if necessary to comply with any subsequent secondary legislation on interests
3. To adopt the procedure for investigating and adjudicating on alleged breaches of the Code of Conduct.

REPORT DETAIL

Introduction

- 1 The regime for regulating Members' standards of conduct that was introduced by the Local Government Act 2000 will be abolished (apart from any outstanding matters then current) with effect from 1 July 2012 and a new, less prescriptive, regime implemented.
- 2 Local authorities are required "to promote and maintain high standards of conduct by Members" and must adopt a Members' Code of Conduct (referred to in this report as "the Code"). Local authorities will, however, be required to deal with any alleged breaches themselves as the Standards Board for England has been abolished as has the requirement for a Standards Committee. The existing statutory sanctions for breaches of the current Code are also abolished. Aside from the steps required to comply with the terms of the Act, no guidance is expected to be given by the government as to how alleged breaches should be investigated or as to the sanctions that might be applied.
- 3 The Act requires that the Code should reflect the Nolan Principles of Conduct in Public life, which are:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

- 4 The Code must also provide for registration of interests, both pecuniary and non-pecuniary (the current division of interests into “personal” and “prejudicial” is repealed). This is one area where detailed provisions are expected, but the relevant statutory instruments have not yet been finalised by the government.
- 5 The Act requires that allegations of breaches of the Code must be investigated and adjudicated upon. It also provides that if, following investigation, a Member is found to have breached the terms of the Code, he or she may be subjected to “sanctions”, although it does not specify what such sanctions might be. Although under the current regime a range of sanctions is available, including suspension or even disqualification, the new regime will not permit such severe sanctions to be applied.

Code of conduct

- 6 The Council’s current Code of Conduct, which was based on a national model produced by the Standards Board for the purposes of the current regime, is more complex than is required to comply with the new regime.
- 7 Both the Local Government Association (LGA) and the Department for Communities & Local Government (DCLG) have produced model Codes, and others are available. Appendix 1 to this report is a suggested draft Code for Havering, which is an amalgam of the LGA and DCLG models.
- 8 It will be seen that the proposed Code is greatly simplified, which should make it easier for Members to comply with it. However, such simplification could result in the scope of the Code actually being wider than the current detail/prescriptive Code.

Handling allegations of breaches of the Code

- 9 The Localism Act requires that allegations of breaches of the Code must be investigated and, following that investigation, a decision made upon them. The Act is silent as to the means of investigation and how a decision is to be made.
- 10 The Council has already decided that investigations shall be dealt with by Hearings Panels of the Adjudication & Review Sub-Committee. Appendix 2 sets out a suggested approach to the investigation and adjudication of allegations of breaches of the Code.

Registration and disclosure of interests

- 11 There continues to be need for a register of Members' interests, which the Act requires the Monitoring Officer to establish and maintain. The register applies to both elected Members and co-optees.
- 12 The prescriptive requirements of the register that apply in the current regime have been repealed and the Council has some leeway as to what needs to be registered. There are a few statutory requirements but it is for the Council to decide whether to go beyond them. The obligation to register a Member's interests ceases when he or she no longer has the particular interest or ceases to be a Member (unless re-elected or re-appointed). The register must be open to public inspection and published on the Council's website.
- 13 The requirements of the register are that:
 - (a) Within 28 days of election (or appointment, if co-opted) a Member must notify the Monitoring Officer of any disclosable pecuniary interest (other than any interest already disclosed by a re-elected or re-appointed Member)
 - (b) The Secretary of State will by regulation determine what interests are disclosable. Any such interest must be disclosed if it is an interest:
 - (i) of a Member or
 - (ii) of a Member's spouse, civil partner or a person with whom the Member lives as if they were spouses or civil partners, and the Member is aware of that interest
 - (c) The Monitoring Officer must register any interest disclosed, whether or not it is in fact an interest that must be disclosed.
- 14 A Member (elected or co-opted) who has a pecuniary interest in a matter that is being considered at a meeting of the Council, of the Cabinet or of a Committee or Sub-Committee is present at that meeting then he or she must disclose that interest, whether or not it is registered. An interest disclosed at a meeting must be registered within 28 days of that meeting.
- 15 A Member who has disclosed an interest at a meeting must not participate in any discussion of the matter at the meeting, nor vote upon it. Where a decision is to be taken by an individual Cabinet Member, that Member may not take a decision in relation to any matter in which he or she has a pecuniary interest. It is for the Council to decide whether any Member who has made a disclosure should withdraw from the meeting as well as not participate in discussing or voting upon it.
- 16 In certain circumstances, where a Member (or a person connected with that Member) could be subjected to violence or intimidation, such an interest must not be on the public part of the register nor need details of it be disclosed at a meeting.
- 17 The Council may (by decision at a meeting of the full Council) grant a dispensation from the obligation to make a disclosure where
 - (a) So many Members would be prohibited from participating that the transaction of business would be impeded; or

- (b) Without a dispensation the balance of the representation of different political groups would be so upset as to impede the truncation of business; or
 - (c) It is in the interests of persons lining within he area that a dispensation be granted; or
 - (d) Without the dispensation, each Member of the Cabinet would be prohibited from participating or
 - (e) it is otherwise appropriate to grant a dispensation.
- 18 Once granted a dispensation applies for a maximum of four years.
- 19 Failure to register or to disclose a disclosable interest, without reasonable excuse, is an offence, as is participating or voting on a matter in which a Member has a disclosable interest. It is also an office knowingly to make a misleading, reckless or untrue disclosure. Conviction for such an offence, in addition to a heavy fine, could result in up to five years' disqualification. A prosecution for these offences may be instigated only by, or on behalf of, the Director of Public Prosecutions.

IMPLICATIONS AND RISKS

Financial Implications and Risks

There are no significant or specific financial implications or risks arising from this report.

Equalities and Social Inclusion Implications and Risks

No specific implications or risks have been identified. The maintenance of high standards of conduct by Members is in the interest of all sections of the community.

Members will be expected to:

- Behave in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including those on the use of the Council's resources.
- Value colleagues and staff, engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Treat people with respect, including the organisations and public they engage with and those they work alongside.
- Comply with the Council's Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work Policy

Environmental Implications and Risks

There are no implications or risks for the environment.

Legal Implications and Risks

The Localism Act obliges the Council to adopt a Code of Conduct and to take specified measures to ensure compliance with it.

Failure to carry out the duties imposed by the Act would risk challenges by way of judicial review and/or the Local Government Ombudsman; and could also expose the Council to a risk of decisions being challenged and over-turned.

Human Resources Implication and Risks

There are no implications or risks for Human Resources.

BACKGROUND PAPERS

Model Codes of Conduct suggested by the Local Government Association and the Department for Communities and Local Government.

DRAFT

LONDON BOROUGH OF HAVERING

Members' Code of Conduct

Members or co-opted members of the Council of the London Borough of Havering have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Personal conduct

Accordingly, Members must act solely in the public interest and:

- never improperly confer an advantage or a disadvantage or seek financial or other material benefits for family members, friends or close associates

Governance Committee, 31 May 2012

- never place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties
- make all decisions on merit alone
- are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office
- be open as possible about their decisions and actions, and those of the Council, be prepared to explain the reasons for those decisions and actions
- declare any private interests, pecuniary or non-pecuniary, that relate to their public duties and take steps to resolve any conflicts of interest that arise, including registering and declaring interests in accordance with the Council's agreed procedures
- ensure that they do not use, nor authorise the use by others of, facilities provided by the Council for any purpose that would be improper, including for party political purposes, and must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986
- promote and support high standards of conduct when serving in their public post, in particular as characterised by the requirements of this Code, by leadership and by example

As a Member of the Council, each Member will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way their constituents, including those who did not vote for them - and putting residents' interests first.
- Dealing with representations or enquiries from residents, members of local communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including their own financial interests or those of others connected to them, to deter them from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as members/co-opted members of the Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for their decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it

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- Behaving in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Council's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those they work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Members will be expected to:

- Behave in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including those on the use of the Council's resources.
- Value colleagues and staff, engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Treat people with respect, including the organisations and public they engage with and those they work alongside.
- Comply with the Council's Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work Policy

Pecuniary and non-pecuniary interests

The Act further provides for registration and disclosure of interests and in Havering, this will be done as follows:

Registration

A disclosable interest must be notified to the Monitoring Officer, who shall arrange for it to be registered in the Council's register immediately following receipt:

- (a) within 28 days of taking office as a Member or Co-opted Member and
- (b) forthwith in any other circumstances.

"Interest" includes not only interests of the individual Member but also those of the Member's spouse, civil partner (or a person with whom the Member lives as spouse or civil partner).

Notice of an interest will be placed in the public part of the register unless the Monitoring Officer is satisfied that, pursuant to s.32 of the Localism Act 2012 it is sensitive and should not be made public.

Disclosure

A Member must disclose an interest at any meeting at which a matter to which it relates is considered. Once an interest has been disclosed, the Member may not participate in the

discussion of, or voting on, that matter but may, with the permission of the Chairman of that meeting, remain in the meeting room.

Proposed procedure for investigating and deciding allegations of breaches of the Members' Code of Conduct

- 1 All allegations that a Member (including a co-opted Member) has breached the Council's Members' Code of Conduct shall be referred in the first instance to the Monitoring Officer, who shall advise the Independent Person of the receipt of the allegation and provide him or her with a copy of it.
- 2 The Independent Person shall take such steps as he/she deems necessary to carry out the functions assigned to him/her by section 28 of the Localism Act 2011.
- 3 The Monitoring Officer shall consider the allegation initially to establish whether there is *prima facie* evidence of the alleged breach. The Monitoring Officer may make enquiries of the person submitting the allegation in order to clarify any point or reference within the allegation.
- 4 Upon conclusion of the initial consideration, the Monitoring Officer shall refer the allegation to an Initial Assessment Panel of the Adjudication & Review Sub-Committee. The Panel shall consider the report and any recommendation of the Monitoring Officer and may:
 - (i) Require the Monitoring Officer to seek (further) clarification of the person making the allegation and adjourn to reconvene when that clarification is to hand;
 - (ii) Dismiss the allegation as showing no, or insufficient, evidence of a breach warranting further investigation or
 - (iii) Require the Monitoring Officer formally to investigate the allegation and, upon completion of the investigation, to report thereon to a Hearings Panel.
- 5 A person aggrieved by a decision under paragraph 3(ii) above to discontinue an investigation may ask for a review of that decision by a second Initial Assessment Panel, which shall re-consider it in accordance with paragraph 4. The decision of the second Panel shall be final.
- 5 A Hearings Panel dealing with an allegation in accordance with paragraph 4(iii) shall consider the report of the Monitoring Officer and any recommendation made by him at a hearing, which shall take place in public unless the Panel decides that it should be heard, wholly or in part, in private if the nature of the information that might be disclosed is such as to warrant being treated as exempt in accordance with section 100B(4) of the Local Government Act 1972..
- 6 When considering the report, the Hearings Panel shall do in an inquisitorial style. Those having a right to be heard shall be:
 - (i) The person making the allegation
 - (ii) The Member against whom the allegation is made
 - (iii) The Monitoring Officer
 - (iv) The Independent Person
 - (v) Any person named by the person making the allegation, the Member against whom the allegation is made or the Monitoring Officer as a material witness to the matter (provided that a witness may be invited to attend but shall be under no compulsion to do so)

- 7 Having heard all relevant evidence, the Hearings Panel shall retire to consider its decision in private. Once a decision has been reached, it shall be announced in public and a record of the proceedings published on the Council's website.
- 8 The Hearings Panel may decide:
 - (i) That the allegation is proven, wholly or in part and uphold it, wholly or in part
 - (ii) That the allegation is not proven and dismiss it
- 9 Where the Hearings Panel decides that the allegation is proven and upheld, it shall decide what recommendation to make to the Council about the matter.



GOVERNANCE COMMITTEE

31 May 2012

REPORT

Subject Heading:	APPOINTMENTS TO OTHER ORGANISATIONS, 2012/13
CMT Lead:	Ian Burns Assistant Chief Executive 01708 432442
Report Author and contact details:	Jacqui Barr Research & Information Officer, Committee Administration jacqui.barr@havering.gov.uk 01708 432439
Policy context:	The Council appoints Members and others to serve on a variety of other bodies
Financial summary:	There are no significant financial implications.

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

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

SUMMARY

The Council makes appointments to a large number of other organisations, some statutory, others voluntary.

Since the new executive governance arrangements came into force, responsibility for making some appointments has passed from this Committee to the Leader of the Council but the Constitution provides that it is for this Committee to make recommendations to the Leader.

RECOMMENDATIONS

That:

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

REPORT DETAIL

- 1.1 The Committee is authorised to make all appointments to other organisations (other than executive appointments, which are made by the Leader). Except where otherwise specifically provided, appointments are for the period expiring at the first meeting of this Committee in the municipal year 2013/14 (probably during the last week of May 2013).
- 1.2 **Appendix 1** Executive appointments. **The Committee is asked to review the appointments and to make recommendations to the Leader.**
- 1.3 **Appendix 2** lists the appointments made by office-held and by individual member, but are not executive. **The Committee is asked to review these appointments and either confirm them or agree what changes are to be made.**

- 1.4 Appointments that do not require review or renewal for the present are highlighted. **The Committee is asked to note these appointments.**

Exercise of voting rights:

- 2.1 In some cases, the constitution of an organisation permits the casting of proxy votes if the appointed representative is unable to attend a meeting.
- 2.2 In order to avoid a possible loss of influence, it is the Council's usual practice to agree that, where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 2.3 **The Committee is asked to agree to that practice continuing for the coming year.**
- 2.4 The Council is entitled to 5 votes in the General Assembly of the Local Government Association. Previously, the Leaders of the Council and of the Opposition were allocated 4 votes and 1 vote each respectively.
- 2.5 **The Committee is asked to confirm that this arrangement should continue.**

East London Solutions Members' Review Group:

- 3.1 This group is not a formal decision-making body, and is not formally constituted in any borough. It exists to make recommendations for consideration by the ELS Leaders' Group
- 3.2 The objectives of the Review Group are
- To support the development, where appropriate, of a co-ordinated and strategic approach to shared services and joint working in the member boroughs in order to maximise efficiencies
 - To facilitate cross-borough review of shared services work conducted in the member boroughs
 - To ensure that Member decision-making on the subject of shared services in individual boroughs is informed by a full view of the opportunities and challenges relevant to the member boroughs
 - To promote the adoption of best practice in procurement, service design and delivery across the member boroughs
 - To promote East London as a beacon of good practice in joint procurement and shared service delivery
- 3.3 The Group will consist of representation from the boroughs of Barking and Dagenham, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest, each borough being represented by two Members, with two alternates, and the intention is that there should be particular consideration to representation of members of scrutiny committees and cross-party involvement.

- 3.4 Meetings will be held quarterly, after each East London Solutions Leaders Group meeting, alternating between member authorities.
- 3.5 **The Committee is asked to nominate two representatives (and two alternates) of the Council to be appointed to the East London Solutions Members' Review Group.**
- 4.1 Members will recall that, some time ago, it was suggested that the administration of the Romford Combined Charity should be transferred to another organisation. The Havering Council of Voluntary and Community Organisations (HAVCO) has agreed to assume the responsibility and the transfer was effected on 18 May.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

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

Legal, Finance and Environmental Implications and Risks

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

BACKGROUND PAPERS

A number of files is held by Democratic Services which provide information on the organisations to which appointments are being made.

APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2012/13

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
CEME (Centre for Engineering & Manufacturing Excellence) - 1	Group Director, Finance & Commerce	
East London Waste Authority - 2	Deputy Leader of the Council and Cabinet Member – Environment	
Greater London Enterprise Limited -1	Cabinet Member– Community Empowerment	
IWMS Contract Liaison Committee - 1	Deputy Leader of the Council	
London Councils (Leaders' Committee)	Representative (1): Leader of the Council Deputy: (1) Deputy Leader of the Council	
Transport & Environment Committee	Representative (1): Cabinet Member - Environment Deputies (up to 4): Deputy Leader of the Council, Cabinet Member – Community Empowerment, Cabinet Member – Value	

Appointments to other organisations, 2012/13

Grants Committee

Representative (1): Cabinet Member – Value

Deputy (up to 4): Deputy Leader of the Council, Cabinet Member – Towns & Communities & Cabinet Member-Transformation

Greater London Employment Forum

Representative: Cabinet Member – Value

Deputy Representative: Deputy Leader of the Council

Thames Gateway London Partnership

Leader of the Council

APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2012/13

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
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CEME (Centre for Engineering & Manufacturing Excellence) - 1	Group Director, Finance & Commerce	
East London Waste Authority - 2	Deputy Leader of the Council and Cabinet Member – Environment	
Greater London Enterprise Limited -1	Cabinet Member– Community Empowerment	
IWMS Contract Liaison Committee - 1	Deputy Leader of the Council	
London Councils (Leaders' Committee)	Representative (1): Leader of the Council	
Transport & Environment Committee	Deputy: (1) Deputy Leader of the Council	
	Representative (1): Cabinet Member - Environment	
	Deputies (up to 4): Deputy Leader of the Council, Cabinet Member – Community Empowerment, Cabinet Member – Value	

Grants Committee

Representative (1): Cabinet Member – Value

Deputy (up to 4): Deputy Leader of the Council, Cabinet Member – Towns & Communities & Cabinet Member-Transformation

Greater London Employment Forum

Representative: Cabinet Member – Value

Deputy Representative: Deputy Leader of the Council

Thames Gateway London Partnership

Leader of the Council

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Adoption Panel-1	Councillor Wendy Brice-Thompson	Leader 9.5.12
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Cabinet Member – Individuals and Councillor June Alexander	
Carers Panel-1	Councillor Wendy Brice-Thompson	
Coopers Company & Coborn Educational Foundation	Councillor Linda van den Hende	
Damyns Hall Aerodrome Joint Consultative Committee-2	Cabinet Member for Community Empowerment and Councillor Linda van den Hende	
Essex Wildlife Trust (Bedfords Park Management Committee)	Councillor Geoff Starns	
Governor Panel - 3	Cabinet Member – Children & Learning, Councillor Wendy Brice-Thompson and Councillor Gillian Ford	
Havering Arts Council - 5	Cabinet Member- Towns & Communities, Councillors Keith Wells, Garry Pain, Linda Hawthorn and Barbara Matthews.	
Havering Association for People with Disabilities - 2	Councillors Steven Kelly and Councillor Nic Dodin	

Governance Committee, 31 May 2012

Hadvering Bands and Majorettes Association - Executive Committee - 3	Councillors Andrew Curtin, Osman Dervish and Linda Hawthorn
Hadvering & Brentwood Bereavement Service - 1	Councillor Dennis Bull
Hadvering Chamber of Commerce and Industry	Leader of the Council
Hadvering Children's Trust	Cabinet Member – Children & Learning
Hadvering Community Safety Partnership – 2	Cabinet Member– Community Safety and the Assistant Chief Executive, Legal and Democratic Services
Hadvering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Cabinet Member – Value, Cabinet Member- Transformation, Leader of the Opposition Group and Councillor Linda van den Hende
Hadvering Local Strategic Partnership - 3	Leader of the Council, Deputy Leader of the Council and Leader of the Opposition
Hadvering Police and Community Consultative Group - 9	Cabinet Member- Community Safety and Councillors Roger Evans (Elm Park & Hylands); Paul Rochford (Emerson Park & Harold Wood); Lynden Thorpe (Gidea Park); Denis O'Flynn (Harold Hill); Nic Dodin (Hornchurch); Billy Taylor (North Romford); Fred Osborne (Romford); Michael Deon Burton (South Hornchurch & Rainham); Gillian Ford (Upminster)

Governance Committee, 31 May 2012

Havering Sports Council - 5

Cabinet Member – Towns & Communities , Councillors Osman Dervish, Garry Pain, John Mylod and Denis Breading.

Havering Sixth Form College

Cabinet Member – Children & Learning (till July 2014)
Councillor Steven Kelly (till July 2013)

Havering Theatre Trust - 3

Cabinet Member - Value, Cabinet Member – Transformation and Councillor Gillian Ford.

Havering Twinning Educational Association

Councillor Melvin Wallace

Havering Youth Inclusion & Support Panel

Councillor Wendy Brice-Thompson and Councillor Linda Trew (Deputy)

Homes in Havering (Housing ALMO Board)

Councillors Steven Kelly, Jeff Brace, Robby Misir and June Alexander

Hornchurch Housing Trust (Nomination Trustees) - 6

Mr Ray Emmett and Mr David Williams (until February 2015)
Mr Chris Oliver and Councillor Eric Munday (until February 2013)
Mr Ivor Cameron and Mrs Peggy Munday (until February 2014)

Joint O&S East London Solutions

Councillor Rebecca Bennett

Lee Valley Regional Park Authority (indirect appointment via nomination to London Councils)

Councillor Andrew Curtin (until June 2013)

Governance Committee, 31 May 2012

London Accident Prevention Council	Councillors Fred Osborne and John Mylod	
Local Government Association General Assembly - 4	Leader of the Council, Deputy Leader of the Council, Cabinet Member, Value and Leader of the Opposition	
Local Government Association Tourism Forum - 1	Cabinet Member – Towns & Communities	
Local Government Association Urban Commission- 2	Cabinet Member – Community Empowerment Councillor Clarence Barrett	Cllr Barrett appointed by The Leader, Oct 2011
London Home & Water Safety Council	Councillors Fred Osborne	
London Youth Games-1	Cabinet Member – Towns & Communities	
Lucas Children’s Play Charity Nominative Trustees – 2	Councillors Andrew Curtin and Councillor Linda Hawthorn (appointed till November 2015)	
North East London NHS Foundation - 1	Cabinet Member – Individuals	
Orchard Village Neighbourhood Management Board	Cabinet Member- Housing, Cabinet Member-Transformation, Rebecca Bennett and Denis Breading	
Partnerships in Parking - 1	Cabinet Member – Environment	
Poyntz (a.k.a. Richard Poyntry’s) and other charities	Councillor June Alexander (until March 2016) Mr David Livermore (until March 2016)	Governance Committee

Rev. George Baisley (until March 2016)

14.3.12

Relate North East

Councillors Keith Wells and Brian Eagling

Reserve Forces & Cadets Association

Councillor Ted Eden

Romford Town Centre Partnership

Leader of the Council, Cabinet Member – Community Empowerment (Deputy) and Chief Executive

Romford Combined Charity
Nominative Trustees - 2

Councillor Michael Armstrong, Councillor Andrew Curtin and (until 3.11.14)
Wilf Mills (until 3.11.12)
Councillor Sandra Binion (until 25.10.15))

Second Chance Theatre for the People

Councillor Andrew Curtin

Standing Advisory Council for Religious Education (SACRE) - 5

Cabinet Member- Children & Learning, Councillors Wendy Brice-Thompson (observer), Damian White, Pam Light, Gillian Ford and Paul McGeary

Tenant Management Organisations

BETRA (Gooshays) – Councillor Dennis Bull
DELTA (Squirrels Heath) – Councillor Lynden Thorpe
PETRA (St Andrews) – Councillor Garry Pain

Thames Regional Flood Defence Committee-
1

Cabinet Member – Environment (until November 2014)

Upminster Windmill Preservation Trust

Councillor Linda Hawthorn

Governance Committee, 31 May 2012

Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member – Transformation
Veolia ES Cleanaway - Maintenance Trust -	Cabinet Member – Transformation

***Appointments in Green do not require renewal**