



Public Document Pack

**Havering**  
LONDON BOROUGH

# COUNCIL MEETING

**7.30 pm Wednesday, 26 February 2014  
at Havering Town Hall, Main Road, Romford**

**Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business**

**Acting Assistant  
Chief Executive**

**For information about the meeting please contact:  
Anthony Clements (01708) 433065  
Anthony.clements@havering.gov.uk**



**Please note that this meeting will be webcast.**

**Members of the public who do not wish to appear  
in the webcast will be able to sit in the balcony,  
which is not in camera range.**

## AGENDA

**1 PRAYERS**

**2 APOLOGIES FOR ABSENCE**

To receive apologies for absence (if any).

**3 MINUTES** (Pages 1 - 60)

To sign as a true record the minutes of the meetings of the Council held on 29 January 2014 (attached).

**4 DISCLOSURE OF PECUNIARY INTERESTS** (Pages 61 - 62)

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 an item at any time prior to the consideration of the matter.*

**Note** – please also refer to note (2) attached.

**5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE**

To receive announcements (if any).

**6 PROCEDURE**

To consider any procedural motion in relation to the conduct of business for this meeting.

**7 THE COUNCIL'S BUDGET 2014/15** (Pages 63 - 94)

- A To consider the report of the Cabinet of 12 February 2014 (attached);
- B To note the decision of the Greater London Authority on its budget and precept for 2014/15, and the effect thereof on the Council's budget;
- C To agree the General Fund budget, delegated schools budget and the Capital Programme for 2014/15; and then
- D To set the Council Tax for 2014/15.

**NOTE: MEMBERS ARE ASKED TO RETAIN THE REPORT TO CABINET ON 12 FEBRUARY FOR REFERENCE AT THIS MEETING.**

7A Amendment by the Residents' Group

See attached paper.

7B Amendment by the Labour Group

See attached paper.

**8 MEMBERS' ALLOWANCES SCHEME 2014/15** (Pages 95 - 112)

To consider the report of the Group Director - Resources (attached).

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## MINUTES OF A MEETING OF AN EXTRAORDINARY MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF HAVERING

Havering Town Hall, Romford  
29 January 2014 (7.00pm – 7.27 pm)

**Present:** The Mayor (Councillor Eric Munday) in the Chair.

**Councillors** June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeffrey Brace, Denis Breeding, Wendy Brice-Thompson, Andrew Curtin, Keith Darvill, Michael Deon Burton, Osman Dervish, Nic Dodin, David Durant, Brian Eagling, Ted Eden, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Linda Van den Hende, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Paul McGeary, Robby Misir, Ray Morgon, Pat Murray, Denis O'Flynn, Barry Oddy, Fred Osborne, Ron Ower, Garry Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffrey Tucker, Melvin Wallace, Lawrence Webb, Keith Wells, Damian White, Michael White and John Wood.

Approximately ten Members' guests and two representatives of the press were also present.

Apologies were received for the absence of Councillors John Mylod and Billy Taylor.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Prayers were said by Father Anderson of St Edward's Church, Romford.

### 68 **DISCLOSURE OF PECUNIARY INTERESTS (agenda item 3)**

There were no disclosures of interest.

69 **TO DISCUSS THE CESSATION OF MR LOGAN'S POSITION AS A COUNCILLOR (agenda item 4)**

**Motion on behalf of the Independent Residents' Group**

This Council deeply regrets the notice of disqualification sent to Cllr Mark Logan despite all Members and Officers being aware of his special circumstances due to ill health.

This disqualification process may follow the letter of the law, but not the spirit of the law and brings the Council's commitment to a healthy democracy into disrepute.

Therefore this Council calls on the Mayor to seek further advice from the Local Government Association, Home Office and Electoral Commission to see if the disqualification can be overturned due to special circumstances.

And also to take measures that avoids the spiteful disqualification of a seriously ill Member happening again.

Following debate, the motion by the Independent Residents' Group was **NOT CARRIED** by 42 votes to 3 (see division 1).

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Mayor  
26 February 2014

<i>DIVISION NUMBER:</i>	<b>1</b>
<b>The Mayor [Cllr. Eric Munday]</b>	<b>O</b>
The Deputy Mayor [Cllr. Linda Trew]	<b>X</b>
<b><u>CONSERVATIVE GROUP</u></b>	
Cllr. Michael White	<b>X</b>
Cllr. Michael Armstrong	<b>X</b>
Cllr. Robert Benham	<b>X</b>
Cllr. Becky Bennett	<b>X</b>
Cllr. Jeff Brace	<b>X</b>
Cllr. Wendy Brice-Thompson	<b>X</b>
Cllr. Andrew Curtin	<b>X</b>
Cllr. Osman Dervish	<b>X</b>
Cllr. Roger Evans	<b>X</b>
Cllr. Georgina Galpin	<b>X</b>
Cllr. Peter Gardner	<b>X</b>
Cllr. Lesley Kelly	<b>X</b>
Cllr. Steven Kelly	<b>X</b>
Cllr. Pam Light	<b>X</b>
Cllr. Robby Misir	<b>X</b>
Cllr. Barry Oddy	<b>X</b>
Cllr. Gary Pain	<b>X</b>
Cllr. Roger Ramsey	<b>X</b>
Cllr. Paul Rochford	<b>X</b>
Cllr. Geoffrey Starns	<b>X</b>
Cllr. Billy Taylor	<b>A</b>
Cllr. Barry Tebbutt	<b>X</b>
Cllr. Frederick Thompson	<b>X</b>
Cllr. Lynden Thorpe	<b>O</b>
Cllr. Melvin Wallace	<b>X</b>
Cllr. Keith Wells	<b>X</b>
Cllr. Damian White	<b>X</b>
<b><u>RESIDENTS' GROUP</u></b>	
Cllr. Clarence Barrett	<b>X</b>
Cllr. June Alexander	<b>X</b>
Cllr. Nic Dodin	<b>X</b>
Cllr. Brian Eagling	<b>O</b>
Cllr. Gillian Ford	<b>X</b>
Cllr. Linda Hawthorn	<b>X</b>
Cllr. Barbara Matthews	<b>O</b>
Cllr. Ray Morgon	<b>X</b>
Cllr. John Mylod	<b>A</b>
Cllr. Ron Ower	<b>O</b>
Cllr. Linda Van den Hende	<b>X</b>
Cllr. John Wood	<b>O</b>
<b><u>LABOUR GROUP</u></b>	
Cllr. Keith Darvill	<b>X</b>
Cllr. Denis Breading	<b>X</b>
Cllr. Paul McGeary	<b>X</b>
Cllr. Pat Murray	<b>X</b>
Cllr. Denis O'Flynn	<b>X</b>
<b><u>INDEPENDENT LOCAL RESIDENTS' GROUP</u></b>	
Cllr. Jeffery Tucker	<b>✓</b>
Cllr. Michael Deon Burton	<b>✓</b>
Cllr. David Durant	<b>✓</b>
<b><u>UNITED KINGDOM INDEPENDENCE PARTY</u></b>	
Cllr. Lawrence Webb	<b>X</b>
Cllr. Sandra Binion	<b>X</b>
Cllr. Ted Eden	<b>X</b>
Cllr. Fred Osborne	<b>X</b>
<b>TOTALS</b>	
<b>✓ = YES</b>	<b>3</b>
<b>X = NO</b>	<b>42</b>
<b>O = ABSTAIN/NO VOTE</b>	<b>6</b>
<b>ID = INTEREST DISCLOSED/NO VOTE</b>	<b>0</b>
<b>A = ABSENT FROM MEETING</b>	<b>2</b>
	<b>53</b>
One vacancy	

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**MINUTES OF A MEETING OF THE COUNCIL OF THE  
LONDON BOROUGH OF HAVERING  
Havering Town Hall, Romford  
29 January 2014 (7.30pm – 11.00pm)**

**Present:** The Mayor (Councillor Eric Munday) in the Chair.

**Councillors** June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeffrey Brace\*, Denis Breeding, Wendy Brice-Thompson, Andrew Curtin, Keith Darvill, Michael Deon Burton\*, Osman Dervish, Nic Dodin, David Durant\*, Brian Eagling, Ted Eden, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Linda Van den Hende, Lesley Kelly, Steven Kelly, Pam Light, Barbara Matthews, Paul McGeary, Robby Misir, Ray Morgon, Pat Murray, Denis O'Flynn, Barry Oddy, Fred Osborne, Ron Ower, Garry Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffrey Tucker\*, Melvin Wallace, Lawrence Webb, Keith Wells, Damian White, Michael White and John Wood.

\* - For part of the meeting.

Approximately ten Members' guests and two representatives of the press were also present.

Apologies were received for the absence of Councillors John Mylod and Billy Taylor.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The meeting closed with the singing of the national anthem.

**70 MINUTES (agenda item 2)**

The minutes of the meeting of the Council held on 27 November 2013 were before the Council for approval.

Subject to so some minor corrections to the voting record and the removal of the recording of apologies by former Councillor Logan, the minutes were **AGREED** by 47 votes to 3 (see division 1) and it was **RESOLVED**:

**That the minutes of the meeting of the Council held on 27 November 2013 be signed as a correct record.**

**71 DISCLOSURE OF PECUNIARY INTERESTS (agenda item 3)**

There were no disclosures of interest.

**72 PROCEDURAL MOTIONS**

A procedural motion was proposed by the Administration that the urgent motion concerning the Leader of the Council (item 10E) be heard as the first item following announcements. The procedural motion was **CARRIED** by 34 votes to 0 (see division 2).

A procedural motion was proposed by the Administration that item 7 (Joint Committee – Consequential Amendments to the Constitution be dealt with on a vote only basis. The procedural motion was **CARRIED** by 45 votes to 5 (see division 4).

A procedural motion that the motion on Nuclear Test Veterans (item 10D) be heard as the first item under item 10 was **CARRIED** by 47 votes to 3 (see division 7).

**73 ANNOUNCEMENT BY THE LEADER OF THE COUNCIL (agenda item 4)**

The Leader confirmed that he would be resigning from his position as Leader with immediate effect and moved a motion that Councillor Steven Kelly be elected to the officer of Leader for the remainder of the municipal year.

**74 LEADER OF THE COUNCIL (agenda item 10E)**

The urgent motion by the Administration that Councillor Steven Kelly be elected to the office of Leader of the Council for the remainder of the municipal year was **APPROVED** by 31 votes to 3 (see division 3) and it was **RESOLVED**:

**That Councillor Steven Kelly be elected to the office of Leader of the Council for the remainder of the municipal year.**

Council **NOTED** that Councillor Michael Armstrong would serve as Deputy Leader and that the former Leader's Cabinet post would remain as a vacancy.

75 **PETITIONS (agenda item 5)**

Pursuant to Council Procedure Rule 23, the following petitions were presented:

From the Mayor (Councillor Eric Munday) concerning safety measures at Towers School.

From Councillor Michael Armstrong concerning speeding and traffic levels at Beauly Road, Pettits Boulevard.

From Councillor Fred Osborne concerning the number of Heavy Good Vehicles using Stafford Avenue.

From Councillor Clarence Barrett concerning a request for a pedestrian crossing at Front Lane near Kings Gardens.

It was **NOTED** that the petitions would be passed to Committee Administration for attention in accordance with the Council's Petitions Scheme.

76 **DEVELOPMENT AND AUTHORISATION OF PATIENT GROUP DIRECTIONS (agenda item 6)**

A report of the Governance Committee requested Council to consider amending the Constitution in order to extend the authority of the Director of Public Health to have designated responsibility for signing Patient Group Directions on behalf of the Council. These Directions enabled suitably trained and accredited health professionals to supply and/or administer a named medicine to a group of patients who may not be individually identified prior to presentation for treatment.

Responsibility for the delivery of health service improvements requiring these directions had been transferred to the Council under the Health and Social Care Act 2012. It had been proposed that the Director of Public Health publish an annual report on the use of Patient Group Directions that would be shared with the Health and Wellbeing Board. It had also been confirmed that the Council did have the necessary indemnity insurance for decisions on treatments which would include decisions on Patient Group Directions.

The recommendation of the Governance Committee was **APPROVED** without division and it was **RESOLVED**:

**That the following paragraph is added to Section 3.9.1 in Part 3 of the Constitution relating to the Director of Public Health's role:**

**(m) To authorise Patient Group Directions on behalf of the Council.**

**77 JOINT COMMITTEE – CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION (agenda item 7)**

A report of the Governance Committee invited Council to consider approval of some amendments to the Constitution arising from the previous Council decision to form a Joint Committee with the London Borough of Newham for the delivery of back office and support services for the Council. The final allocation of the delegation of Authority would be handled by the Monitoring Officer using his delegated powers to amend the Constitution to reflect organisational changes.

An amendment to the report by the Independents Residents' Group that:

This Council sends the Governance report back to the Governance committee for further consideration.

was **LOST** by 45 votes to 5 (see division 5).

The motion of the Administration that the report of the Governance Committee, as shown at item 7 in the agenda papers, be approved.

was **CARRIED** by 45 votes to 5 (see division 6).

**RESOLVED:**

- 1. That the function and powers set out in Appendix 1 of these minutes be delegated from the 1 April 2014 to the Joint Committee and the relevant senior officers within the shared services organisation.**
- 2. Consequentially the Council's Constitution be amended from the 1 April 2014 as set out in Appendices 2 and 3 of these minutes.**

**3. The following power be delegated to the Chief Executive**

**“(h) To exercise the power to enter into agreement with other local authorities for the placing of the services of officers from one local authority, at the disposal of the other in accordance with Section 113, Local Government Act 1972 as amended”.**

**4. Council agrees the principle that Proper Officer functions should be transferred to the relevant senior officer in the new shared back office structure and notes that the final allocation will be made by the Monitoring Officer under existing delegated powers.**

**78 POWERS OF THIRD TIER MANAGERS – AMENDMENTS TO THE CONSTITUTION (agenda item 8)**

A report of the Governance Committee invited Council to consider approval of some changes to the Constitution to give delegated authority for third tier managers to hear and determine disciplinary and grievance cases. This would allow such matters to be dealt with more quickly and would be in the interests of the Council, the relevant Service and the affected individuals.

Human resources support and training would be made available to managers required to undertake such hearings.

The recommendation of the Governance Committee was **APPROVED** without division and it was **RESOLVED**:

**That the following amendment be made to Part 3 of the Constitution, Section 3: functions delegated to staff:**

**Insert the following section:**

**3.4A Powers of Third Tier Managers**

**Third Tier Managers are managers who report directly to a Head of Service.**

- (a) To hear and determine disciplinary hearings of more junior staff including those involving accusations of gross misconduct**
- (b) To hear and determine grievance hearings**

**79 MEMBERS’ QUESTIONS (agenda item 9)**

Fifteen questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 4** to these minutes.

80      **NUCLEAR TEST VETERANS (agenda item 10D)**

**Motion on behalf of the Administration and the Residents' Group**

That the Council:

1. Notes that its commitment to the Armed Forces Community Covenant ensures the needs of those residents of Havering who serve, or have served, the country are recognised and supported at a local level.
2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure such as in national security and defence including those who participated in the testing of Britain's nuclear weapons in the 1950s and 1960s.
3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.
4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the Council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Havering.
5. Urges the Government to support the campaign of the British Nuclear Tests Veteran Association by:
  - Officially recognising the unique service of these veterans and acknowledge the nation's continuing debt to them; and
  - Supporting the intention to establish a Benevolent Fund of £25 million to provide assistance for those veterans and their descendants in need.
6. Agrees to ask our Members of Parliament to back this campaign and join the Council in urging the Government to support the requests outlined in (5) above.

Following debate, the Administration and Residents' Group motion was **CARRIED** by 50 votes to 0 (see division 8).

**RESOLVED:**

**That the Council:**

- 1. Notes that its commitment to the Armed Forces Community Covenant ensures the needs of those residents of Havering who serve, or have served, the country are recognised and supported at a local level.**
- 2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure such as in national security and defence including those who participated in the testing of Britain's nuclear weapons in the 1950s and 1960s.**
- 3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.**
- 4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the Council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Havering.**
- 5. Urges the Government to support the campaign of the British Nuclear Tests Veteran Association by:**
  - Officially recognising the unique service of these veterans and acknowledge the nation's continuing debt to them; and**
  - Supporting the intention to establish a Benevolent Fund of £25 million to provide assistance for those veterans and their descendants in need.**
- 6. Agrees to ask our Members of Parliament to back this campaign and join the Council in urging the Government to support the requests outlined in (5) above.**

**81 SPECIAL RESPONSIBILITY ALLOWANCES (agenda item 10A)****Motion on behalf of the Independent Residents' Group**

We the Councillors for London Borough of Havering will reduce the number of Councillor posts which receive a Special Responsibility Allowance (SRA) within this Council by 50%. To take effect from the 1st March 2014.

It is unfair that the Council Tax Payers for London Borough of Havering and various departments within this Council should bear the full brunt of these cuts and by reducing the number of Councillor post which receive an SRA, we the Councillors for London Borough of Havering are demonstrating that we too are prepared to deal with the hard times ahead, in order those in need are always put first.

**Amendment by the Residents' Group**

We the councillors for the London Borough of Havering recognise that the Residents' Association group, for each of the past seven years, has presented a budget amendment to full Council to reduce the number and level of Special Responsibility Allowances, delivering an average annual saving of some £150,000. In order to resolve this important matter satisfactorily, this Council agrees to:

- a) form a cross-party working group to review the number of SRA positions along with the associated allowances and, subject to independent scrutiny, make recommendations to full Council for adoption.
- b) agree that this work commences as soon as practical following the local elections in May 2014.
- c) agree that this proviso is included as part of the budget setting full Council meeting in February 2014 where Members' Allowances are usually considered.



**Amendment by the Labour Group**

Delete the words of the motion and insert the following in place thereof:-

This Council accepts the recommendations of the London Council appointed Independent Panel in respect of the number of Councillors Special Responsibility Allowances per each Council and with a view to implementing those recommendations in full agrees to review its Cabinet and Committee structures as soon as is possible.

**Amendment by the Administration**

This Council notes that savings in budgets for the Councillors' allowances scheme for 2014/2015 have been included in the Medium Term Financial Strategy and will be considered and decisions taken in February 2014 as part of the budget process for that year.

Following debate, the Residents' Group amendment was **NOT CARRIED** by 30 votes to 17 (see division 9); the Labour Group amendment was **NOT CARRIED** by 34 votes to 5 (see division 10) and the Administration amendment was **CARRIED** by 29 votes to 7 (see division 11) and it was then **CARRIED** as the substantive motion without division.

**RESOLVED that:**

**This Council notes that savings in budgets for the Councillors' allowances scheme for 2014/2015 have been included in the Medium Term Financial Strategy and will be considered and decisions taken in February 2014 as part of the budget process for that year.**

During the course of this item, it was **AGREED**, without division, that Councillor Tucker be removed from the meeting.

**82 RETENTION OF CASH FARES ON LONDON BUSES (agenda item 10B)****Motion on behalf of the Independent Residents' Group**

TfL's 'London buses going cashless' consultation document says it will save £24 million a year in operating costs by 2020.

And the same document says 60,000 passengers pay the extra £1 fare every day - although TfL's Annual report says 85,000 passengers are paying the cash fare!

However if we settle for a figure of 70,000 this generates an income of £25.5 million a year and means the cash fare is already generating £1.5 million more income than the forecast saving in 7 years' time!

In addition over £30 million in credit remains on the Oyster cards every year! So even if the costs of handling cash fares did rise above income, a small part of the credit on the Oyster cards could pay the difference!

In other words 'London buses going cashless' will lose TfL money and result in a poorer bus service, particularly for vulnerable people and in outer-London where cash fares remain high.

Therefore the Council calls on the GLA Mayor to honour his election promise to support outer-London by retaining cash fares on London Buses.

### **Amendment by the Labour Group**

Delete the words of the Motion and insert the following in place thereof:-

This Council acknowledges the benefits of Bus fares being paid by cashless means, calls upon the Mayor of London and TFL to continue to accept bus fares being paid by cash whilst encouraging greater use of Oyster cards and at the same time ensuring maximum security for Bus Company employees who handle cash.

In view of the time and in accordance with Council procedure rule 9.1 (b) the motion and amendment were dealt with by vote only.

The Labour Group amendment was **NOT CARRIED** by 27 votes to 20 (see division 12) and the Independent Residents' Group motion was **NOT CARRIED** by 38 votes to 2 (see division 13).

## 83 **SPARE ROOM SUBSIDY (agenda item 10C)**

### **Motion on behalf of the Labour Group**

This Council recognises the adverse impact on many of its tenants caused by the introduction of the 'spare room subsidy' also known as the 'bedroom tax' and calls on the Government to repeal the legislation that introduced it.

**Amendment by the Administration**

This Council recognises the positive effects of the various legislations enacted to enable a fairer use of Council property, ensuring movement to maximise the use of a scarce and valued commodity.

In view of the time and in accordance with Council procedure rule 9.1 (b) the motion and amendment were dealt with by vote only.

The Administration amendment was **CARRIED** by 39 votes to 5 (see division 14) and **CARRIED** as the substantial motion without division.

84 **VOTING RECORD**

The record of voting divisions is attached as **Appendix 5**.

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Mayor  
26 February 2014

<b>PART 1 – HAVERING</b>
<b>Delegation to Joint Committee</b>

<b>A</b>	<b>General</b>	<b>Delegation to Officer</b>
A1	To have overall responsibility for the provision to the client Councils of the shared services	None
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation	None
A3	To consider and approve the annual service plan for each shared service	None
A4	To determine the strategic direction of the shared services operation	None
A5	To determine any strategic issue referred to it by the Managing Director	None
A6	To advise the client Councils what financial resources are desirable for the delivery of the shared services operation for three financial years ahead from the current financial year	None
A7	To consider and approve the internal budget for the shared services operation within the overall financial constraints set by the client Council's and to make representation to the council's on the consequences of those restraints as appropriate.	None
A8	To incur expenditure within the revenue and capital budgets as approved by the Joint Committee, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.	Managing Director
A9	To oversee the delivery of programmes agreed by Council and Cabinet.	Managing Director

A10	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.	Managing Director
A11	To authorise the making of ex gratia payments up to the limit specified from time to time by the Director of Finance to individuals where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.	Managing Director
A12	To authorise activities under the Regulation of Investigatory Powers Act 2000.	Managing Director
A13	To approve commencement of a tendering process for all contracts above a total contract value of £156,000.	Managing Director
A14	To award contracts with a total contract value of under £5,000,000.	Managing Director
A15	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Managing Director
A16	Payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made in consultation with Head of Shared Services.	Director
A17	To approve applications for leave for trade union conferences and training courses in consultation with the Head of Shared Services.	Director
A18	To approve payment of claims by employees for loss or damage to property and clothes up to the limit specified from time to time by the Director of Finance otherwise payment must be made in consultation with the Group Director Resources.	Director
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.	Director
A20	To approve honoraria payments in consultation with the	Director

	service personnel manager.	
A21	To approve commencement of a tendering process for, and to award all contracts below a total contract value of £156,000.	Director
A22	To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.	Director
A23	To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any ICT variation permitted by the Council's contract and financial procedure rules.	Director
A24	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services.	Director
A25	To implement approved fees, charges, rents etc. and to ensure that proper arrangements exist for their collection.	Director
A26	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.	Director

<b>B</b>	<b>Finance (including Procurement)</b>	<b>Delegation to Officer</b>
B1	To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.	Director of Finance
B2	To write off sums which are irrecoverable and to settle claims on behalf of the Council	Director of Finance
B3	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.	S.151 Officer
B4	To undertake all other financial matters arising within the	S,151 Officer

<b>B</b>	<b>Finance (including Procurement)</b>	<b>Delegation to Officer</b>
	<p>Council, subject to the following requirements:</p> <ul style="list-style-type: none"> <li>(i) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet</li> <li>(ii) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice</li> <li>(iii) all matters being within accepted accounting practice and standards and within statutory requirements</li> <li>(iv) any necessary reference to the Council's external Auditors.</li> <li>(v) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year</li> <li>(vi) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.</li> <li>(vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions</li> </ul>	
B5	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Human Resources and the Director of Legal and Governance.	Director of Finance
B6	To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy	S.151. Officer
B7	To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.	Director of Finance
B8	To accept grants and the terms and conditions thereof for and on behalf of the Council.	S.151 Officer
B9	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 motor vehicles, and £50,000 for property insurance.	Director of Finance
B10	To review and, if necessary, amend the limits in (B9) above on an annual basis, following discussion with the Council's insurers.	Director of Finance

<b>B</b>	<b>Finance (including Procurement)</b>	<b>Delegation to Officer</b>
B11	To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.	Director of Finance
B12	To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI).	Director of Finance
B13	To approve the Financial Framework and any amendments to it.	S.151 Officer
B14	In consultation with the relevant CMT Member, to authorise virements.	Director of Finance
B15	To make or enter into leasing arrangements for vehicles, plant and equipment.	Director of Finance
B16	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.	Director of Finance
B17	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of HR, and Director of Legal & Governance for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme.	Director of Finance

<b>C</b>	<b>Legal &amp; Governance</b>	<b>Delegation to Officer</b>
C1	To prepare, approve and issue or serve all legal documentation on behalf of the Council.	Director of Legal & Governance
C2	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Director of Legal & Governance

C3	To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.	Director of Legal & Governance
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C4	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.	Director of Legal & Governance
C5	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.	Director of Legal & Governance
C6	To sign or endorse any documents on behalf of the borough where so requested by a citizen.	Director of Legal & Governance
C7	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Director of Legal & Governance
C8	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Director of Legal & Governance
C9	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.	Director of Legal & Governance
C10	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Director of Legal & Governance
C11	In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.	Director of Legal & Governance
C12	To name, rename, number and renumber streets and premises	Director of Legal & Governance
C13	To maintain the register of highways that are maintainable at public expense.	Director of Legal & Governance
C14	To arrange for the administration of all statutory appeals.	Director of Legal & Governance

C15	To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.	Director of Legal & Governance
C16	To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of HR.	Director of Legal & Governance
C17	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Legal & Governance
C18	To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.	Director of Legal & Governance
C19	To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.	Director of Legal & Governance
C20	To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.	Solicitors appointed by the Director of Legal & Governance
C21	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.	Solicitors appointed by the Director of Legal & Governance
C22	To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.	Solicitors appointed by the Director of Legal & Governance
C23	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.	Solicitors appointed by the Director of Legal & Governance
C24	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.	Solicitors appointed by the Director of Legal & Governance
C25	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those	Solicitors appointed by the

	specifically delegated to another officer.	Director of Legal & Governance
C26	To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the appropriate Group Director, Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.	Solicitors appointed by the Director of Legal & Governance
C27	To undertake those functions assigned under: (i) Part 3, Section 5 of the Constitution of the London Borough of Havering: local choice functions  (ii) Part 3, Section 6 of the Constitution of the London Borough of Havering: Proper Officer function	Director of Legal & Governance
C28	To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act.	Director of Legal & Governance
C29	To develop and implement the Council's Health & Safety Strategy	Director of Legal & Governance
C30	To develop and implement the Council's information governance policies and protocols.	Director of Legal & Governance
C31	To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.	Director of Legal & Governance and Committee Services Manager
C32	In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.	Director of Legal & Governance and Committee Services Manager
C33	In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:  (a) The Regulatory Services Committee shall meet every	Director of Legal & Governance and Committee Services Manager

	<p>three weeks (except around the Christmas/New Year period)</p> <p>(b) The Audit, Governance, Pensions and Standards Committees and the Overview &amp; Scrutiny Committees shall generally meet once during each period between ordinary Council meetings</p> <p>(c) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.</p>	
C34	To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein.	Director of Legal & Governance and Committee Services Manager
C35	To approve arrangements for members' training.	Director of Legal & Governance and Committee Services Manager
C36	To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.	Director of Legal & Governance and Committee Services Manager
C37	Undertake those functions assigned under:  (a) Part 3, Section 6 of Constitution of the London Borough of Havering: Proper Officer functions	Director of Legal & Governance and Committee Services Manager
C38	To undertake those election functions assigned to the Proper Officer in the Constitution of the London Borough of Havering.	Director of Legal & Governance

<b>D</b>	<b>ICT/BUSINESS SYSTEMS</b>	<b>Delegation to Officer</b>
D1	To develop the Council's e-government and t-government strategies.	Director of ICT
D2	To develop the Council's information systems, and information technology and e-government strategies.	Director of ICT
D3	To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.	Director of ICT
D4	To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.	Director of ICT

<b>E</b>	<b>STRATEGIC HUMAN RESOURCES</b>	<b>Delegation to Officer</b>
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.	Director of Human Resources

E2	To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.	Director of Human Resources
E3	To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.	Director of Human Resources
E4	Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including; <ul style="list-style-type: none"> <li>(i) Achieving any necessary reduction through voluntary redundancy;</li> <li>(ii) Considering applications from unaffected Heads of Service or above which would create a</li> </ul>	Director of Human Resources

	<p>suitable alternative employment opportunity for an affected Head of Service or above;</p> <p>(iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and</p> <p>(iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.</p>	
E5	In consultation with the Director of Legal and Governance, to amend HR policies where necessary in consequence of legislative, organisational or other changes that have no adverse financial effect.	Director of Human Resources

<b>F</b>	<b>ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)</b>	<b>Delegation to Officer</b>
F1	To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.	Director of Asset Management
F2	Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.	Director of Asset Management
F3	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.	Director of Asset Management
F4	To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.	Director of Asset Management
F5	To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).	Director of Asset Management

F6	<p>In relation to the taxicard scheme:</p> <ul style="list-style-type: none"> <li>(i) To admit to the scheme persons from the waiting list of applicants.</li> <li>(ii) To agree a higher trip limit where justified by the degree of disability of the individual Director of Asset Management</li> <li>(iii) To approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so.</li> </ul>	Director of Asset Management
F7	To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.	Director of Asset Management
F8	To provide a security service for the Council's Administrative buildings	Director of Asset Management
F9	To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes	Director of Asset Management and Property Strategy Manager
	To undertake marketing of any Council property.	Director of Asset Management and Property Strategy Manager
F10	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.	Director of Asset Management and Property Strategy Manager
F11	To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.	Director of Asset Management and Property Strategy Manager

F12	To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.	Director of Asset Management and Property Strategy Manager
F13	Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.	Director of Asset Management and Property Strategy Manager
F14	<p>To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.</p> <p>These functions must be exercised in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(i) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B</li> <li>(ii) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.</li> <li>(iii) in cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources, before the transaction is concluded.</li> <li>(iv) complying with relevant Council policy on property transactions</li> <li>(v) referring a matter for Member decision where it is proposed to recommend other than the best financial bid</li> <li>(vi) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Director of Legal &amp; Governance or the Director of Finance, where there is insufficient time or opportunity to obtain a Member decision</li> </ul>	Director of Asset Management and Property Strategy Manager



	(vii) Making or settling rating appeals only in the Council's financial interests.	
F15	To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.	Director of Asset Management
F16	To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.	Director of Asset Management & Strategic Property Manager

<b>G</b>	<b>TRANSACTIONAL SERVICES</b>	<b>Delegation to Officer</b>
G1	To advise on, co-ordinate and manage all payroll functions on behalf of the Council.	Director of Transactional Services
G2	To administer the Council's pension fund.	Director of Transactional Services
G3	The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.	Director of Transactional Services
G4	To grant gifts for long service up to the limit specified from time to time by the Director of Finance.	Director of Transactional Services
G5	To approve the arrangements for members' training and development.	Director of Transactional Services
G6	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of HR and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.	Director of Internal Transactions
G7	To approve proposals for the payment of allowances in	Director of

<b>G</b>	<b>TRANSACTIONAL SERVICES</b>	<b>Delegation to Officer</b>
	accordance with the "Croydon Scheme" to staff injured in the course of their duties.	Transactional Services
G8	To undertake the role of appointed person for the Council in all matters relating to the Disclosure and Barring Service.	Director of Transactional Services
G9	To grant car and season loans to eligible staff.	Director of Transactional Services
G10	To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.	Director of Transactional Services
G11	To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates.	Director of Transactional Services
G12	To act as statutory officer pursuant to for the collection of council tax and commercial rates	Director of Transactional Services
G13	To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.	Director of Transactional Services

## APPENDIX 2 – Amendments to part 3, Sections 3.7 and 3.8 of the Constitution

### APPENDIX 2

#### 3.7 FUNCTIONS RELATING TO THE RESOURCES GROUP OF SERVICES

This section covers functions delegated to the Joint Committee with the London Borough of Newham which in turn has delegated them to the relevant officer in the joint structure.

**Each member of staff listed has delegated authority to act as follows, subject to the general provisions and limitations set out in section 3.1 of Part 3 of this constitution**

##### 3.7.1 FINANCIAL FUNCTIONS

- (a) To advise on and monitor the revenue and capital budgets of the Council, including the Housing Revenue Account and the determination of Council Tax and housing rent levels.
- (b) To write off sums which are irrecoverable and to settle claims on behalf of the Council.
- (c) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Head of Human Resources and the Director of Legal and Governance.
- (d) To award all gas and electricity supply contracts where offers are made on a short restricted time basis and where there is insufficient time to obtain a Cabinet Member decision.
- (e) 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 motor vehicles, and £50,000 for property insurance.
- (f) To review and, if necessary, amend the limits in (e) above on an annual basis, following discussion with the Council's insurers.
- (g) To set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association
- (h) To increase the specified sums set out in delegations to staff in accordance with Retail Prices Index (RPI)
- (i) In consultation with the relevant CMT Member, to authorise virements.
- (j) To make or enter into leasing arrangements for vehicles, plant and equipment.
- (k) To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges

- (l) To act on decisions of a pensions panel consisting of the Director of Finance, Director Human Resources (or their nominated deputies) for the purposes of:
  1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
  2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
  3. To implement the Council's early retirement, retirement and redundancy policies.

### **3.7.2 Transactional Functions**

- (b) To advise on, co-ordinate and manage all payroll functions on behalf of the Council.
- (c) To administer the Council's pension fund.
- (d) The exercise of the client monitoring function in respect of occupational health and the Council's recruitment advertising contracts, and the power to select and accept tenders for external consultants or contracts in accordance with the Council's standing orders.
- (e) To grant gifts for long service up to the limit specified from time to time by the Head of Finance.
- (f) To approve the arrangements for member's training and development.
- (g) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources. (or their nominated deputies) for the purposes of:
  1. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
  2. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
  3. To implement the Council's early retirement, retirement and redundancy policies.
- (h) To approve proposals for the payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties.
- (i) To undertake the role of appointed person for the Council in all matters relating to the Criminal Records Bureau.
- (j) To grant car and season loans to eligible staff.

- (k) To exercise the Council's discretionary powers in relation to writing off amounts due for national non-domestic rate or surcharge on grounds of hardship or general rate on grounds of poverty, up to a maximum level of £10,000.
- (l) To exercise the Council's discretionary powers in relation to relief for Council Tax and commercial rates
- (m) To act as statutory officer pursuant to for the collection of council tax and commercial rates
- (n) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs.

### **3.7.3 Asset Management Functions**

- (a) To provide a security service for the Council's administrative buildings.
- (b) To exercise general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.
- (c) Subject to the availability of finance to be responsible for any alteration or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- (d) To exercise all the powers delegated to the Property Strategy Manager so far as legally permissible.
- (e) To manage the operation of the relevant Contract Service Organisations (CSOs) including marketing the CSOs and consideration of the impact of new legislation on the CSOs, where relevant.
- (f) To exercise the powers and duties of the Council in relation to concessionary fares and similar schemes (including the taxicard scheme).
- (g) In relation to the taxicard scheme:
  - (i) to admit to the scheme persons from the waiting list of applicants
  - (ii) to agree a higher trip limit where justified by the degree of disability of the individual
  - (iii) to approve dual holding of a concessionary fares permit and a taxicard where, in view of the individual's condition, it is appropriate to do so.
- (h) To issue permits under the Minibus and Other Section 19 Permit Buses Regulations 1987 to appropriate organisations.
- (j) **Property Strategy Functions**

- (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.
- (ii) To undertake marketing of any Council property.
- (iii) To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
- (iv) To procure property and property services to meet the Council's occupation needs including responsibility for space use and allocation together with strategic facilities management. This function must be exercised subject to obtaining members authority for any financial approval not within budget.
- (v) To agree with a potential purchaser of a Council-owned property that the Council should retain an area of land where it is expedient to do so.
- (vi) Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.
- (vii) To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
- (viii) The Property Strategy Manager must exercise the functions delegated to them subject to the following requirements:
  - (a) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B
  - (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.
  - (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal should shall be reported to the Group Director Resources before the transaction is concluded.
  - (d) complying with relevant Council policy on property transactions

- (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid
- (f) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Assistant Chief Executive Legal & Democratic Services or the Group Director Resources where there is insufficient time or opportunity to obtain a Member decision
- (g) Making or settling rating appeals only in the Council's financial interests.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.
- (x) To exercise all powers related to Romford Market, including granting and revoking licences and enforcing relevant bylaws.

#### **3.7.4 ICT/ Business Systems Functions**

- (a) To develop the Council's e-government and t-government strategies.
- (b) To develop the Council's information systems, and information technology and e-government strategies.
- (c) To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.
- (d) To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.

#### **3.7.5 Strategic Human Resources and Organisational Development Functions**

- (a) To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
- (b) To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.
- (c) To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.

- (d) Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including;
  - (i) Achieving any necessary reduction through voluntary redundancy;
  - (ii) Considering applications from unaffected Heads of Service or above which would create a suitable alternative employment opportunity for an affected Head of Service or above;
  - (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and
  - (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.
- (e) In consultation with the Director of Legal & Governance to amend HR policies where necessary in consequence of legislation, organisational or other changes that have no adverse effect

### **3.7.6 Governance**

- (a) To prepare, approve and issue or serve all legal documentation on behalf of the Council.
- (b) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
- (c) To defend all legal proceedings brought against the Council and to take any steps that are in their opinion expedient to that end.
- (d) To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- (e) To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
- (f) To sign or endorse any documents on behalf of the borough where so requested by a citizen.
- (g) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
- (h) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.



- (i) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
- (j) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (k) In consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £100,000. Settlement of claims that exceed £100,000 require the approval of the relevant individual Cabinet Member or of the Cabinet, unless the decision is required to be made immediately before, at, or during a hearing.
- (l) To name, rename, number and renumber streets and premises
- (m) To maintain the register of highways that are maintainable at public expense
- (n) To arrange for the administration of all statutory appeals.
- (o) To allocate information technology facilities to members, including ordinary telephones, mobile telephones and facsimile machines.
- (p) To implement the Council's early retirement, retirement and redundancy policies in consultation with the Director of Finance and the Director of Human Resources
- (q) To act on and make decisions as a pensions panel consisting of the Director of Finance, Director of Legal & Governance and Director of Human Resources Transactions. (or their nominated deputies) for the purposes of:
  - i. Stage 2 appeals within the Internal Dispute Resolution Procedure regulations and exercising other discretions within the Local Government Pension Schemes
  - ii. To grant discretionary payments to retiring employees in accordance with the Council's approved policy
  - iii. To implement the Council's early retirement, retirement and redundancy policies.
- (r) To alter the financial amounts in Contract Procedure Rules specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
- (s) To authorise Council staff to represent the Council in proceedings in the County Court and the Magistrates Court.

- (t) **Legal Managers, Principal and Assistant Solicitors (who are permanent employees of the Council and in the name of the Director of Legal & Governance):**
- (i) To prepare, approve and issue or serve the form and content of all legal documentation on behalf of the Council.
  - (ii) To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
  - (iii) To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.
  - (iv) To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
  - (v) Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
  - (vi) To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer.
  - (vii) To instruct and/or seek the opinion of legal counsel and/or external solicitors in consultation with the Chief Executive or appropriate Group Director, Assistant Director or Head of Service and to instruct legal counsel or experts to advise or appear on any matter and to agree fees arising.
- (u) To undertake those functions assigned under:
- i. Part 3, Section 4 of the Constitution: functions not to be the responsibility of an Authority's Executive
  - ii. Part 3, Section 5 of this Constitution: local choice functions
  - iii. Part 3, Section 6 of this constitution: Proper Officer function
- (v) To authorise activities under the Regulation of Investigatory Powers Act 2000 and to monitor proper use of activities under that Act
- (w) To develop and implement the Council's Health & Safety Strategy.
- (x) To develop and implement the Council's information governance policies and protocols.

- (y) To approve arrangements for members' training.
- (z) To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.
- (aa) **Committee Administration and Member Support Manager**
  - (i) To undertake all the administrative procedures for Schools Appeals, Hearings Panels and any other panels or Sub-Committees required under the terms of reference of the Adjudication and Review Committee and Licensing Committee: including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.
  - (ii) In consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
  - (iii) In consultation with Cabinet Members, Group Leaders and the Chairmen of Committees, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting), on the basis that, so far as possible and practicable:
    - (d) The Regulatory Services Committee shall meet every three weeks (except around the Christmas/New Year period)
    - (e) The Audit, Governance, Pensions and Standards Committees and the Overview & Scrutiny Committees shall generally meet once during each period between ordinary Council meetings
    - (f) Meetings will only be arranged for Monday or Friday evenings in exceptional circumstances.
  - (iv) To exercise general use and hire of the Town Hall for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines agreed by the Governance Committee, but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed therein
  - (v) To manage day to day the contract between the Council and the Host organisation for the Local Involvement Network for Health and Social Care (LINK), including (but not limited to) references between the LINK and the relevant Overview and Scrutiny Committee.

- (bb) Undertake those functions assigned under:
  - (b) Part 3, Section 6 of this constitution: Proper Officer functions

(cc) **Electoral Services Manager**

To undertake those functions assigned under Part 3, section 6 of this constitution (Proper Officer function)

### **3.8 FUNCTIONS DELEGATED TO THE DIRECTOR OF PUBLIC HEALTH**

#### **3.8.1 Director of Public Health**

- (a) To take responsibility for all the Council's public health functions.
- (b) To oversee all services relating to the public health functions.
- (c) To provide information and advice on public health matters.
- (d) To provide services and facilities designed to promote healthy living.
- (e) To provide services and facilities for the prevention of illnesses.
- (f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment.
- (g) To provide or participate in the provision of training for persons working or seeking to work in the field of health improvement.
- (h) The exercise of the local authority function in the National Health Service Act 2006 as amended.
- (i) The planning for and responding to emergencies involving a risk to public health.
- (j) The liaising with the Commissioner of the Metropolitan Police and the local probation board on assessing and managing the risks posed by sexual and violent offenders and other offenders who may cause serious harm to the public.
- (k) The medical inspection and treatment of pupils in attendance at schools maintained by the Council.
- (l) The provision of advice, examination and treatment of persons seeking advice on contraception and the supply of contraceptive substances and appliances.

#### **3.9 S151 Officer Functions**

- (a) To make such arrangements as are necessary to control and regulate the expenditure and income of the Council including the exercise of borrowing powers and treasury management powers.
- (b) 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.
- (c) To undertake all other financial matters arising within the Council, subject to the following requirements:
  - (viii) authority to incur expenditure being approved or sanctioned by the Council or the Cabinet
  - (ix) powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice
  - (x) all matters being within accepted accounting practice and standards and within statutory requirements
  - (xi) any necessary reference to the Council's external Auditors.
  - (xii) an annual report being presented to the Audit Committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year
  - (xiii) reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered.
  - (xiv) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chairman of Pensions
- (d) To set the Council Tax Base and Commercial Rate yield each year unless it involves matters of policy.
- (e) To accept grants and the terms and conditions thereof for and on behalf of the Council.
- (f) To approve the Financial Framework and any amendments to it.

### **3.10 Monitoring Officer Functions**

- (a) The Chief Executive and the Monitoring Officer are designated by the Secretary of State as qualified persons for the purpose of Section 36 of the Freedom of Information Act 2000. The Monitoring Officer is to be the primary qualified person with the Chief Executive carrying out the function in the Monitoring Officer's absence.



## APPENDIX 3 - Amendments to Non-executive powers in the Constitution

### 4 Functions not to be the responsibility of the Council's Executive

Function	Provision of Act or Statutory Instrument	Decision-making body
A.9. Power to issue a certificate of existing or proposed lawful use or development	Sections 19(4) and 192(2) of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> <li>• Director of Legal &amp; Governance (Use and Development)</li> <li>• Head of Regulatory Services (Development)</li> </ul>
A.[14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990]	<ul style="list-style-type: none"> <li>• Head of Development and Building Control in consultation with Director of Legal &amp; Governance</li> </ul>
A16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> <li>• Regulatory Services Committee</li> <li>• Head of Regulatory Services, in consultation with Director of Legal &amp; Governance</li> </ul>
14D. Power to institute criminal proceedings	Section 346 of the 2005 Act	<p>Head of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers</p> <p>Director of Legal &amp; Governance as appropriate</p>
B. 37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b ) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)	Director of Governance with reference as above
B.38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations	Director of Legal & Governance with reference

Function	Provision of Act or Statutory Instrument	Decision-making body
	1966 (SI 1966/1471) <sup>1</sup>	as above
B.72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)	Director of Legal & Governance

### C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

#### *Part II: other miscellaneous functions*

Function	Provision of Act or Statutory Instrument	Decision-making body
I.37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	<ul style="list-style-type: none"> <li>• Full Council (appointment etc. of Head of Paid Service)</li> <li>• Appointments Committee (appointment etc. of Group Directors and Heads of Service)</li> <li>• Head of Paid Service, or the relevant Group Director or Director Head of Service or on his or her behalf (appointment etc. of all staff under Head of Service)</li> </ul>
I.51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Director of Legal & Governance
I.52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2)(a) of the Commons Act 2006	Director of Legal & Governance
I.53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	Director of Legal & Governance

<sup>1</sup> Amended by S.I. 1968/657



COUNCIL, 29<sup>th</sup> January 2014

**MEMBERS' QUESTIONS**

**Q1 Bus Stop in Butts Green Road**

**To the Cabinet Member for Community Empowerment,**

**Cllr Robert Benham**

By Councillor Eagling

**Question:**

In respect of the kerb build-out at the bus stop in Butts Green Road (outside Tesco), would the Cabinet Member explain:

- a) Why he went against the recent recommendations of the Highways Advisory Committee to refuse the application, and having authorised the build-out has now, after a matter of weeks, submitted a request to the Highways Advisory Committee to remove it?
- b) What the cost was of installing the build-out?
- c) What the cost is likely to be for removing the build-out?

**Answer:**

- a) **Why he went against the recent recommendations of the Highways Advisory Committee to refuse the application, and having authorised the build-out has now, after a matter of weeks, submitted a request to the Highways Advisory Committee to remove it?**

Firstly the question is slightly inaccurate as the highways advisory committee did not refuse the application as the question states. They supported the loading bay, parking restrictions and signage & linage but did not support the extended kerb recommendation within the report

Since the Highway Advisory Committees inception I have not felt the need to overturn nor amend any decision of the last three years.

However; I had a number of issues and concerns with the said application and the decision to omit the extended bus stop kerb build out.

Firstly the kerb build out was one of the recommendations made by our highway engineers within the report. It was their professional opinion that a loading bay so near to the bus stop could give rise to accessibility issues and the visual impact of the bus stop. As the bus stop and pedestrians waiting could be obscured by Tesco delivery lorries.

Secondly over the last 12-18 months I have received and indeed witnessed a huge number of highway, health & safety, parking and access issues associated with mini supermarkets in the Borough and could easily foresee similar problems arising at this location. As I have responsibility for highways and road safety I get to hear of these issues.

Issues to name a few include;

- Vehicles double and even treble parked outside Tesco express in Mawney road & Brentwood road.
- Supermarket lorries blocking bus stops, resident's crossovers or parking dangerously. Causing pedestrian and highway hazards.
- Lorrie's u-turning in small or main roads causing chaos.
- Delivery lorries affecting neighbouring businesses and their deliveries.
- Wheelchair users being unable to pass parked vehicles and or delivery vehicles.
- Buses being unable to stop at bus stops or pass due to delivery vehicles.

I attended a site visit at the location; spoke to local residents and monitored the bus stop usage, accessibility & visibility. I also spoke to our highway engineers seeking their professional opinion and comments. This site visit and the professional advice compounded my concerns that a loading bay could give rise to accessibility issues for bus users.

Timescale was also a factor for my decision. As Tesco had obtained planning permission via an appeal and under the current rules of HAC a decision cannot be resubmitted for 6 months. So I had to take an executive decision to amend the HAC decision so it would co-inside with the opening of Tesco.

We as local councillors should actively be supportive of making bus stops and public transport as accessible as possible, particularly for our elderly and disabled residents.

Sadly dispute being in a so called first world country, there are still far too many barriers & obstacles for people with disability/mobility difficulties to get about with dignity.

The decision I took was transparent and was published for all to see in Calendar brief. It was time sensitive due to the opening of Tesco and current HAC re submission procedure.

It was the professional opinion of our highway engineers that a built out kerb at the bus stop would improve accessibility for bus users. So I took the decision based on professional advice and existing highway problems with other mini supermarkets in the Borough.

Sadly however, after the kerbs installation..... it became clear, that the build out was causing more issues them remedying. So we quickly reviewed the situation

I also spoke to all three ward Councillors, who informed me of their issues and concerns with the scheme. And I took the decision to begin the process of removing the extended kerb.

**b) What the cost was of installing the build-out?**

The full cost of implementing the scheme is not available as the final contractors invoices are yet to be agreed. The estimated costs of the scheme are in the region of £12k, which would include:

- Staff costs for design, consultation, works supervision, preparation of reports etc.
- Advertising costs for the legal notices for the Traffic Management Orders for the scheme
- Contractor's costs for the physical works

However, much of the above costs would have occurred regardless of the build out taking place, as the design work, report writing, loading bay, and consultation would have happened anyway.

**c) What the cost is likely to be for removing the build-out?**

The estimated cost of removing the build-out is around £4k, which was reported to the Highways Advisory Committee on 12th November.

This includes:

- Staff costs for the consultation process required before a decision can be made for removal, works supervision, preparation of reports etc.
- Advertising costs for the legal notices.
- Contractor's costs for the physical works

In response to a supplementary question, the Cabinet Member added that bus operators had indicated they would refuse to stop once the extended kerb had been removed and that he was meeting with bus contractors in order to resolve this.

**Q2 Homeless People in Havering**

**To the Cabinet Member for Housing, Cllr Lesley Kelly**

By Councillor McGeary

**Question:**

In view of recent comments by the Lead Member for Housing regarding Hope for Havering and the Homeless Briefing Note how many other people in the Borough are not technically homeless in her view and are not counted within Havering's Homeless figures?

**Answer:**

We have a legal duty to investigate the circumstances of anyone who comes to us believing themselves to be homeless, and we house them temporarily while we do this.

While in temporary accommodation these people are counted in the official homeless statistics though clearly they are not living on the street. The most recent figures from December 2013 show 588 households included in this official count, 65 in hostels and 523 in long-term privately leased accommodation.

I'm sure you'll agree that as these households are settled in suitable accommodation, they are homeless only under the official definition, rather than having nowhere to live. It's this distinction that explains the frequent differences in the interpretation of homelessness figures in the borough. We of course do not want any of our residents to be homeless and will try to help any resident who comes to us with issues around housing, even if they are not counted as homeless under the legislation.

My comments on Hope 4 Havering related to rough sleepers as this is the issue we have been discussing with them. We don't want anyone sleeping rough on the streets of Havering and work with London Street Rescue when a rough sleeper is identified, to arrange temporary accommodation. We know we do not have a major issue with rough sleepers in the borough, figures from the Combined Housing and Information Network's (CHAIN) most recent bi-monthly reports, to October 2013, reported two, three and two rough sleepers.

In response to a supplementary question, the Cabinet Member confirmed that she had a great deal of dealings with the Hope for Havering project. Most

residents at the project would not fall under the Council's criteria for homelessness, either having somewhere else to go or not being connected with Havering.

**Q3 Member Allowance Entitlement**

**To the Cabinet Member for Community Safety and Lead Member for Democratic Services, Cllr G Starns**

By Councillor J Tucker

**Question:**

Cllr Mark Logan has been an elected Member of the London Borough of Havering for nearly six years. During his period in office how much of his allowance entitlement in money terms has he refused to claim.

**Answer:**

Mr Mayor, as you and all Councillors are aware; member's allowances are a matter of public record and freely available to all. I would therefore direct Councillor Tucker to the council's website where all the information he requires is clearly provided.

[www.havering.gov.uk/Pages/Services/Councillors-allowances.aspx](http://www.havering.gov.uk/Pages/Services/Councillors-allowances.aspx)

**Q4 Planning permission new developments**

**To the Cabinet Member for Housing, Cllr Lesley Kelly**

By Councillor L Webb

**Question:**

When granting planning permission there is often a condition that new developments have a percentage of dwellings designated as affordable, with priority given to Havering residents. Can you confirm how many of these properties are still designated as affordable and given to havering residents when the original occupant leaves?

**Answer:**

Between 1 April 2011 and 31 December 2013 inclusive, 866 new affordable homes were built in the borough for which the Council could nominate families and individuals.

Properties remain in the affordable sector unless a tenant purchases their home, under the Right to Acquire, or bought the remaining share of a shared ownership home. Sales by housing associations are not monitored by the borough.

The Council received 100% nomination rights to these 866 properties. The level of nomination rights at the re-let stage will vary between schemes, with the minimum being 75%.

But we think at least 84% of relets to properties developed over the last three years will be available to the Council.

The remaining 16% of relets will be used by the housing association that owns the property to assist with transfers within their stock, with tenants typically transferring from one property in Havering to another.

In response to a supplementary question, the Cabinet Member confirmed that, since April 2013, the criteria used to determine a Havering resident had been a two-year residency in the borough.

**Q5 Incidents of Flooding**

**To the Cabinet Member for Community Safety and Lead Member for Democratic Services, Cllr G Starns**

By Councillor J Mylod

**Question:**

Would the Cabinet Member advise members:

- a) What emergency plans and contingencies are in place to deal with incidents such as flooding?
- b) Are emergency calls from the public routed?
- c) What is the target response time for emergency calls from the public?

**Answer:**

- a) The Emergency Planning and Business Continuity Service have a range of plans depending upon the incident. The overriding plan is the Major Emergency Plan which highlights the responsibilities that the Council has as a Category One responder as described within the Civil Contingencies Act 2004.
- b) During Office hours the public would call the normal Council contact number of 01708 434343 where the exchange would transfer it to the Emergency Planning Team who would respond to the emergency.

Out of Hours the call would go to the advertised emergency number of 01708 433999. This would be answered by the Havering out of hours service presently managed by GDIT and

they would contact the Local Authority Liaison Officer (LALO) who would attend the emergency where required.

- c) The Emergency Planning service operate within the London wide minimum standards. This minimum standard for attendance is 1 hour from receipt of the call.

**Q6 Children & Families Consultation Service premises move**

**To the Cabinet Member for Children & Learning, Cllr Rochford**

By Councillor P Murray

**Question:**

What representations have been made by the Council to the North East London Mental Health Trust relating to the proposed move of the C&FCS from Raphael House to a former car show room in the Romford Road?

**Answer:**

The North East London Foundation Trust, identified a need for a child development centre in the borough as there wasn't one in Havering, although some of its services had previously been provided from Raphael House.

Colleagues in the trust spent some time looking for an appropriate location for this, with the closure of St George's Hospital in Hornchurch meaning it couldn't be co-located alongside other health services. They subsequently purchased the site in London Road, Romford.

We have been made aware of concerns around the lack of parking at this site, and we have passed on these concerns to the trust.

As well as being happy to meet with any voluntary organisations, or fellow councillors to address their concerns, the Trust also plans to consult fully with the Council, voluntary sector groups and service users to shape how the service will be run in the community.

It is hoped the centre will be open by the end of the year.

If Councillor Murray would like any further information then I have some contact details for the Trust that I can pass on at the end of this meeting.

**Q7 Council Savings****To the Leader of the Council, Cllr Steven Kelly**

By Councillor D Durant

**Question:**

At the last Council meeting Cllr Michael White said the merger with Newham, involving a further loss of experienced staff will save £4 million and that this avoids a 4% increase in council tax. But the official council report gives a figure of £3.9 million savings over 5 years and that 25% of these alleged savings are redundancy payments.

But redundancy payments are a cost not a saving so the £3.9 million figure is reduced by 25% to £2.925 million, but even this is an exaggeration, because relocation and other costs are not included! Thus the increase in council tax needed to avoid the merger is reduced from 4% to 3%.

But because the saving is over 5 years, this means only a 0.6% increase is needed in year one, carried over the 5 year period to make the 3%. In other words the Administration has put the future independence of Havering at risk to avoid a 0.6% increase in council tax that would threaten conservative re-election hopes in May.

Cllr Michael White, do you think your misrepresentation of the figures helped secure the almost unanimous vote in favour of the merger, or did other tactics play a part.

**Answer:**

This merger puts aside politics to do what is right for our residents. By working with others we can reduce our back office costs and protect our front line services which our residents' value. This year our grant from government reduced by around £6million and we will have future shortfalls to face. By taking these sorts of decisions early we can help prevent some of the knee jerk reactions that other councils have to implement.

The business case is quite clear and here are the figures once again. We expect this merger to bring in much needed savings these, excluding redundancy costs over 5 years are £15.07 million. We have factored in costs for some redundancies which bring down the savings over the 5 years to £13.62 million, showing we do understand redundancy costs. There are no relocation costs as modern working methods mean that these are really minimal. So over the five years this prevents an additional 3.9 per cent or around 4 per cent rise in council tax.



Therefore the unanimous vote was one for sense and what is right for Havering.

Year	Gross Savings Cumulative	Additional in Year savings	Additional Equivalent Council Tax Rise	Cumulative Savings Net of Possible Redundancies	Additional in Year savings	Additional Equivalent Council Tax Rise
2014/15	£1.46m	£1.46m	1.46%	£0.76m	£0.76m	0.76%
2015/16	£2.83m	£1.37m	1.37%	£2.33m	£1.57m	1.57%
2016/17	£3.31m	£0.48m	0.48%	£3.21m	£0.88m	0.88%
2017/18	£3.57m	£0.26m	0.26%	£3.49m	£0.28m	0.28%
2018/19	£3.90m	£0.33M	0.33%	£3.83m	£0.34m	0.34%
5 Year Total	£15.07m		3.90%			3.83%
2019/20 onwards	£3.9m			£3.9m		

The figures are front loaded. I am happy to send members a copy to read at the leisure as it is very complicated. These are back office savings to protect the rate payer and protect the services.

#### **Q8 Rent Payments**

##### **To the Cabinet Member for Housing, Cllr Lesley Kelly**

By Councillor L Webb

##### **Question:**

How many Havering tenants had their rent taken from their accounts early in the Christmas period, and for those that were left short of funds and unable to afford their basic needs, what compensation did they receive?

##### **Answer:**

We understand that this error, which affected 3,374 tenants, would have inconvenienced many of our residents and we apologise unreservedly. Technology is a wonderful thing but there is no accounting for human error. We contacted all tenants to explain how they could apply for a refund - should they receive a bank charge because of this issue - or emergency funds.

Fortunately, no one needed an emergency payment and the five tenants who have contacted us to say that they have been charged by their bank have been refunded.

In response to a supplementary question, the Cabinet Member confirmed that a full review of the problem had taken place and that officers were looking at ways of preventing this happening again.

**Q9 Removal of barriers – Como Street & Bretons**

**To the Cabinet Member for Environment, Cllr Barry Tebbutt**

By Councillor B Matthews

**Question:**

Would the Cabinet Member explain why the barriers have been removed from the Como Street car park and from Bretons Recreation Centre, thus increasing the risk of illegal encampment, and give an assurance that suitable barriers will now be installed at these locations?

**Answer:**

Como Street car park is open for public use 24/7, which includes access for coaches. The barriers and the fire gate were removed when the car park was converted to Pay and Display to give anyone who wishes to use the car park the ability to do so without delay or hindrance.

The incident of traveller occupation was a rare one that Council officers worked to resolve as quickly as possible.

They also remain vigilant to the threat of traveller occupation and regularly patrol the area to deter travellers and other illegal activity. There are also CCTV cameras mounted within the car parks control office at Angel Way Car Park that monitor the Como Street Car Park.

As for Bretons Recreation Centre, the current vehicle barriers have never been removed. They're near the entrance of the centre and the manor house. The barrier at the entrance closes at night, when the community association leave the site.

Residents and several organisations use the site during the day, which means we can't have a permanently locked barrier. However, the internal barrier is not open to general public and is closed when not in use.

Over the last 10 years, there have been only two instances of travellers setting up there. It's due to the latest incident only a few weeks ago, when the travellers came onto the site during the day when it was open for all, that we've taken immediate action. Officers are currently looking at installing height barriers at both the main and overflow car parks. This will allow domestic vehicles access but nothing bigger.

New height barriers will be more affective and control entrance to the car parks during the day.

In response to a supplementary question, the Cabinet Member explained that there were a total of 128 parks in Havering with various access issues. A variety of control measures were used at different locations including barriers, height restrictions, width restrictions or locking parks at night.

**Q10 Housing allocation**

**To the Cabinet Member for Housing, Cllr Lesley Kelly**

By Councillor D O'Flynn

**Question:**

Locating families with children in high rise flats.

When was the policy relating to the location of young children above the fourth floor in high flats changed?

**Answer:**

There is no longer a policy which restricts the height of floor on which children may live. This changed when we introduced Choice Based Lettings, which allows people to bid for the property that they want. They can choose if they wish to, to live with their families above the fourth floor.

We have decided that it is best to let people choose where they want to live. If we restricted families to properties only below the fourth floor, we would be in danger of having lots of empty properties, and lots of people on the Housing Register who needed a home but could not bid for properties which were available.

**Q11 Licensed Activities**

**To the Leader of the Council, Cllr Steven Kelly**

By Councillor Cllr Van den Hende

**Question:**

Would the Cabinet Member set out what arrangements are in place to ensure that licensed activities abide by any conditions set down by a planning agreement (where applicable) and that appropriate enforcement action is taken as and when necessary?

**Answer:**

Yes, enforcement action is always taken when it is appropriate to do so.

Our procedures are very clear. When the Council becomes aware of premises operating outside the hours specified in a planning condition, the matter is fully investigated.

We try to solve the problem without taking enforcement action as a first step so the operator is told to adhere to the condition or apply to change it

If a planning application is received, the hours permitted by licence would be one consideration when determining the application, but the existence of a licence would not mean that there would be automatic changes to the planning conditions.

The planning application would be determined on its own merits taking account of any impact on nearby homes, and other facilities.

If no planning application is received and the premises continue to operate in breach of conditions, enforcement action is taken as appropriate.

In response to a supplementary question, the Leader of the Council reported that there had only been three enforcements under this regulation and that he would discuss this further with the relevant Cabinet Member.

## **Q12 Pavement repairs**

### **To the Cabinet Member for Environment, Cllr Barry Tebbutt**

By Councillor Morgon

#### **Question:**

Would the Cabinet Member please confirm :

- a) What target is set for a repair to a pavement defect after an order has been raised?
- b) How and by whom are orders monitored to ensure completion within the agreed target date?
- c) Where can Members see information on how well the Council is meeting its target as part of its robust performance regime as mentioned in last year's Peer Review?
- d) Provide a list of all pavement defects that were ordered over 2 months ago and have still not been completed?

#### **Answer:**

- a) Any reported defect should be fixed in 24hrs, seven days or 28 days depending on the location and severity of the defect.
- b) All work orders are raised by StreetCare on an internal computer system and we run monthly reports that highlight outstanding works.

- c) The Head of StreetCare maintains a local performance pack tracking the number of works orders raised against those completed, these are always ready and available upon member request.
- d) I have a list here and I'm happy to share it with you. For all those reported since 1 April 2013, there are 770 that have been outstanding for longer than two months. It's equally important to note that during the same time period, 3077 were repaired. So between April and December, more than 16 pavement defects have been repaired each day – so although there are still many outstanding, it's certainly not for lack of hard work.

In response to a supplementary question, the Cabinet Member confirmed that defects over two months old did not indicate a failure of service and that further resources were not needed.

### Q13 Income & Expenditure for Parking

#### To the Cabinet Member for Environment, Cllr Barry Tebbutt

By Councillor Barrett

#### **Question:**

Would the Cabinet Member please set out:

- a) The income and expenditure figures for the parking account for 2010/11, 2011/12 and 2012/13 and what have the surpluses been spent on?
- b) The top ten locations in the borough where penalty charge notices have been issued during the calendar year 2013?

#### **Answer:**

- a) I have all the figures here, which I'm happy to share with you or anyone else who would like to see them.

In summary, I can tell you:

	<b>2010/11</b> <b>(£000s)</b>	<b>2011/12</b> <b>(£000s)</b>	<b>2012/13</b> <b>(£000s)</b>
<b>Income</b>	2,788	3,634	3,607
<b>Expenditure</b>	2,517	2,925	3,273
<b>Surplus</b>	271	709	334

All income from parking charges and PCNs is reinvested back into making improvements in the borough. This includes highways maintenance.

**b)**

The top ten locations are:

1. Market Place Car Park, Romford (1,694)
2. Oldchurch Rise Car Park, Romford (1,231)
3. Corbets Tey Road, Upminster (1,207)
4. Station Road, Harold Wood (1,105)
5. Angel Way, Romford (857)
6. Market Link, Romford (795)
7. Victoria Road, Romford (616)
8. Brentwood Road, Romford (438)
9. Western Road, Slaney Road Car Park, Romford (431)
10. The Mews, Romford (428)

In response to a supplementary question, the Cabinet Member confirmed that targets were not given to parking enforcement officers who simply dealt with offences as they encountered them.

**Q14 Spare room Subsidy**

**To the Cabinet Member for Housing, Cllr Lesley Kelly**

By Councillor Alexander

**Question:**

Would the Cabinet Member set out the number of tenants who are now subject to the Spare Room Subsidy (Bedroom Tax) are in rent arrears and by how much?

**Answer:**

At the moment there are 544 tenants who have extra rooms and so make a contribution towards their rent for these spare rooms. Of these there are 164 tenants who are finding it difficult to cover their rent and so are in arrears but we can't categorically say that this is due to the removal of the spare room subsidy. Of these cases debt amounts range from £48.60 to £500. We are totally committed to supporting these tenants through our frontline staff - who got extra training to help deal with this change - and our recently boosted debt advisor team and also at the latest residents conference we had a workshop on welfare reform.

In response to a supplementary question, the Cabinet Member reported that use of the 1994 Act was being considered but it was not clear how many Havering tenants would be affected.

**Q15 Non-payment of Council Tax – summons issued**

**To the Cabinet Member for Value, Cllr Roger Ramsey**

By Councillor Ford

**Question:**

Would the Cabinet Member set out the number of summons issues for non-payment of council tax between April and December 2013 compared with the same period last year (i.e. to April to December 2012) and what is the total council tax arrears to December 2013?

**Answer:**

Summonses issued April – December 2013 – 8,926

Summonses issued April – December 2012 – 9,978

Council tax arrears December 2013 - £14,875,802.

Our council tax collection rate for the last year has been 97 per cent and we are among the top third of all London boroughs for the high-level collected. We work hard to recoup money owed to us in council tax, including specific campaigns targeting debt and tackling fraud such as people fraudulently claiming single person discount.

In response to a supplementary question, the Cabinet Member confirmed that the figures given were net of write-offs. The figure for arrears was cumulative and write-off figures did not reflect the total amount owing as debts may well still be paid at some stage.





# Agenda Item 4

## Notes

- (1) The Council has a legal obligation to set a Council Tax for 2014/15.
- (2) Section 106 of the Local Government Finance Act 1992 imposes restriction on voting in respect of any Member by whom any Council Tax has remained unpaid for at least two months.

**Any Member in doubt as to the position may seek advice before the meeting from the Group Director, Finance & Commerce or the Assistant Chief Executive, Legal & Democratic Services.**

- (3) The Cabinet's Report will refer to the Chief Executive's report to the Cabinet.

**Members are asked to retain their copy of the Cabinet Report for this purpose.**

- (4) Council Procedure Rule 3 applies to the order of business at this meeting.
- (5) By Council Procedure Rule 13.4, the speech of any Group Leader (or Member nominated to speak on behalf of a Group Leader: any Group Leader should announce any such nomination when the Mayor invites that Leader to speak) on any motion or amendment relating to the Council Tax should not exceed **twenty minutes** and participants in general debate for five.
- (6) Council Procedure Rule 11.8 governs amendments to motions and reports at this meeting. Any amendment must be such that the it would, if passed, enable a robust budget to be set in the view of the Chief Financial Officer [as it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Section 151 Officer].

**MEMBERS ARE ASKED TO RETAIN THE  
REPORT TO CABINET ON 12 FEBRUARY  
FOR REFERENCE AT THIS MEETING**



## REPORT OF THE CABINET

# 7

### **SUBJECT:** THE COUNCIL'S BUDGET 2014/15

The purpose of this report is to enable the Council to calculate and set the Council Tax for 2014/15.

The Localism Act 2011 made significant changes to the Local Government Finance Act 1992 ("the Act"), and now requires the billing authority to calculate a Council Tax requirement for the year, not its budget requirement as previously.

The Council has to formally resolve that it calculates certain figures, which broadly are:

- its gross expenditure, including contingency and levies (but not precepts)
- its gross income from fees & charges and other sources, specific grants, external finance from the Government, and any surplus/deficit on the collection fund
- the difference between the two, being the amount which the Council needs for its own services to be paid from the collection fund, defined as the Council Tax requirement
- the basic amount of Council Tax for the net position of all these figures, including precepts, and
- the amount of Council Tax for each other category of dwelling.

The Council is also required to formally approve the management of the Council's treasury management functions, including the Treasury Management Strategy, and the proposed revenue budget for both the General Fund and schools' delegated budgets, and the capital programme.

**Members are asked to bring their copy of the Cabinet reports including the appendices and supplementary paper with them to the meeting, as the recommendations before Council make specific reference to these reports.**

Attached to this report are:

- a revised Council Tax statement, originally provided in the Cabinet report marked as Appendix E, amended following the final notification of the levies
- Annex A to this report which provides supporting information to the resolutions
- Annex B which are the draft minutes of the Cabinet meeting.

The Treasury Management Strategy and related documents were reported to Cabinet separately but are being submitted to Council as part of this report for approval, as they are directly related to the budget. The Capital Programme was originally

provided in the Cabinet report marked as Appendix I. A separate report also covers the proposed Members Allowances scheme for 2014/15.

The HRA Capital and Revenue Budget for 2014/15 were also reported separately to Cabinet. At its meeting on 13<sup>th</sup> February 2013, Cabinet agreed a detailed HRA capital programme for 2014/15 totalling £43.781m. This was subsequently approved by Council at its meeting on 22<sup>nd</sup> February 2013. There are no proposed amendments to this programme of expenditure on HRA properties in 2014/15.

The HRA capital programme in 2014/15 and 2015/16 will also include further expenditure to support the building of new homes for rent or shared ownership to be held in the HRA. The constituent elements of this new build programme were approved by Cabinet at its meetings of 13<sup>th</sup> February 2013 and 16<sup>th</sup> October 2013, with subsequent approval of the budget allocation by Council on 22<sup>nd</sup> February 2013 and 27<sup>th</sup> November 2013.

There are no further approvals required with regard to this element of the Council's overall Capital Programme.

In the light of the above **Cabinet recommends the Council to adopt the following resolutions as set out below.**

The effect of adopting these resolutions would be to set the Council Tax for a Band D property at £1,494.18
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## **RECOMMENDATIONS**

1. That the following as submitted in the report to Cabinet be approved:
  - a) The General Fund revenue budget for 2014/15, as set out in the revised Appendix E attached to this report.
  - b) The delegated schools' budget for 2014/15, as set out in Appendix E of the report to Cabinet.
  - c) The Capital Programme for 2014/15, as set out in Annexes 2, 3 and 4 of Appendix I of the report to Cabinet.
2. That, in accepting recommendation 1, Council is mindful of the advice of the Chief Finance Officer as set out in Appendix H of the report to Cabinet.
3. That it be noted that under delegated powers the Chief Finance Officer has calculated the amount of 80,183 (called T in the Act and Regulations) as its Council Tax base for the year 2014/15 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) made under Section 31B of the Local Government Finance Act 1992 as amended.
4. That the amount of £95,833,118 be now calculated as the Council Tax requirement for the Council's own purposes for 2014/15.

5. That the following amounts be now calculated by the Council for the year 2014/15 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended:

(a)	£448,784,486	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
(b)	(£352,951,368)	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	£95,833,118	being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
(d)	£1,195.18	being the amount at 5(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

6. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the table below as the amounts of Council Tax for 2014/15 for each of the categories of dwellings.

<b>Valuation Bands London Borough of Havering</b>	
	<b>£ p</b>
A	796.78
B	929.59
C	1,062.38
D	1,195.18
E	1,460.77
F	1,726.37
G	1,991.97
H	2,390.36

7. That it be noted for the year 2014/15 the major precepting authority (the GLA) has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below as proposed by the Mayor and as due to be considered by the London Assembly at its meeting on 14<sup>th</sup> February 2014.

<b>Valuation Bands Greater London Authority</b>	
	<b>£ p</b>
A	199.33
B	232.56
C	265.78
D	299.00
E	365.44
F	431.89
G	498.33

H	598.00
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8. That, having calculated the aggregate in each case of the amounts at 6 and 7 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2014/15 for each of the categories of dwellings shown below:

Valuation Bands	£ p
A	996.11
B	1,162.15
C	1,328.16
D	1,494.18
E	1,826.21
F	2,158.26
G	2,490.30
H	2,988.36

**The effect of adopting this resolution would be to set the Council Tax for a Band D property at £1,494.18**

8. That Council having considered the principles approved under the Local Government Finance Act 1992 by the Secretary of State concludes that the Council's basic relevant amount of Council Tax for 2014/15 is not excessive.
9. That any Council Tax payer who is liable to pay an amount of Council Tax to the Authority in respect to the year ending on 31<sup>st</sup> March 2015, who is served with a demand notice under Regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 as amended and who makes payment to the Authority of the full balance of the estimated amount shown on that demand by 1<sup>st</sup> April 2014, may deduct a sum equivalent to 1.5% of and from the estimated amount and such reduced amount shall be accepted in full settlement of that estimated amount.
10. That Council agrees that the Capital Programme be expanded for schemes during the year which are funded via additional external funding under the authority of the Cabinet Member Value and the relevant service area Cabinet Members.
11. That Council approves the Treasury Management Strategy Statement, Prudential Indicators, and the Minimum Revenue Provision Statement for 2014/15.

**REPORT DETAIL**

As set out in the reports to Cabinet of the 12<sup>th</sup> February 2014 and the attached Annexes.

APPENDIX E

LONDON BOROUGH OF HAVERING  
FINAL COUNCIL TAX STATEMENT – 2014/15 BUDGET

2013/14 £		Estimate 2014/15 £	
167,525,853	<b>Havering's Expenditure</b>	165,596,130	
2,000,000	Service Expenditure	2,000,000	
<b>169,525,853</b>	General Contingency	<b>167,596,130</b>	
	Havering's Own Expenditure		
	<b>Levies</b>		
11,653,000	East London Waste Authority	11,990,000	Final
172,822	Environment Agency (Thames)	171,317	Final
17,367	Environment Agency (Anglia)	17,679	Final
260,569	Lee Valley Regional Park Authority	252,415	Final
318,236	London Pensions Fund Authority (LPFA)	313,839	Final
<b>12,421,994</b>	<b>Sub Total – Levies</b>	<b>12,745,250</b>	
(12,374,328)	Unringfenced Grant	(14,785,716)	
<b>169,573,519</b>	<b>Sub Total – Total Expenditure</b>	<b>165,555,664</b>	
	<b>External Finance</b>		
(45,378,456)	Revenue Support Grant	(38,889,716)	
(9,032,069)	Business Rates Top-up	(9,208,018)	
(20,741,507)	National Non Domestic Rate	(21,632,207)	
<b>(75,152,032)</b>	<b>Sub Total – External Finance</b>	<b>(69,729,941)</b>	
477,000	Collection Fund Deficit/(Surplus)	(913,000)	
	Business Rates Deficit/(Surplus)	920,395	
<b>94,898,487</b>	<b>Havering's Precept on the Collection Fund</b>	<b>95,833,118</b>	

2013/14		<u>The Collection Fund</u>		Estimate 2014/15	
£	£ p	Expenditure	£	£ p	
94,898,487	1,195.18	Precepts	95,833,118	1,195.18	
24,058,503	303.00	London Borough of Havering	23,974,717	299.00	
20,741,507	261.22	Greater London Authority (Final)			
		London Borough of Havering Retained Business Rates (Final)	21,632,207	269.79	
13,827,671	174.15	Greater London Authority - Retained Business Rates (Final)	14,421,472	179.86	
34,569,179	435.38	Central Government - Retained Business Rates (Final)	36,053,679	449.64	
274,180	3.45	Cost of NNDR collection	272,168	3.39	
<b>188,369,527</b>	<b>2,372.38</b>	<b>Total Expenditure</b>	<b>192,187,361</b>	<b>2,396.86</b>	
		<b>Total Income</b>			
(69,412,537)	(874.20)	National Non-Domestic Rate	(72,379,526)	(902.68)	
<b>118,956,990</b>	<b>1,498.18</b>	NNDR receivable			
		<b>COUNCIL TAX per Band D property</b>	<b>119,807,835</b>	<b>1,494.18</b>	
79,401		Council Tax Base	80,183		
					<b>Council Tax percentage change (0.3)%</b>
Valuation as at 1/4/91		Council Taxes Per Property Band			Change
	£ p		£ p	£ p	
Under £40,000	998.78	Band A	996.11	(2.67)	
£40,000 - £52,000	1,165.26	Band B	1,162.15	(3.11)	
£52,001 - £68,000	1,331.71	Band C	1,328.16	(3.55)	
£68,001 - £88,000	1,498.18	Band D	1,494.18	(4.00)	
£88,001 - £120,000	1,831.10	Band E	1,826.21	(4.89)	
£120,001 - £160,000	2,164.04	Band F	2,158.26	(5.78)	
£160,001 - £320,000	2,496.97	Band G	2,490.30	(6.67)	
Over £320,000	2,996.36	Band H	2,988.36	(8.00)	



## **BUDGET AND CORPORATE PLAN AND COUNCIL TAX 2014/15**

### **SUPPLEMENTARY INFORMATION**

#### **A. THE GREATER LONDON AUTHORITY AND LEVIES**

The Greater London Authority precept proposed by the Mayor was advised as being £299.00 per Band D property (1.3% decrease). The London Assembly was due to consider this budget and precept on 14<sup>th</sup> February 2014. Confirmation of formal approval to the budget has now been received and the proposed Band D amount has been agreed.

Information on the other levies is as set out in the report to Cabinet or as subsequently advised to Council as part of this report, and is reflected accordingly in the revised Appendix E.

#### **B. FINAL LOCAL GOVERNMENT FINANCIAL SETTLEMENT 2014/15 AND PROVISIONAL 2015/16**

##### **1. Introduction**

1.1. On 5th February 2014, Parliamentary under Secretary of State at the Department for Communities and Local Government, Brandon Lewis MP, made a written statement to Parliament concerning the final local government finance settlements 2014/15 and the provisional 2015/16 allocations. This briefing note highlights key issues of note and some comparative information.

##### **2. Headlines**

2.1. The Secretary of State announced that councils will face an average reduction in spending power of 2.9% and that no authority would experience a decrease of more than 6.9%. In a similar manner to the previous years, the government's headlines focus on comparative figures concerning a local authority's "revenue spending power"

2.2. From the introduction of localisation of business rates in 2013, the formula grant methodology is now fixed until the next reset in 2020/21. The various indicators and data sets are fixed based on the 2013/14 formula grant calculation which includes data from the 2001 census.

2.3. As originally announced in the 2013 Autumn Statement, local government was exempt from any further cuts as local authorities have already seen reductions from the previous Autumn Statement and Spending Round (SR2013) which results in a further reduction of £16m to Havering's Revenue Support Grant (RSG) by 2015/16.

2.4. The final settlement reveals no material changes from the provisional settlement announced in December. The only change was in relation to the returned capitalisation as this increased by £9k from earlier estimates.

### **3. National Control Total and Spending powers**

3.1. The average spending power reduction nationally has been stated as 2.9% (1.8% 2015/16) with Havering's comparable reduction in 2014/15 as 0.85% and an increase in 2015/16 of 1.1%. Although 2014/15 shows relatively low reductions in funding level and 2015/16 an actual increase, the figures presented are not a true reflect of the cuts facing local government as they do not compare like for like. For example, the figures include a number of estimates, shared funding and additional burdens being placed on local authorities. For example the figures include:

- Estimates in regards to the New Homes Bonus
- No account of the top-slice in New Homes Bonus
- £15m grant of "pooled funding from NHS" and
- Additional burdens in relation to Adult Social Care.

3.2. Table 1 below shows the reduction in formula funding from 2013/14 to 2015/16 following the reductions announced at the 2012 Autumn Statement and the 2013 Spending Round. The amount of funding available for local authorities has reduced by £2.5bn in 2014/15 and by a further £3.1bn in 2015/16.

Table 1- Spending Control Total for 2013-14 to 2015-16

	<b>2013/14 £000's</b>	<b>2014/15 £000's</b>	<b>2015/16 £000's</b>
Departmental Control Totals	26,256	23,786	20,651
Reduction in Funding		(2,470)	(3,135)
Percentage Reduction		(9.4%)	(13.2%)

### **4. The Formula Funding – Havering**

4.1. The Settlement Funding Assessment is used to determine both Havering's Revenue Support Grant (RSG) and Business Rate Baseline (BRB). This comprises of the current four-block formula grant model which has been frozen since last year's settlement and incorporates £31.2m of rolled in grants. This equates to a final Settlement Funding Assessment (SFA) for 2014/15 of £69.667m (£60.754m for 2015/16) compared to a 2013/14 equivalent of £76.665m. As business rates is uprated in line with inflation or for 2014/15 by the 2% cap announced in the Autumn statement, all of the funding adjustments only effect Havering's RSG.

4.2. The methodology used in allocating the reductions in departmental spending has also changed. The £31.2m of rolled in grant have been accounted for separately with various level of reductions being applied to each grant. Appendix A shows the reduction in funding and notably the significant decrease to Havering's RSG allocation.

4.3. In order to compare like for like, appendix A shows a comparison of Havering's settlement funding allocation since 2013/14. When compared to the 2013/14 grant allocation, Havering's RSG will have reduced by £16m by 2015/16. As part of the 2014/15 calculation, the Council Tax Support (CTS) grant which

was introduced in 2013/14 has now been completely rolled up into the formula grant and has been scaled using the same methodology as the core grant.

- 4.4. The reduction in core RSG grant is predominantly due to the reductions placed on local authorities through the Autumn Statement in 2012 and the Spending Round in 2013. Due to the formula being locked in and the 2% increase in business rates, each authority's core RSG allocation is being scaled by 33%.
- 4.5. The amount of New Homes bonus removed from the formula grant has also been adjusted. Previously it was announced that £200m would be removed from the departmental control totals. Following the release of the provisional allocations in November, the total amount required is less than the amount to be removed from the control totals. As a result, £100m was not needed therefore returned to the control totals mitigating the reduction in grant allocation in both 2014/15 and 2015/16.
- 4.6. Table 2 shows the list of grants which forms part of Havering's Settlement Funding Assessment. The most notable reduction is the decrease of Early Intervention funding by approximately 7.7% in 2014/15 and by a further 8.5% in 2015/16.
- 4.7. In addition, the 2013/14 council tax freeze grant has also been rolled into the settlement funding assessment and now potentially faces reductions. The 2011/12 grant allocation which is already part of the settlement funding allocation is beginning to be reduced slightly even without being fully integrated into the formula. This also excludes the 2012/13 allocation which has been removed completely.

Table 2. Analysis of grants incorporated into the Settlement funding Assessment

	<b>Settlement 2013/14 £000's</b>	<b>Final Settlement 2014/15 £000's</b>	<b>Provisional Settlement 2015/16 £000's</b>
Council Tax Freeze Funding 11/12	2,680	2,668	2,667
Council Tax Freeze Funding 13/14		1,098	1,098
Early Intervention Funding	6,646	6,131	5,607
Homelessness Prevention	400	394	394
Lead Local Flood Authorities Funding	132	130	130
Learning Development & Public Reform	7,822	7,896	7,893
Returned Capitalisation		90	
<b>Total</b>	<b>17,680</b>	<b>18,407</b>	<b>17,789</b>

- 4.8. The formula grant system has consistently penalised Havering since its inception. Compared to other authorities in London, Havering receives one of the lowest grant-per-head allocations despite being one of the largest boroughs in London with the highest proportion of elderly population. The indicators and data sets do not reflect the demographics pressures affecting the authority which has resulted in Havering having to increase its council tax to compensate. Appendix B shows the grant per head allocations for London, clearly showing the amount of funding Havering receives compared to other London authorities.

## 5. Business Rate Baseline – Havering

5.1 As announced in the Autumn Statement, business rates will be capped at 2% next year. As of yet, no decision has been made in relation to how the extension to the small business rate reliefs will be funded. Table 3 below shows how the 2% cap affects Havering's Business Rate Baseline and Top-up

Table 3 – Effects of the 2% cap in 2014/15 and estimated increase in Business Rate in 2015/16.

	<b>Settlement 2013/14 £000's</b>	<b>Settlement 2014/15* £000's</b>	<b>Settlement 2015/16** £000's</b>
Business Rate Baseline	30,189	30,777	31,627
Top-Up	9,033	9,208	9,462
Target Business Rates	21,156	21,569	22,165
Safety Net	27,925	28,468	29,254

\* 2014/15 - 2% cap

\*\* 2015/16 - Assuming inflationary increase of 2.7%

## 6. Pooling

6.1 In October 2013, Havering applied to enter into a pooling arrangement with Thurrock Borough Council, Basildon Borough Council and Barking & Dagenham. As part of the settlement announcement, this has been formally approved. As a result, Havering will be able to share in the growth generated by the pool as a whole.

6.2 Table 4 below shows the make-up of the authorities within the pool. As part of the process, the pool will be a tariff authority paying a 4% levy to central government. Thurrock will lead of the administration of the pool and will make the necessary transaction with DCLG.

Table 4 - 2014-15 Key Information for pools.

<b>Local authorities within pool</b>	<b>Thurrock</b>	<b>Basildon</b>	<b>Havering</b>	<b>Barking and Dagenham</b>	<b>Total for pool</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
Baseline funding level	29,574	5,077	30,777	51,386	116,815
Tariffs and Top-Ups	(23,224)	(25,467)	9,208	34,346	(5,137)
Levy Rate	0.44	0.50	0.00	0.00	0.04
Safety Net Threshold	27,356	4,696	28,468	47,532	108,054

PROVISIONAL GRANT SETTLEMENT 2013/14 & 2014/15 - TRANSFERS

	Settlement 2013/14	Settlement 2014/15	Settlement 2015/16
	£000	£000	£000
<b>Bal B/f</b>	<b>53,296</b>	<b>57,888</b>	<b>51,260</b>
<b><u>Transferred into formula</u></b>			
Council Tax Support Funding	13,548		
LACSEG	(4,978)		
Floor	(3,978)		
Scaling		(6,628)	(8,296)
	<b><u>57,887</u></b>	<b><u>51,260</u></b>	<b><u>42,964</u></b>
<b><u>Included as part of the Settlement funding Allocation</u></b>			
Council Tax Freeze Funding 11/12	2,680	2,668	2,667
Council Tax Freeze Funding 13/14	1,098	1,098	1,098
Early Intervention Funding	6,646	6,131	5,607
Homelessness Prevention	400	394	394
Lead Local Flood Authorities Funding	132	130	130
Learning Development and Public Reform	7,822	7,896	7,893
Returned Capitalisation		90	
<b>Total Transfers</b>	<b>18,778</b>	<b>18,407</b>	<b>17,789</b>
<b><u>Provisional Grant</u></b>	<b>76,665</b>	<b>69,667</b>	<b>60,753</b>
Of which relates to Business Rates	30,189	30,777	31,627
Payment via Revenue Support Grant	46,476	38,890	29,126

**2014/15 SETTLEMENT FUNDING PER HEAD OF POPULATION**

<b>Authority</b>	<b>Grant Per Head £s</b>
City of London	4,365.50
Barking and Dagenham	611.56
Barnet	329.85
Bexley	315.67
Brent	559.19
Bromley	246.60
Camden	812.51
Croydon	403.02
Ealing	450.48
Enfield	468.97
Greenwich	645.38
Hackney	881.50
Hammersmith and Fulham	663.82
Haringey	632.42
Harrow	326.17
Havering	293.67
Hillingdon	343.41
Hounslow	385.45
Islington	812.49
Kensington and Chelsea	650.86
Kingston Upon Thames	271.93
Lambeth	723.25
Lewisham	675.82
Merton	359.38
Newham	709.66
Redbridge	378.71
Richmond Upon Thames	245.42
Southwark	789.07
Sutton	389.91
Tower Hamlets	856.34
Waltham Forest	536.54
Wandsworth	469.96
Westminster	805.75

**C. THE COUNCIL TAX (DEMAND NOTICES) (ENGLAND) REGULATIONS 2011 AND 2012**

The Regulations set out the information which the billing authority must supply with the Council Tax Demand Notice, and the National Non-domestic Rate Notice as well as matters required to be contained in those Notices.

The 2011 Regulations require the following information to be provided within the Demand Notice:

**Amounts of gross expenditure**

The gross expenditure of—

- (a) the billing authority,
- (b) each relevant precepting authority, and
- (c) each relevant levying body,

for the relevant year (ie the year for which the budget is being set) and the preceding year.

**Amounts of council tax requirement**

The council tax requirement of—

- (a) the billing authority, and
- (b) each relevant precepting authority,

for the relevant year and the preceding year.

**Statements concerning gross expenditure and council tax requirement**

The billing authority's reasons for any difference between the amounts stated in respect of the gross expenditure and council tax requirement for the billing authority and each precepting authority for the same year.

The billing authority's opinion of the effect that its gross expenditure has on the level of council tax set for the relevant year.

Each relevant precepting authority's opinion of the effect that its gross expenditure has on the level of its precept issued for the relevant year.

In accordance with these Regulations, these calculations are as follows:

**Council (Council Tax and Budget), 26 February 2014**

		2013/14 £	2014/15 £
	<b>Amounts of Gross Expenditure</b>		
	Aggregate of the items which are attributable to the services administered by the Authority during the year	448,440,793	448,784,486
excluding	allowances for contingencies	2,000,000	2,000,000
	and contributions to financial reserves	499,579	791,538
	<b>Gross Expenditure</b>	<b><u>445,941,214</u></b>	<b><u>445,992,948</u></b>
	 <b>Amounts of Council Tax Requirement</b>		
	LBH element of the Council Tax Band D for a Property	1,195.18	1,195.18
multiplied by	the Council Tax Base	79,401	80,183
	<b>Council Tax Requirement</b>	<b><u>94,898,487</u></b>	<b><u>95,833,118</u></b>
	 <b>Statements concerning Gross Expenditure and Council Tax Requirement</b>		
	Gross Expenditure	445,941,214	445,992,948
less	Council Tax Requirement	94,898,487	95,833,118
		<b><u>351,042,727</u></b>	<b><u>350,159,830</u></b>
	 <b>Reason for Difference</b>		
	Gross income	278,867,274	283,228,822
	Retained Business Rate	20,741,507	21,632,207
	Business Rate Baseline (Top-Up)	9,032,069	9,208,018
	Revenue Support Grant	45,378,456	38,889,716
	Council Tax (Deficit)/Surplus	-477,000	913,000
	Business Rates (Deficit)/Surplus	0	-920,395
		353,542,306	352,951,368
	Less contingencies and contribution to reserves	-2,499,579	-2,791,538
		<b><u>351,042,727</u></b>	<b><u>350,159,830</u></b>

An additional calculation, setting out an explanatory breakdown of the statutory calculations, was required under the Local Government Finance Act 1992, but has been superseded by the changes brought about by the Localism Act 2011. Details of the calculation are as set out above.

The 2012 Regulations do not impact on the setting of the Council Tax but include a requirement that:

- Demand notices refer to reductions and premiums through introduction of local council tax reduction schemes and local premiums for long term empty dwellings
- A new statement should be included on a demand notice where a reduction under a local scheme or a local premium applies explaining the amount of the reduction or premium, the reasons for it and the possible consequences of failing to comply with duties to notify the billing authority of relevant changes in circumstance
- Demand notices include a statement of the procedure by which a person may request to pay their council tax in 12 monthly instalments and makes certain other consequential amendments



- Demand notices include another statement where the billing authority has published certain information which must be supplied with demand notices on its website to explain that and to give the address where that information can be found.

The Department for Communities and Local Government (DCLG) will be amending the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 to provide revised text for the explanatory notes that authorities are required to send with demand notices. The revisions are being made to reflect the changes announced in the Autumn Budget Statement. DCLG has issued the revised draft text of the explanatory notes that they are proposing for inclusion in demand notices under the amending regulations, although they have advised that they are not expecting the final version to differ from this.

The payment of business rate bills is automatically set on a 10-monthly cycle. However, the Government has announced that it will legislate to allow businesses to ask for their business rate bills to be spread over 12 months to help with cash flow. The Government is putting in place regulations that will, with effect for the 2014/15 financial year, allow businesses to require their local authority to enable payments to be made through 12 monthly instalments, by making a request to the authority.

#### **D. CALCULATION OF CHANGE IN HAVERING'S EXPENDITURE**

The following calculation was previously required under Council Tax (Demand Notice) Regulations, known as the budget requirement, and is included here to set out how the Council's expenditure, prior to taking into account Government funding, has changed. These figures reflect the significant changes caused by the new funding system and the impact of the localisation of Council Tax support.

##### **Change in Council's Expenditure**

	<b>£m</b>
2013/14 Budget	169.6
2014/15 Budget	165.5
<b>Net Decrease</b>	<b>-4.1</b>
Budget Pressures	2.0
Inflation	2.4
Increase in Levies	0.4
Provisions & Other Issues (including Grant & Funding Changes)	-4.6
<b>Sub Total</b>	<b>0.2</b>
Efficiencies/Savings	-4.3
<b>Net Total</b>	<b>-4.1</b>

#### **E. REFERENDUMS RELATING TO COUNCIL TAX RISES**

Schedule 5 of the Localism Act 2011 makes provision for Council Tax referendums to be held if an authority increases its basic relevant amount of Council Tax in excess of principles determined by the Secretary of State and approved by the House of Commons.

A Council Tax referendum will be required in 2014/15 if the increase in the basic relevant amount of Council Tax set by an authority exceeds the Council Tax excessiveness principle which applies to that year. The Secretary of State has proposed that, for that year, an authority will be required to seek the approval of their local electorate if, compared with 2013/14, an increase in that amount exceeds 2% for local authorities.

As the Council's own Council Tax level, taking into account levies, remains unchanged, and as this then enables the Council to take advantage of the latest Council Tax freeze grant, this is within the level determined by the Secretary of State. This level was set out in the final settlement release and has been retained at the current level of 2%, although there was considerable speculation this was to have been reduced.

The level of Council Tax recommended to Council cannot therefore be considered to be excessive.



**DRAFT MINUTES OF A CABINET MEETING**  
**Havering Town Hall, Romford**  
**12 February 2014**  
**(19.30 – 21.10)**

**Present:**

Councillors Clarence Barrett, Keith Darvill, Paul McGeary, Pat Murray, Michael Deon Burton, Lyndon Thorpe and Robby Misir also attended.

Three members of the public were present.

The decisions were agreed with no vote against.

**111 MINUTES**

The minutes of the meeting held on 22 January 2014 were agreed as a correct record and were signed by the Chairman.

**112 THE COUNCIL'S FINANCIAL STRATEGY – SETTING OF FEES & CHARGES FOR 2014/15**

*Councillor Roger Ramsey, Cabinet Member for Value, introduced the report*

The report outlined the context within which the 2014/15 budget was being set and identified the Council's overall policy direction, statutory duties and financial strategy.

The Council's budget needed to reflect the level of funding allocated to it by the Government. Since the General Election, the Government had made a series of announcements, with the most recent being the Autumn Budget Statement, which preceded the announcement of the provisional Local Government Settlement. Last year saw the introduction of fundamental and complex changes to the funding regime for local authorities, probably the biggest in 20 years. Whilst this reflected the localisation of responsibilities, it had also brought increased financial risk, and this had to be reflected as part of a robust budget setting process.

In anticipation of the changes that these various announcements had brought about, and in response to the Emergency Budget announced in 2010, Cabinet previously agreed a range of savings proposals in July 2010, and again in July 2011, designed to deliver savings approaching £36m. These proposals were now largely implemented, with the final year of this programme being 2014/15.

The provisional Local Government Financial Settlement had been announced on 18<sup>th</sup> December. Details were included in the previous report to Cabinet. Consultation ended on 15<sup>th</sup> January and the final settlement had been expected two weeks later.

In the light of the on-going financial climate, and with the prospects for “more of the same” for the foreseeable future, information on a small number of budget pressures proposals had been released for formal consultation in January and as part of the process, was also submitted to the joint Overview and Scrutiny Committee. The results of this consultation were set out in the report. The report set out the factors being recommended for inclusion within the 2014/15 budget.

**The Cabinet Member stated that the current position was that there would be no increase to the Havering element of the Council Tax which would enable the Council to take advantage of the latest Council Tax freeze grant on offer.**

Final confirmation of the Greater London Authority (GLA) precept was expected at the meeting of the London Assembly on 14<sup>th</sup> February, which was after the date of the Cabinet meeting. The Mayor of London had proposed a small reduction in the current precept, as previously advised to Cabinet, and this had been the subject of a similar consultation process. Those changes to the GLA position were reported at the Cabinet meeting and an update would be provided for the forthcoming Council meeting.

**On the assumption that the proposal was approved by the London Assembly, there would be a small overall reduction in Council Tax. The band D figure would then reduce to £1,494.18.**

### **Reasons for the Decision**

The Council is required to set a budget for 2014/15 and, as part of that process, undertake relevant consultation in respect of the proposals included within the budget.

### **Alternative Options Considered**

There are no alternative options in so far as setting a budget is concerned. However, there are options in respect of the various elements of the budget. These are considered in preparing the budget and cover such things as alternative savings proposals, the totality of budgetary pressures and different levels of Council Tax.

The Cabinet Member emphasised the challenging financial circumstances that the Council found itself in, particularly as further savings were required in the next financial year and beyond.

**Cabinet decided that in view of the need to balance the Council’s policies, statutory requirements, government initiatives, inspection regimes and Council Tax levels, to:**

1. Consider the advice of the Chief Finance Officer as set out in Appendix H when recommending the Council budget.

2. Consider the comments received during the consultation exercise, which were set out in the report from the Joint Overview and Scrutiny Committee, which was attached as Appendix J to the report, when recommending the total Council budget.
3. Approve the following budgets for 2014/15:
  - the Council's draft General Fund budget as set out in Appendix E, formulated on the basis of:
    - an ELWA levy based on the anticipated budget and levy increase
    - the budget items shown at Appendix F, and
    - the other assumptions set out in the report
  - the delegated schools' draft budget, the capital programme as set out in Annexes 2, 3 and 4 of Appendix I, and delegate to the Chief Executive and Group Directors to implement the 2014/15 capital and revenue proposals once approved by Council unless further reports or Cabinet Member authorities were required as detailed.
4. Delegate to the Chief Executive and Group Directors to make any necessary changes to service and the associated budgets relating to any subsequent specific grant funding announcements, where delays might otherwise adversely impact on service delivery and/or budgetary control, subject to consultation as appropriate.
5. Agree to make a one-off cash investment in the Pension Fund, as set out in Section 3.17 of the report, and delegate to the Leader and the Cabinet Member for Value, in consultation with the Group Director Resources, the final amount, which would be subject to the year-end position.
6. Approve the schedule of Fees and Charges set out in Appendix L, with any recommended changes in year being implemented under Cabinet Member delegation.
7. Agree that if there were any changes to the GLA precept and/or levies, that the Group Director Resources (in the absence of the Chief Executive) be authorised to amend the recommended resolutions accordingly and report these to Council on 26<sup>th</sup> February 2014.
8. To Delegate authority to the Cabinet Member for Individuals to approve the draft submission of the Better Care Fund application to NHS England by 14<sup>th</sup> February 2014, and the final submission on 4<sup>th</sup> April 2014.
9. To authorise the Chief Executive to make minor amendments to the Corporate Plan, as set out in the "Plan on a Page" agreed by Cabinet in January 2014.

**In addition, Cabinet:**

10. **Recommends to Council**, subject to recommendation 3 above, the following:
  - The General Fund budget for 2014/15

- The Council Tax for Band D properties and for other Bands of properties, all as set out in Appendix E, as revised and circulated for the Greater London Authority (GLA) Council Tax.
- The delegated schools' budget for 2014/15, as set out in Appendix E.
- The Capital Programme for 2014/15 as set out in Annexes 2, 3 and 4 of Appendix I.

11. **Recommends to Council** to pass a resolution as set out in section 8.4 of the report to enable Council Tax discounts to be given at the existing level

113 **HRA BUDGET FOR 2014/15 AND HRA CAPITAL PROGRAMME 2014/15 – 2015/16**

*Councillor Lesley Kelly, Cabinet Member for Housing, introduced the report*

The report set a budget for the Council's Housing Revenue Account (HRA) and HRA Capital Programme. From 2012 the position of the HRA had changed from previous years because of the introduction of a regime, known as "Self Financing". An update to the HRA Business Plan was provided.

The HRA remained a ring-fenced account that was used to manage the Council's own housing stock. The proposed budget would enable the Council to manage the stock to a reasonable standard and to complete the Council's Decent Homes Programme. It further set rents, service charges and other charges for Council tenants for the year 2013/14.

**Reasons for the Decision**

The Council was required to set the housing rent, service charges and a budget in accordance with the Local Government and Housing Act 1989.

**Alternative Options Considered**

There were no alternative options insofar as setting a budget was concerned. There were, however, options in respect of the various elements of the budget. These were considered in preparing the budget and covered such things as the rent and service charge increase, budget growth and capital programme proposals.

**Cabinet agreed:**

1. The Housing Revenue Account Budget as detailed in Appendix 1 to the report.
2. That the average rent for existing tenants in Council properties owned by the London Borough of Havering be increased by £5.06, from £85.74 to £90.80 (5.90%) with effect from 7 April 2014, in line with the Government's current policy to restructure rents. This would mean in effect, that rents were increased as set out in the table below:

3.

	<b>Rent 2013/14 – 52 weeks</b>	<b>Rents 2014/15 52 weeks</b>	<b>Increase (£)</b>	<b>% increase</b>
Bedsit	£66.61	£70.55	£3.94	5.92%
1 Bed	£71.91	£76.61	£4.70	6.54%
2 Bed	£84.61	£89.60	£4.99	5.90%
3 Bed	£102.05	£107.66	£5.61	5.50%
4 Bed	£115.65	£121.77	£6.12	5.29%
5 Bed	£127.66	£134.13	£6.47	5.07%
<b>Average Rent</b>	<b>£85.74</b>	<b>£90.80</b>	<b>£5.06</b>	<b>£5.90%</b>

4. That rents for new lettings from 7<sup>th</sup> April 2014 would be set at formula rents.
5. That the rent-free weeks for 2014/15 be w/c 25 August 2014 the two weeks commencing 22 December 2014, and the week commencing 30 March 2015.
6. That tenants' service charges and heating and hot water charges for 2013/14 should be increased or decreased as follows:

<b>Service Charges reviewed and recommended</b>	<b>2013/14 Weekly Charge – 52 weeks</b>	<b>2014/15 Weekly Charge – 52 weeks</b>	<b>Increase (decrease)</b>	<b>% increase (decrease)</b>
Caretaking	£3.33	£3.18	(0.15)	(4.50)
Internal Block Cleaning	£1.02	£1.21	0.19	18.63
Bulk Refuse Collection	£0.45	£0.46	0.01	2.22
CCTV - Mobile Service	£0.55	£0.42	(0.13)	(23.64)
CCTV - Static Service	£1.38	£1.38	0.00	0.00
Neighbourhood Wardens	£0.83	£0.78	(0.05)	(6.02)
Door Entry	£1.36	£1.36	0.00	0.00
Ground Maintenance	£2.39	£2.61	0.22	9.21
Sheltered Cleaning	£2.93	£3.27	0.34	11.6
TV access	£1.32	£1.38	0.06	4.55
Heating	£9.52	£8.97	(0.55)	(5.78)
Hot Water	£6.02	£6.37	0.35	5.81

7. That the service charge for homeless households accommodated in the Council's hostels should be increased by 3.7% to £24.85 a week.
8. That charges for high and medium demand garages were increased by 3.7% and that rents for low demand garages should be frozen.
9. That support charges for mobile support for older people were increased by 3.7% as follows:

<b>Service</b>	<b>Weekly support charge in 2013/14 – 52 weeks</b>	<b>Weekly support charge in 2014/15 – 52 weeks</b>
Support – low level	£5.28	5.48
Support – medium level	£10.56	10.95
Support – high level	£13.21	13.70

10. That the Careline support charge be increased by 3.7% as follows:

<b>Service</b>	<b>Weekly support charge in 2013/14 – 52 weeks</b>	<b>Weekly support charge in 2014/15 – 52 weeks</b>
Careline – sheltered tenants	£4.23	4.39
Careline – community users	£4.51	4.68

11. That Telecare support charges be increased by 3.7% as set out below:

<b>Service</b>	<b>Weekly support charge in 2013/14 – 52 weeks</b>	<b>Weekly support charge in 2014/15 – 52 weeks</b>
Telecare – base unit plus two sensors	£6.57	6.81
Additional Telecare sensor	£1.09	1.13

12. To maintain the transitional arrangements to correct the undercharging, by £4.18 increase plus inflation a week, of tenants in the former Hornchurch mobile support pilot scheme, whereby the full charge would be gradually increased over the five year period 2012/13 to 2016/17 inclusive for the 13 tenants paying for this service; for 2014/15. This amounted to an increase to the weekly charge (52 weeks) of £0.87p.

**114 TREASURY MANAGEMENT STRATEGY STATEMENT, PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION STATEMENT FOR 2014/15**

*Councillor Roger Ramsey, Cabinet Member for Value, introduced the report*

In February 2011 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* (the CIPFA Code).

The Council was required to receive and approve, as a minimum, three main reports each year, which incorporated a variety of policies, estimates and actuals. These reports were required to be adequately scrutinised by committee before being recommended to the Council. This role was undertaken by the Audit Committee.

**Treasury Management Strategy Statement** (This report) - The first, and most important report covered:

- The borrowing and investment strategies
- Treasury Management indicators



- Prudential Indicators
- A Minimum Revenue Provision Policy (how residual capital expenditure was charged to revenue over time)

**Treasury Management Reports to Audit Committee** – This would provide an update on the prudential and treasury indicators and would include information on the current treasury position.

**An Annual Treasury Report** – This provided details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

**Reasons for the decision:**

The statutory Codes set out that the Council ought to approve a Treasury Management Strategy Statement, the MRP Strategy and the Prudential Indicators for 2014/15.

**Other options considered:**

There were no good reasons to depart from the provisions of the relevant Codes.

**Cabinet Recommends that Council approve the Treasury Management Strategy Statement, the Prudential Indicators and the Annual Minimum Revenue Provision statement for 2014/15.**

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**TABLE 7A: RESIDENTS' ASSOCIATION GROUP BUDGET SAVINGS SCHEDULE**

Ref	Description	£'000
RA1	<p><b>Interest Receivable</b></p> <p>This increases the interest receivable budget from £988,000 to £1,188,000. Interest receivable over the last two years has exceeded budget by an average of £720,000 per year. With interest rates likely to climb over the medium to longer term this increase of £200,000 can be sustained.</p>	<b>200</b>
RA2	<p><b>Revenue Contingency</b></p> <p>The Revenue contingency budget has been maintained at £2,000,000 over the last eight years. However, this is rarely used to anywhere near its capacity, for example:</p> <p>2009/10 unused - £890,000  2010/11 unused - £908,000  2011/12 unused - £1,435,000  2012/13 unused - £1,717,000</p> <p>Reducing the revenue contingency by £200,000 down to £1,800,000 still leaves adequate capacity to deal with revenue contingency items. This does not affect the General Reserve which stands at £11.5 million.</p>	<b>200</b>
RA3	<p><b>Special Responsibility Allowances (SRAs)</b></p> <p>Based on the existing scheme only, this increases the budget saving put forward by the Administration by a further £50,000. This will be achieved by undertaking a fundamental review of the level of SRAs and also the structure and number of positions across Cabinet, Overview &amp; Scrutiny and other committees/positions of responsibility. This option relates to an amendment in the Members Allowance Scheme report.</p>	<b>50</b>
	<b>TOTAL</b>	<b>450</b>

## RESIDENTS' ASSOCIATION GROUP BUDGET INCREASES SCHEDULE

Ref	Description	£'000
RA4	<p><b>Flood Prevention</b></p> <p>Given the recent flooding issues and present rainfall levels across the country, it is vital that resources are set aside to tackle the longer term risk of localised floods. Aside from the normal maintenance that is carried out, this funding would focus on de-silting and ditch clearance alongside the highway, clearing of culverts on a more regular basis allowing free flowing rivers, replacement grills that prevent down-stream blockages occurring, and increased maintenance to under road drainage channels of which there are many across the borough. A number of our rivers flow through parks so this would also reduce the risk to parks flooding by de-silting where required and, if necessary, reshape river flows in areas of greater risk. This will increase the current budget for flood prevention/maintenance from £118,900 to £218,900.</p>	100
RA5	<p><b>Promoting Business Growth in Havering</b></p> <p>This resource would have a specific focus on promoting Havering as a place to invest and do business. Working with stakeholders, such as the Havering Chamber of Commerce and the Federation of small businesses, this fund would be dedicated to setting up a signposting facility for the 500 plus empty business premises across the borough, providing greater access to business advice workshops and promoting Havering outside of the borough boundaries.</p>	100
RA6	<p><b>Align Bank Holiday Parking restrictions with Sundays</b></p> <p>This would bring parking restrictions on bank holidays into line with normal Sunday parking. Motorists may assume that Bank Holidays are the same as Sundays, thereby unwittingly running the risk of receiving a Fixed Penalty Notice. This budget option allows for consultation, signage and changes in enforcement rotas.</p>	25

RA7	<p><b>Christmas Park and Shop</b></p> <p>This allows for 2 hours free car parking in the borough's car parks in the lead up to Christmas through to the new year. The initiative is designed to boost business and promote our local economy around the festive season. The proposal will allow for the first two hours of parking free of charge in all council managed car parks. Charges beyond that period would be as per existing schedule. Scheme would apply to the two weekends before Christmas and then from Christmas eve through to New-Years day inclusive. As assessment of the associated costs (enforcement/machine adaptations, etc) has been built into the figure and will be subject to detailed analysis before implementation.</p>	<b>30</b>
RA8	<p><b>Additional Dog Waste/Litter Enforcement Officer</b></p> <p>This budget will employ an additional Enforcement Officer with a particular focus on litter/dog fouling. This will increase the enforcement team from 9 to 10 officers.</p>	<b>40</b>
RA9	<p><b>Supporting New Friends of Parks Groups</b></p> <p>Specific start-up funding available to support new and emerging 'Friends' groups. The budget would assist with hall hire, publicity and information, research and associated costs until the group is formalised.</p>	<b>15</b>
RA10	<p><b>Community Support Bank for Voluntary Sector</b></p> <p>This provides an ongoing fund available to voluntary groups on a year-to- year basis. The 'bank' will provide one-off funding parcels of up to £5,000 for eligible applications from voluntary groups.</p>	<b>50</b>
RA11	<p><b>Roads and Pavement Repairs</b></p> <p>Additional budget capacity to promote a 'rapid repair response' to road and pavement defects.</p>	<b>90</b>
	<b>TOTAL</b>	<b>450</b>

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**DRAFT RESIDENTS' ASSOCIATION GROUP #3**  
**SUMMARY OF BUDGET AMENDMENTS**  
**2014/15+**

**BUDGET SAVINGS**

	£'000
RA1 Interest Receivable	200
RA2 Revenue Contingency	200
RA3 Special Responsibility Allowances	50
Total	<b>450</b>

**BUDGET INCREASES**

RA4 Flood Prevention	100
RA5 Promoting Business Growth	100
RA6 Align Bank Holiday Parking with Sundays	25
RA7 Christmas Park 'n' Shop	30
RA8 Additional Dog Waste/Litter enforcement	40
RA9 Promoting Friends of Parks Groups	15
RA10 Community Support Bank for Voluntary Groups	50
RA11 Road and Pavement Repairs	90
Total	<b>450</b>

Net impact on Council Tax **0**

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**COUNCIL, 26TH FEBRUARY 2014**

**AGENDA ITEM 7: THE COUNCIL'S BUDGET 2014/15**

**7B: AMENDMENT BY THE LABOUR GROUP**

**Members Special Responsibility Allowances**

Reduction to allowances for Cabinet and Overview & Scrutiny positions by reviewing structure and streamlining the number of positions through the reduction in the number of Cabinet posts, Overview & Scrutiny Committees and other Committees.

Saving - £150,000.00 on the budget for 2013/14.

The saving to remain in the contingency reserve.

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**COUNCIL, 26<sup>th</sup> FEBRUARY 2014**

**REPORT OF THE GROUP DIRECTOR RESOURCES**

**SUBJECT: MEMBERS' ALLOWANCES**

**SUMMARY**

The Council is obliged to make a Members' Allowances scheme annually, before the 1<sup>st</sup> of April each year.

This report proposes no changes to the existing scheme although it is planned to reduce the number of Special Responsibility Allowances in payment for 2014/15. In reviewing the scheme, regard was given to the May 2010 report of the Independent Remuneration Panel of London Councils' and the allowances in the scheme are set with regard to their bands of recommendations. The current level of allowances have remained unchanged since 2007/08.

**RECOMMENDATIONS**

It is recommended:

1. That the Members' Allowances scheme becomes effective from 1<sup>st</sup> April 2014 and the existing scheme be revoked with effect from the same date.
2. That subject to the decision of Members with regard to recommendation 1, the total number of SRAs will be reduced to 27 which is in line with the Government's recommendations for the proportion of SRA's.

## REPORT DETAIL

### 1. BACKGROUND INFORMATION – THE CURRENT SCHEME

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 provides that a Local Authority shall make a scheme in accordance with these Regulations in respect of each year. Regulation 10 provides that such a scheme shall be made before the beginning of each year commencing on 1<sup>st</sup> April. Such a scheme may be amended during the year, but only revoked with effect from the beginning of a year.
- 1.2 In establishing the Members' Allowances scheme, regard has been given to the May 2010 report of the Independent Remuneration Panel of London Council's and the allowances in the scheme have been set with regard to their bands of recommendations.
- 1.3 The level of allowances has remained unchanged since 2007/08.
- 1.4 The Mayors and Deputy Mayors Allowances have been reduced from £14,418 and £7,650 respectively.
- 1.6 The proposed list of members' allowances is as follows:

Category of Allowance	Amount Per Member £
<b><u>Basic Allowance</u></b>	10,208
<b>Special Responsibility Allowances:</b>	
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	12,000
Deputy Mayor	4,000
Overview and Scrutiny Committees Chairmen	14,418
Licensing and Regulatory Services Committee Chairmen	20,430
Audit, Pensions, Highways and Governance Committees Chairmen	7,650

*Note:*

1. In accordance with paragraph 4(c) of the Members' Allowance scheme, when a Councillor would otherwise be entitled to more than one special responsibility allowance, then the entitlement shall be to only one, that being the one attracting the higher rate.

## **2. Basic Allowance**

- 2.1 Each Member of the Council receives a Basic Allowance of £10,208. In accordance with the 2013/14 scheme, this is subject to an inflationary increase in line with the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement. No increase has been proposed at this stage.
- 2.2 If a Councillor becomes entitled to any allowance during the year, he/she is entitled to the relevant proportion of that allowance as set out in the Constitution.

The basic allowance covers all intra-borough travel costs and subsistence.

- 2.3 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000, or Regulations made under that part, the part of basic allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended will be withheld by the Council.

## **3. Special Responsibility Allowance**

- 3.1 When a Councillor would otherwise be entitled to more than one special responsibility allowance, then the entitlement shall be to only one, that being the one attracting the higher rate.
- 3.2 Where a Member is suspended or partially suspended from his responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000, or Regulations made under that part, the part of Special Responsibility allowance payable to him in respect of the period for which he/she is suspended or partially suspended will be withheld by the Authority.

The Scheme provides that only basic allowances will be increased from 1<sup>st</sup>

April in line with the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement.

- 3.3 Statutory Government Guidance recommends that only a maximum of 50% SRAs should be paid. It is proposed that the number of cabinet members and scrutiny chairmen be reduced by five posts from 32 to 27 which would reduce the proportion of SRA's to 50% (in line with the Government's recommended level)
- 3.4 The Mayor and Deputy Mayor allowances cover the cost of all Mayoral activities such as clothing, personal expenses and sundry expenses - including items such as attendance at dinners, raffle tickets, sponsorship and donations.

The Mayor and Deputy Mayor are responsible for all such payments via the SRA which will be taxed. The Council meets the cost of:

- the Mayor's "At Home" and other Havering Civic receptions;
- award pins and certificates at the civic award ceremony;
- the medals, certificates and frames in the event of there being any ceremony associated with Honorary Alderman/Freeman of the Borough awards;
- gifts given on behalf of the Council in reciprocation or gifts initiated by the Council for promotional purposes;
- the cost of maintaining and provisioning the beverage machine in the Parlour;
- postage costs and all costs associated with the Mayoral transport, robes etc.

#### 4. **Dependent Carers Allowance**

Any costs arising from being a Dependent Carer should be met by the Basic Allowance.

#### 5. **Travelling and Subsistence Allowance**

Subject to the conditions set out below, Travelling and Subsistence allowances are only payable for official Council business outside of the Borough.

Travel and subsistence arrangements for key events, e.g. Town Twinning will be set in line with the above. However, taking account of the

practicalities of arrangements, these will be set out and documented by the Group Director, Finance and Commerce prior to each event and be agreed with the Cabinet Member for Finance & Commerce.

The rules and entitlements for reimbursement of travel expenses outside of the Borough are the same for Officers, Members and co-opted Members and, hence, are currently as follows:

#### 5.1 **Public Transport**

The rate for travel by public transport shall not exceed the amount of the ordinary (second class) fare or any available cheap fare.

The authorising officer may authorise the use of car rather than public transport where it is more economical or practical to do so (taking account of matters such as the comparative journey times, start times, numbers travelling, equipment being transported etc). The relevant authorising officer in doing this must have due regard to the cost effectiveness of any such decision. Prior approval must be sought where mileage claims are likely to exceed the cost of public transport

#### 5.2 **Private Motor Vehicle**

The current rates for travel in a Member's own private motor vehicle, or one belonging to a member of their family or otherwise used by the Member based on casual user rates of up to 8,500 miles per annum are:

Cylinder capacity up to 999cc 46.9p per mile  
Cylinder capacity over 1,000cc 52.2p per mile

#### 5.3 **Taxi/Mini-cabs**

The rates for travel by taxi or mini-cab shall not exceed:

- In cases of urgency or where no public transport is reasonably available the amount of the actual fare and any reasonable gratuity paid;
- In any other case, the amount of the fare which would have been paid for travel by appropriate public transport.

#### 5.4 **Subsistence Allowance**

Under the Building a Healthy Organisation, a change agreed for subsistence is "to limit the entitlement to claims for meals under the subsistence allowance arrangement for staff undertaking duties away from

their normal place of work to where those duties entail an overnight stay or working outside normal office hours”.

In respect of these subsistence allowances, the amounts payable shall not exceed the following rates, other than normal inflationary increases agreed as part of pay settlements:

<b>Breakfast Allowance</b> – More than 4 hours away from normal place of residence before 11 a.m.	£4.48
<b>Lunch Allowance</b> – More than 4 hours away from normal place of residence including lunchtime between 12.00 and 14.00 hours.	£6.17
<b>Tea Allowance</b> - More than 4 hours away from normal place of residence including the period 15.00 to 18.00 hours.	£2.43
<b>Evening Meal Allowance</b> – More than 4 hours away from normal place of residence after 19.00 hours.	£7.64
Overnight absence for the purpose of attendance at an annual conference (with or without an annual meeting) e.g. the Local Government Association or such other association of bodies as the Secretary of State may, from time to time, approve or other professional institute bodies	The full cost of accommodation as arranged and agreed by the Council and the reasonable cost of meals taken at the place of accommodation (where provision for meals is available).
Other overnight absence which arises from Council business will be based on the Officer rate as detailed here. If, however, in a particular case, accommodation cannot be found then other arrangements will be approved by the Group Director Resources prior to booking and be in line with the above.	£50.97

Allowances are payable on the basis of expenditure incurred and Members will be reimbursed actual expenditure incurred up to a maximum of the rates set out above. Receipts must be submitted to support claims for subsistence allowance and travel costs. Petrol receipts are required to support mileage claims.



## **6. 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 will not be paid subsistence.

## **7. Pensions**

These are not available.

## **8. Election to Forgo Allowances**

A person may, by notice in writing given to the proper officer of the authority, elect to forgo his/her entitlement or any part of his/her entitlement to allowances.

## **9. Claims and Payments**

A time limit of three months exists for Havering in line with the rules for Officers for the making of claims.

## **10. Other Requirements of a Scheme**

There are a number of other requirements of a scheme and Havering complies with these by:

- maintaining the scheme subject to any amendments agreed;
- publishing the scheme once approved or amended in a newspaper in the area and for copies to be available for inspection by the public;
- providing that if the Council amends the scheme mid year to change the amount of any allowance, a Councillor entitled to that allowance will receive the allowance at the new level from the date the

amendment takes effect;

- ensuring a further scheme is in place before any revocation of the scheme takes place;
- including the scheme provision to ensure that where a member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties;
- maintaining records of allowances and payments made and publishing these annually.

The London Council's Independent Review Panel published a report, The Remuneration of Councillors in London 2010, in May 2010. The report is available on the London Council's website.

This discusses the role of Councillors and sets out recommended allowance levels. This includes the basic allowance and special responsibility allowances.

Special Responsibility Allowances are presented in 5 bands determined by the types of role a Member may have. The allowance levels for each band are shown in a range and as a percentage of the remuneration package for a Council Leader. This gives flexibility and takes into account the different level of complexity similar roles may have between Councils.

Due consideration of this report has been taken in determining the proposed scheme.

## **11. Health and Well Being Board**

As a consequence of the transfer of Public Health responsibilities to the Council a Health and Well Being Board was established in April 2013. As this is a formal Committee of the Council a Chair's allowance would become payable although any additional cost would be met from the Public Health Grant. Based upon current occupancy no allowance has been paid.

### **Financial Implications and Risks:**

The cost of the existing scheme on the basis of single occupancy of SRA positions is £1,157k. The cost on the basis of the existing occupancy is £1,115K plus National insurance of £109K (£1,224k in total). These figures exclude any inflation increase for 2014/15 as they have yet to be agreed.

The 2013/14 budget provision is £1,195k and is sufficient to meet existing scheme costs based upon the current number of committees and allowances payable. A saving of £100k in members allowances is included in the MTFS effective from 2014/15. The proposed reduction in the number of SRA's from 31 to 26 in 2014/15 will enable these savings to be achieved.

**Human Resource Implications and Risks:**

None arising directly. Travel, subsistence and allowance increases are in line with those of Officers.

**Legal Implications and Risks:**

The 2003 Regulations provide for an allowance scheme to be made each year prior to and with effect from 1st April and the revocation of a scheme with effect from the same date. It is permissible to amend the scheme during a year but not to make a new scheme other than at 1st April.

The Regulations set out various detailed requirements in respect of:

- publicity
- categories of special responsibility allowances
- basic allowances being the same for all members
- co-optees' allowances etc.

In addition the Regulations provide that an Independent Remuneration Panel's report shall as soon as reasonably practicable after it is received, be made available for public inspection and the main features of the report be published in one or more newspapers circulating in its area.

Regulation 19 provides that before a local authority makes or amends a scheme, the authority shall have regard to the recommendations made to it by an independent remuneration panel. This does not mean that a local authority has to adopt only those recommendations but it does mean that if an authority is going to depart from those recommendations it should objectively justify those departures and the rationale for them so that if the decision making of the authority is called in to challenge there are both reasoned and reasonable grounds for its decision taking into account all the material factors in issue.

Payments for greater than 50% of Special Responsibility Allowances might be justified as set out in paragraph 3.3.

**Staff Contact: Andrew Blake-Herbert**

**Title: Group Director  
RESOURCES**

**Telephone: 01708 432218**

**CHERYL COPPELL  
Chief Executive**

**Background Papers**

None

## Members' Allowances Scheme

*Agreed at the meeting of the Council on 29th February 2014. The new Scheme is agreed with effect from 1<sup>st</sup> April 2014 and the revocation of the Members' Allowance Scheme (2014) is effective from 31<sup>st</sup> March 2014.*

The Council of the London Borough of Havering in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 hereby makes the following scheme:

- 1 This scheme may be cited as the Havering London Borough Council Members' Allowance Scheme. The new scheme shall have effect from 1<sup>st</sup> April 2014.
- 2 In this scheme, "councillor" means a councillor of the London Borough of Havering and "year" means the period ending on 31<sup>st</sup> March 2015 and any period of 12 months ending on 31<sup>st</sup> March in any year after 2015.
- 3 **Basic allowance (Schedule 1)**  
  
Subject to paragraphs 7 and 12, for each year a basic allowance of £10,208 shall be paid to each councillor.
- 4 **Special responsibility allowance (Schedule 1)**
  - (a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the Council that are specified in schedule 1 to this scheme.
  - (b) Subject to paragraph 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
  - (c) When a councillor would otherwise be entitled under the scheme to more than one special responsibility allowance, then the entitlement shall instead be only to one of them, being the one attracting the higher rate.
  - (d) Where a member is also a Member of another Authority, that Member may not receive allowances from more than one Authority in respect of the same duties.

**5 Child and dependent care allowance**

These expenses are expected to be met from the Basic Allowance.

**6 Renunciation**

A Councillor may by notice in writing given to the Group Director Finance and Commerce elect to forego any part of his/her entitlement to an allowance under this scheme.

**7 Part-year entitlements**

(a) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(b) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

(i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

The entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

(c) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her terms of office subsists bears to the number of days in that year.

(d) Where this scheme is amended as mentioned in paragraph 7(b), and the term of office of a councillor does not subsist throughout

the period mentioned in paragraph 7(b)(i), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a councillor subsists bears to the number of days in that period.

- (e) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (f) Where this scheme is amended as mentioned in paragraph 7(b), and a councillor has during part, but does not have throughout the whole, of any period mentioned in paragraph 7(b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

## **8 Travelling and Subsistence (Schedule 2)**

- (a) Members can claim travelling expenses for travelling outside of the Borough on official Council business as set out in Schedule 2.
- (b) Members can claim subsistence expenses on official Council business when outside of the Borough as set out in schedule 2.

## **9 Claims and payments**

- (a) Payments shall be made in respect of basic and special responsibility allowances, subject to paragraph 8(b), in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.
- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled,

then payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- (c) Payments in respect of Travel and Subsistence shall be made to the Councillor on receipt of a claim form with supporting receipts/vouchers. Claims must be made within three months of the claim arising.

**10 Pension Scheme**

No Member in the scheme is entitled to apply for inclusion in the Pension Scheme.

**11 Financial Limits**

The Group Director Finance and Commerce will arrange for the budget for members Allowances to be monitored to ensure that budgetary issues are reported to Members.

**12 Increases in Allowances**

Basic Allowances as quoted will be updated for 2014/15 by any 2014/15 increases as agreed under the annual Local Government Pay Settlement of the Joint Negotiating Committee for Chief Officers of Local Authorities or its replacement under the local pay agreement. The amounts so calculated are to be rounded up to be divisible for payment purposes.

The amended basic allowance will be found on the Internet once any annual % uplifts have been agreed.

The Travelling and Subsistence allowances will be increased in line with the increase in officer rates.

**13 Suspension of Basic and Special Responsibility Allowance**

Where a Member is suspended or partially suspended from his responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000, or Regulations made under that part, the part of Basic and Special Responsibility allowance payable to him in respect of the period for which he is suspended or partially suspended will be withheld by the Authority..

**14 Mayor and Deputy**

The Mayor and Deputy Mayor allowance covers the cost of all Mayoral activities such as clothing, personal expenses and sundry expenses -



including items such as attendance at dinners, raffle tickets, sponsorship and donations.

The Mayor and Deputy Mayor will be responsible for all such payments via the SRA, which will be taxed. The Council will meet the cost of:

- the Mayor's "At Home" and other Havering Civic receptions, award pins and certificates at the civic award ceremony;
- medals, certificates and frames in the event of there being any ceremony associated with Honorary Alderman/Freeman of the Borough awards;
- gifts given on behalf of the Council in reciprocation or gifts initiated by the Council for promotional purposes;
- maintaining and provisioning the beverage machine in the Parlour;
- postage costs and all costs associated with the Mayoral transport, robes etc.

#### 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.

#### 16 **Note**

- (a) The Council is required to keep a record of the payments made by it in accordance with this scheme.
- (b) The record is required to be available for inspection at all reasonable times free of charge by any local government elector for the borough who may make a copy of any part of it.
- (c) The Council is also required to arrange publication of the total sums paid in each year to each member in respect of basic and special responsibility allowances.
- (d) The Council is required to arrange publication of the Scheme when approved.

## Schedule 1: Members' allowances

Category of Allowance	Amount Per Member £
<b>Basic Allowance</b>	10,208
<b>Special Responsibility Allowances:</b>	
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	12,000
Deputy Mayor	4,000
Overview and Scrutiny Committees Chairmen	14,418
Licensing and Regulatory Services Committee Chairmen	20,430
Audit, Pensions, Highways and Governance Committees Chairmen	7,650

**NOTES:** The basic allowance will be uplifted each year in accordance with paragraph 12.

## Schedule 2: Travel and Subsistence

Travelling expenses can only be claimed for travel outside of the borough on official Council business. The rules and entitlements for reimbursement of travel outside the Borough are the same as those for Officers

Subsistence allowances are only payable for official Council business outside the Borough where the duties entail an overnight stay or working outside 'normal office hours'. Members will be reimbursed actual expenditure incurred up to the maximum of the rates set for Officers

Allowances are payable on the basis of expenditure incurred and receipts must be submitted to support claims for subsistence allowances and travel costs

Travel and subsistence arrangements for key events, e.g. Town Twinning will be set in line with the above. However, taking account of the practicalities of

arrangements, these will be set out and documented by the Group Director Resources, prior to each event and be agreed with the Cabinet Member for Value.

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