



# Haverling

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

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Tuesday 10 September 2013</b>	<b>Town Hall Main Road Romford</b>
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Members 13: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 8 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 2 )**

**Independent  
Residents' Group  
( 1 )**

Frederick Thompson  
(Chairman)  
Becky Bennett (Vice-  
Chair)  
Michael Armstrong  
Robert Benham  
Andrew Curtin  
Steven Kelly  
Roger Ramsey  
Michael White

Clarence Barrett  
Gillian Ford

Keith Darvill  
Paul McGeary

Jeffrey Tucker

**Membership is subject to possible change,  
consequent upon Council decision on 4 September**

For information about the meeting please contact:  
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## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

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

### 2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

### 3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

### 4 MINUTES (Pages 1 - 20)

To approve as a correct record the minutes of the Committee held on 29 May 2013, and to authorise the Chairman to sign them.

### 5 REVISED PROCEDURE FOR COUNCIL QUESTIONS (Pages 21 - 24)

### 6 APPOINTMENT OF INDEPENDENT PERSON (Pages 25 - 28)

### 7 PENSIONS COMMITTEES - TERMS OF REFERENCE AND CONSTITUTION (Pages 29 - 36)

### 8 MONITORING OFFICER'S REPORT - NR 20 (Pages 37 - 40)

### 9 MONITORING OFFICER'S REPORT NR 21 (Pages 41 - 44)

**Andrew Beesley**  
**Committee Administration**  
**Manager**

# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Town Hall, Main Road, Romford  
29 May 2013 (7.30 - 8.00 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Frederick Thompson (Chairman), Becky Bennett (Vice-Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White, Michael Armstrong and Andrew Curtin

**Residents' Group** +Linda Hawthorn and +Ray Morgon

**Labour Group** Keith Darvill

**Independent Residents Group** Jeffrey Tucker

**+ Substitute Members:** Councillors Ray Morgon (for Clarence Barrett) and Linda Hawthorn (for Gillian Ford)

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

Apologies for absence were received from Councillors Clarence Barrett, Gillian Ford and Paul McGeary

There were no disclosures of pecuniary interest but each Member declared an interest in item 2.

**1 MINUTES**

The minutes of the meeting held on 13 March 2013 were agreed as a true record and signed by the Chairman.

**2 APPOINTMENTS TO OTHER ORGANISATIONS, 2013/14**

The Committee considered the recommendations by each of the Groups for the appointment of Members to the various organisations as they were presented. The majority of the proposed recommendations were accepted without a vote. In the instance of the appointment to the Orchard Village Neighbourhood Management Board Councillor Tucker proposed Councillor Michael Deon Burton, but this was not seconded. Councillor Tucker asked that his observation that "disliking a person was not a good reason to vote against them" be included in the Minutes.

The Leader proposed Councillor Andrew Curtin to the Local Government Association Urban Commission and Councillor Ray Morgan proposed Councillor Clarence Barrett. As both proposals were seconded, the matter was put to the vote:

In favour of the motion that Councillor Andrew Curtin be appointed to the LGA Urban Commission: Councillors: Frederick Thompson, Becky Bennett, Michael White, Steven Kelly, Roger Ramsey, Robert Benham, Michael Armstrong and Andrew Curtin.

Against the motion: Councillors: Ray Morgon, Linda Hawthorne and Keith Darvill.

Abstained: Councillor Jeffrey Tucker.

The motion was **CARRIED** by eight votes to three.

In addition to agreeing the nominations as shown in the appendices to this Minute, the Committee **RESOLVED**

To confirm that the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Michael White (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either is unable to vote in person).

That Councillor Andrew Curtin be nominated to continue to represent Havering on the Lee Valley Regional Park Authority.

### 3 **CHANGES TO THE CORPORATE HEARINGS PROCESS**

Members were informed that on 19 January 2009, a report was presented to the Adjudication and Review Committee inviting it to adopt an assessment phase for screening requests for hearings in order to ensure that only cases which had merit – and to which Councillors could make positive contributions – were passed on for a full hearing.

The model suggested was based on the Assessment Sub-Committee then in use – to good effect - by the Standards Committee. The need for such a mechanism had become apparent after Members had registered dissatisfaction at having to consider appeals about which they could do little or nothing and which had placed a time burden on both staff and Councillors as well as the cost of the rooms and materials supporting those hearings.

In order to ensure that Councillors remained integral to Stage Three, the Initial Assessment Panel (IAP) was set up and now consists of three Councillors (one of whom was either the Chairman of the Adjudication and Review Committee or one of its Vice Chairs). The IAP was designed to be informal and could be held at short notice in order to determine whether a complainant's case should progress to a full hearing or not.

### **Changes to the Constitution**

Because the introduction of Initial Assessment Panels was an experiment, to date it had not been appropriate for any changes to be made to the Constitution. The Committee was invited to recommend to Council certain minor changes to the Constitution which would allow it to continue using IAPs in the future.

The Committee **RESOLVED** to **RECOMMEND** to Council that:

- 1 The arrangements for the continued use of Initial Assessment Panels be approved
- 2 That the changes to the relevant Procedure Rules set out in the Appendix to this Minute be approved.

#### **4 MONITORING OFFICER NO 16 AMENDMENTS TO THE CONSTITUTION**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

#### **5 MONITORING OFFICER NO 17 AMENDMENTS TO THE CONSTITUTION**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

#### **6 MONITORING OFFICER NO 18 AMENDMENTS TO THE CONSTITUTION**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

#### **7 MONITORING OFFICER NO 19 AMENDMENTS TO THE CONSTITUTION**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

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**Chairman**

# Minute Item 2

## APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2013/14

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

Grants Committee	Representative (1): Cabinet Member – Value  Deputy (up to 4): Deputy Leader of the Council, Cabinet Member – Towns & Communities & Cabinet Member-Transformation
Greater London Provincial Council	Representative: Cabinet Member – Value Deputy Representative: Deputy Leader of the Council  Leader of the Council

**APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2013/14**

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



ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Havering Bands and Majorettes Association - Executive Committee - 3	Councillors Andrew Curtin, Osman Dervish and Linda Hawthorn
Havering & Brentwood Bereavement Service - 1	Councillor Wendy Brice-Thompson
Havering Chamber of Commerce and Industry	Leader of the Council
Havering Children's Trust	Cabinet Member – Children & Learning
Havering Community Safety Partnership – 2	Cabinet Member– Community Safety and the Acting Assistant Chief Executive, Legal and Democratic Services
Havering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Cabinet Member – Value, Cabinet Member- Transformation, Leader of the Opposition Group and Councillor Linda van den Hende
Havering Local Strategic Partnership - 3	Leader of the Council, Deputy Leader of the Council and Leader of the Opposition
Havering Police and Community Consultative Group - 9	Cabinet Member- Community Safety and Councillors Roger Evans (Elm Park & Hylands); Paul Rochford (Emerson Park & Harold Wood); Lynden Thorpe (Squirrels Heath & Pettits); Denis O'Flynn (Harold Hill); Nic Dodin (Hornchurch); Billy Taylor (North Romford); Fred Osborne (Romford & Brooklands); Michael Deon Burton ( South Hornchurch & Rainham); Ron Ower (Upminster & Cranham)

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Havering Sports Council - 5	Cabinet Member – Towns & Communities, Councillors Osman Dervish, Garry Pain, John Mylod and Denis Breadding.
Havering Sixth Form College	Cabinet Member – Children & Learning (till July 2014) Councillor Wendy Brice Thompson (till July 2013)
Havering Theatre Trust - 3	Cabinet Member - Value, Cabinet Member – Transformation and Councillor Gillian Ford.
Havering Twinning Educational Association	Councillor Melvin Wallace
Hornchurch Housing Trust (Nomination Trustees) - 6	Ms Pamela Freer and Mr David Williams (until February 2015) Councillor Eric Munday and Councillor Ted Eden (until February 2017)
Joint O&S East London Solutions	Mr Ivor Cameron and Mrs Peggy Munday (until February 2014)
Lee Valley Regional Park Authority (indirect appointment via nomination to London Councils)	Councillor Rebecca Bennett Deputies: Councillor Wendy Brice-Thompson, Councillor Frederick Thompson, Councillor Robby Misir.
Local Government Association General Assembly - 4	Councillor Andrew Curtin (until June 2017)
	Leader of the Council, Deputy Leader of the Council, Cabinet Member, Value and Leader of the Opposition

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Local Government Association Tourism Forum - 1	Cabinet Member – Towns & Communities
Local Government Association Urban Commission- 2	Cabinet Member – Community Empowerment Councillor Andrew Curtin
London City Airport Consultative Group (indirect appointment via nomination to London Council)	Councillor Barry Tebbutt (until April 2015)
London Home & Water Safety Council	Councillors Keith Wells
London Road Safety Council	Councillors Wendy Brice-Thompson and John Mylod
London Youth Games-1	Cabinet Member – Towns & Communities
Lucas Children’s Play Charity Nominative Trustees – 2	Councillors Andrew Curtin and Councillor Linda Hawthorn (appointed till November 2015)
North East London NHS Foundation Trust - 1	Cabinet Member – Individuals
Orchard Village Neighbourhood Management Board Poyntz (a.k.a. Richard Poyntz’s) and other charities	Cabinet Member- Housing, Cabinet Member-Transformation, Rebecca Bennett and Denis Breading Councillor June Alexander (until March 2016) Mr David Livermore (until March 2016) Rev. George Baisley (until March 2016)

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Relate North East	Councillors Keith Wells and John Wood
Reserve Forces & Cadets Association	Councillor Peter Gardner
Romford Town Centre Partnership	Leader of the Council, Cabinet Member – Community Empowerment (Deputy) and Chief Executive
Romford Combined Charity <u>Nominative Trustees - 2</u>	Councillor Michael Armstrong, Councillor Andrew Curtin and (until 3.11.14) Wif Mills (until 3.11.16) Councillor Melvin Wallace (until 25.10.15))
Second Chance Theatre for the People	Councillor Andrew Curtin
Standing Advisory Council for Religious Education (SACRE) - 5	Cabinet Member- Children & Learning, Councillors Wendy Brice-Thompson (co-optee), Damian White, Pam Light, Gillian Ford and Paul McGeary
Tenant Management Organisations	BETRA (Gooshays) – Councillor Keith Wells DELTA (Squirrels Heath) – Councillor Lynden Thorpe PETRA (St Andrews) – Councillor Garry Pain
Thames Regional Flood Defence Committee- 1	Cabinet Member – Environment (until November 2014)
Upminster Windmill Preservation Trust	Councillor Linda Hawthorn
Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member – Transformation
Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member – Transformation

## Changes to the Constitution

1. Because the introduction of Initial Assessment Panels was an experiment, to date it has not been appropriate for any changes to be made to the Constitution. If the Committee is minded to continue using IAPs in the future, it will be necessary to make mention of them in Part 3, 1.2 Functions delegated to general council committees. The changes proposed are:

Add wording in Hearings Panels, General hearings to read:

*“Initial Assessment Panels – To assess complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure”*

And amend existing wording to read:

*“To consider complaints by service users referred to them by Initial Assessment panels relating to the service made available to them in accordance with the authority’s agreed Corporate Complaints procedure.”*

2. The above changes will ensure that, in the event of a challenge to any decision to reject a hearings request by a complainant because the IAP is not a formal part of the procedure, the Council has taken steps to eliminate any such charge and thereby eliminated any potential claim for damages or charge of maladministration.

# Minute Item 4

## SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 16

Date 23<sup>rd</sup> April 2013

### Notification of amendments to the constitution

#### Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 3.2	39	Remove Health & Wellbeing Board section and insert a new section 2.7 as follows:  <b>2.7 Health &amp; Wellbeing Board</b> The Health and Wellbeing Board is by virtue of the provision of the Health and Social Care Act 2013 an executive committee of the Council to exercise those functions prescribed under the Health and Social Care Act 2012. In particular to: .....	Error – this is an executive function
Part 3.2	44	Remove Health & Wellbeing Board – Health Protection Forum to new section under 2.7  <b>Health Protection Forum</b> To provide assistance and guidance to the Director of Public Health to enable them to fulfil their function with regard to health protection and emergency planning as prescribed in section 12 of the Health and Social Care Act 2012	Error – this is an executive function

## SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 17

Date 29th April 2013

### Notification of amendments to the constitution

#### Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

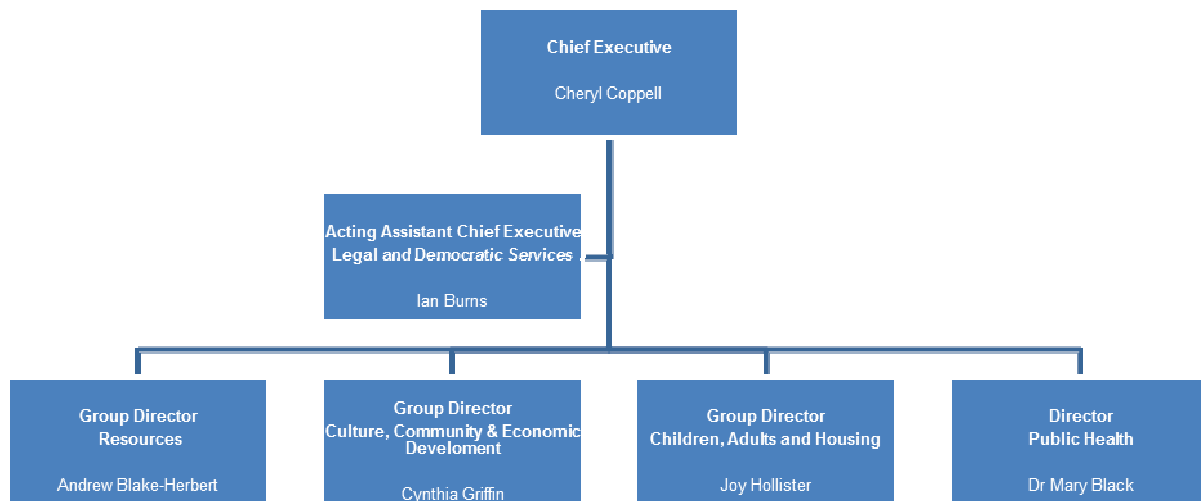
Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Part 2 Article 1 1.03(b)	11	Amend item 3 in 1.03(b) to: Director of Children Services (appointed under S.18 Education Act 2004) and Director of Adult Social Services appointed under S.6 (A1) Local Authority Social Services Act 1970) (i.e. the Group Director of Children, Adults and Housing Services)	Reorganisation
Part 2 Article 1 1.03(b)	11	Delete item 4 in 1.03(b) and renumber item 5 to become item 4 and amend to: S.151 Officer (i.e. the Group Director Resources)	Reorganisation
Part 2 Article 1 1.03(b)	11	Renumber item 6 to item 5 and amend the name of the group director to: .. Group Director & Culture, Community & Economic Development	Reorganisation
Part 2 Article 1 1.03(b)	11	Renumber item 7 to item 6	Reorganisation
Part 2 Article 8 8.01(c)	21	Amend table of statutory posts to:  Group Director Resources = responsible officer under S.151 Local Government Act 1972 (Chief Finance Officer)  Group Director Children, Adults &	Reorganisation

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		Housing Services = Director of Adult Social Services and Director of Childrens Services	
Part 3	59	Functions delegated to staff  Amend to read:  3.5 Functions relating to the Children, Adults & Housing group of services  3.6 Functions relating to the Culture, Community & Economic Development group of services  3.7 Functions relating to the Resources group of services	Reorganisation
Part 3.5	66	Amend to read:  <b>Functions relating to the Children, Adults &amp; Housing group of Services</b>	Reorganisation
Part 3.5.1	66	Amend to read:  Group Director Children, Adults & Housing Services	Reorganisation
Part 3.5.2	66	Delete 3.5.2 Group Director Children's Services and renumber section.	Reorganisation
Part 3.5.7	66	Add new section 3.5.7 Head of Homes and Housing	Reorganisation
Part 3.5.1	66	Amend heading to read:  <b>3.5.1 GROUP DIRECTOR CHILDREN, ADULTS AND HOUSING SERVICES</b>	Reorganisation
3.5.1	66	Deleted paragraph (h)	Reorganisation
3.5.2	67	Delete 5.5.2 Group Director Children's Services and	Reorganisation
3.5.2	67	Move 3.5.2 Group Director of Children's Services powers (a) (b) (f) (h) (i) (j) To 3.5.1 Group Director Children, Adults & Housing Services and renumber. Delete Group Director of Children	Reorganisation



<b>Part and article/ section</b>	<b>Page reference</b>	<b>Substance of amendment / amended wording</b>	<b>Reason for amendment</b>
		Services paras (c), (d), (e) and (g)	
3.5.4	69	Reorder 3.5.4 to 3.5.3 Amend (c) heading to read <b>The Head of Children and Young Person's Services and the Head of Learning and Achievement</b>	Reorganisation
3.5.3	69	Reorder 3.5.3 to 3.5.2	Reorganisation
3.5.5	69	Reorder 3.5.5. to 3.5.4	Reorganisation
3.5.6	75	Reorder 3.5.6 to 3.5.5	Reorganisation
3.5.7	78	Reorder 3.5.7 to 3.5.6	Reorganisation
3.5.7	80	Add New section <b>3.5.7 Head of Homes &amp; Housing</b>	Reorganisation
3.6	80	Amend heading to read: <b>Functions relating to the Culture, Community and Economic Development Group of Services</b>	Reorganisation
3.6	80	Amend to read <b>3.6.1 to Group Director Culture, Community and Economic Development</b>	Reorganisation
3.6	80	Amend to read <b>3.6.6 Head of Regulatory Services</b>	Reorganisation
3.6.2	81	Move paragraphs 3.6.2 (c) & (f) to 3.6.6 and renumber	Reorganisation
Part 3.6.5	86	Move paragraphs 3.6.5 (e) (f) & (g) to 3.6.6 and renumber	Reorganisation
Part 3.6.6	87	Amend heading to read: <b>3.6.6 Head of Regulatory Services</b>	Reorganisation
Part 3.6.6	87	Move paragraphs 3.6.6 (a) to (dd)(xv) to new 3.5.7	Reorganisation
Part 3.6.6	91	Add new Heading: <b>Planning Control, Building Control &amp; Business Continuity</b>	Reorganisation

<b>Part and article/ section</b>	<b>Page reference</b>	<b>Substance of amendment / amended wording</b>	<b>Reason for amendment</b>
Part 3.6.6	91	Rename (ee) Licensing as a heading <b><u>Licensing</u></b>	Reorganisation
Part 3.6.6	91	Rename first paragraph: (a) The Head of Regulatory Services, the Public Protection Manager and any of the Public Protection Divisional Managers	Reorganisation
Part 3.6.6	92	Rename (ff) Public Protection as a heading <b><u>Public Protection</u></b> and renumber paragraphs from (a) – (d)	Reorganisation
Part 3.6.6	93	Rename second paragraph: (ii) Cemeteries and Crematorium as a heading <b><u>Cemeteries and Crematorium</u></b> and renumber paragraph from (a) – (c)	Reorganisation
Part 3.7	94	Rename heading to read: <b>Functions relating to the Resources Group of Services</b>	Reorganisation
Part 3.7	94	Rename: <b>3.7.1 GROUP DIRECTOR RESOURCES</b>	Reorganisation
Part 3.7.1	94	3.5.1 rename: Group Director Resources	Reorganisation
Part 3.7.1	94	Delete 3.7.6 Head of Development and Building Control renumber 3.7.6 Head of People and Change	Reorganisation
Part 3.7.6	99	Move section 3.7.6 Planning Control, Building Control & Emergency Planning to 3.6.6 <b>Planning Control (a) – (cc)</b> <b>Building Control (a) - (c)</b> <b>Emergency Planning (a)</b>	Reorganisation
Part 4 Section 4 Contract Procedure Rules	187-219	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 4 Section 2 Budget Framework	173-178	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 4 Section 7 Finance	257-274	Amend all references of Group Director Finance & Commerce to Group Director Resources	Reorganisation
Part 7 Structure Chart	353	Structure chart to be amended to reflect Reorganisation	Reorganisation



# Minute Item 6

## SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 18

Date 1<sup>st</sup> May 2013

### Notification of amendments to the constitution

#### Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Section 3.7	95		
3.7.1 (g)	96	Rename: Head of People and Change	
Part 3.7.7	105	To read:	Change of job title
Part 4 – 8 Staff Employment Procedure Rules	286	Head of Strategic Human Resources and Organisational Development	
Whole Constitution	Throughout	Rename : Group Director Finance & Commerce  To read:  Group Director Resources	Change of job title
Whole Constitution	Throughout	Rename:  Head of Development and Building Control  To read:  Head of Regulatory Services	Change of job title

## SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 19

Date 14<sup>th</sup> May 2013

### Notification of amendments to the constitution

#### Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
Whole Constitution	Throughout	Rename: Social Care & Learning  To read: Children, Adults & Housing	Restructure
Whole Constitution	Throughout	Rename: Culture & Community  To read: Culture, Community & Economic Development	Restructure
Contents Page	1	Rename: Head of Housing & Public Protection  To read: Head of Regulatory Services	Restructure
Article 1 1.03 Definitions (b) 6	12	<b>Director of Public Health</b> Amend first paragraph to read:  Those in categories <b>1 – 4</b> and <b>6</b> are statutory chief officers, those in category <b>5</b> are non-statutory	Restructure
Part 3.1.3	35	Amend to read 3.5 Children, Adults & Housing 3.6 Culture, Community & Economic Development 3.7 Resources	Restructure

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		3.8 Legal & Democratic	
Part 3.5.3	69	Delete: <b>ALL HEADS OF SERVICE WITHIN THE HEAD OF CHILDREN AND YOUNG PERSON'S SERVICES AND THE HEAD OF LEARNING AND ACHIEVEMENT</b>  Amend to read: <b>ALL HEADS OF SERVICE</b>	Restructure
Part 3.3 Appendix A	111	Rename all: Head of Housing & Public Protection  To read: Head of Regulatory Services	Restructure

## GOVERNANCE COMMITTEE

<b>Subject Heading:</b>	Revision of Procedure for Council Questions
<b>CMT Lead:</b>	Ian W. Burns
<b>Report Author and contact details:</b>	Ian W. Burns Acting Assistant Chief Executive <a href="mailto:ian.burns@havering.gov.uk">ian.burns@havering.gov.uk</a> 01708 432484
<b>Policy context:</b>	
<b>Financial summary:</b>	There are no financial implications involved in this report

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

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

### SUMMARY

With the formation of a fifth Group on the Council (UKIP) and following consultation with the Administration, proposals are put forward to revise the procedure for deciding the number of Council questions which can be submitted at a Council meeting. The report also reviews the current distribution rights for Council questions.

### RECOMMENDATIONS

1. The Committee to consider this report.
2. That this Committee recommend to Council whether the maximum number of questions is 15 or 16 or some other number.
3. That rule 10.6(a) of the Council Procedure Rules (Notice of Questions) is amended to read:

“A maximum of 15/16 questions can be submitted for a Council meeting all of which together all of which together with any supplementary questions under Rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.”

4. That this Committee decides whether to retain the current distribution of questions rights or amend it to one of the options suggested in paragraph 4 of this report.

<b>REPORT DETAIL</b>
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1. Earlier this year, this Council agreed that a maximum of 15 questions could be submitted for consideration at a meeting of the Council, with the 30-minute timeframe for consideration removed.
2. Since then, the political make-up of the Council has changed. Firstly, a UKIP councillor was elected in a by-election in March 2013; and then there was the defection of 3 former Conservative Members to UKIP, thereby creating a fifth Group on the Council.
3. Having consulted with the Administration, it is proposed that the maximum number of questions which can be submitted to a meeting of the Council be increased to 16. This would, in theory, allow the submission of a maximum of 4 questions per opposition group, subject to each group using its full allocation.
4. There are already provisions in the Council Procedure Rules to ensure a fair distribution of questions between the Groups. These provisions, which appear to be well received could be retained, or if a change was desired two other possible options for sharing questions are suggested:
  - (a) That all the questions are shared out in the approximate proportions as the ration of seats held by each opposition party, e.g. with 16 questions the ratio would be Residents 8, Labour 4, IRG 2 and UKIP 2.
  - (b) That a lower number of the questions were reserved to each opposition party with a ‘first come, first served’ for the remainder, e.g. Residents 5, Labour 2, IRG 1 and UKIP 1 with 7 questions available to all (assuming a total of 16 questions).



**IMPLICATIONS AND RISKS**

**Legal implications and risks:**

The governance of Council meetings is largely an internal matter for the Council, so there are no direct legal implications from these proposals.

**Financial implications and risks:**

There are no direct financial implications from these proposals. Officer time is already taken up with preparing answers to questions and member enquiries, and the proposals will mean no specific changes in staffing structures/deployment.

**Human Resources implications and risks:**

There are no direct human resource implications

**Equalities implications and risks:**

No equalities implications and risks have been identified as a result of the proposed changes to the Council Meeting procedure as there are already provisions in the Council Procedure Rules to ensure a fair distribution of questions answered at Council meetings.

**BACKGROUND PAPERS**

None

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## GOVERNANCE COMMITTEE

<b>Subject Heading:</b>	Appointment of Independent Person
<b>CMT Lead:</b>	Ian W. Burns
<b>Report Author and contact details:</b>	Ian W. Burns Acting Assistant Chief Executive <a href="mailto:ian.burns@havering.gov.uk">ian.burns@havering.gov.uk</a> 01708 432484
<b>Policy context:</b>	
<b>Financial summary:</b>	There are no financial implications involved in this report

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

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

**SUMMARY**

The Localism Act 2011 introduced a statutory regime for regulating Members' standards of conduct. As part of the arrangements, the Council appointed an Independent Person, Keith Mitchell, to carry out various functions. The Council also appointed another Independent Person who would deputise for Mr Mitchell when necessary.

The Council entered into an informal mutual support arrangement with Redbridge Council whereby the Independent Person appointed by that Council would be available when necessary to deputise for this Council's Independent Person, and *vice versa*.

Redbridge appointed Kevin Madden as its Independent Person, and this Council appointed Mr Madden as the deputy.

Sadly, Mr Madden passed away earlier this year. Redbridge has since appointed a new Independent Person, Sarah Cooper James, to fill the vacancy. As part of the mutual

support arrangement, the Council is required to appoint Ms Cooper James as the Independent Person to deputise for the Mr Mitchell.

## RECOMMENDATIONS

1. To **RECOMMEND** to the Council that the Independent Person, Sarah Cooper James, appointed by Redbridge Council be appointed to deputise for the Council's Independent Person when necessary.

## REPORT DETAIL

### Introduction

- 1 The Localism Act 2011 introduced a statutory regime for regulating Members' standards of conduct. As part of the arrangements, the Council appointed an Independent Person, Keith Mitchell, to carry out various functions. The Council also appointed another Independent Person who would deputise for Mr Mitchell when necessary.

### Deputising arrangements

- 2 There will be occasions when the Independent Person will be unable to act (for example because of illness or holiday, or because of a possible conflict of interest) and so a deputising arrangement is needed.
- 3 The Council entered into a mutual support arrangement with Redbridge Council whereby the Independent Person appointed by that Council is available when necessary to deputise for this Council's Independent Person, and *vice versa*.
- 4 Redbridge has appointed Sarah Cooper James as their Independent Person following the sad death of its former Independent Person, Kevin Madden earlier this year.

## IMPLICATIONS AND RISKS

### **Financial Implications and Risks**

There are no significant or specific financial implications or risks arising from this report. Redbridge Council funds the allowance for its Independent Person. There is therefore no cost to this Council.

**Equalities and Social Inclusion Implications and Risks**

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

**Environmental Implications and Risks**

There are no implications or risks for the environment.

**Legal Implications and Risks**

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

The appointment of a deputy Independent Person improves the ability of the Council to comply with its obligations under the Act, thereby reducing any risk of challenges to its actions.

**Human Resources Implication and Risks**

There are no implications or risks for Human Resources.

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## GOVERNANCE COMMITTEE

**Subject Heading:**

**PENSIONS COMMITTEES – Terms of Reference and Constitution**

**CMT Lead:**

Ian Burns  
Acting Assistant Chief Executive  
01708 432442

**Report Author and contact details:**

James Goodwin  
Committee Officer  
James.goodwin@havering.gov.uk  
01708 432432

**Policy context:**

The Terms of Reference require amendment to enable the Group Director Resources to direct investment through the proposed local infrastructure portfolio

**Financial summary:**

There are no direct financial implications

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

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

**SUMMARY**

The Pensions Committee at its meeting on 24 July 2013 considered a further report the proposed governance arrangements for Investing in Local Infrastructure Assets for the benefit of the Pension Fund.

**RECOMMENDATIONS**

That the Committee recommend to Council that:

**The powers of the Director of Resources be extended para 3.71 (e) as follows:**

(vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chair of Pensions

**REPORT DETAIL**

1. Back in April 2013 the Pensions Committee received an outline report on the creation of a Local Infrastructure Asset class. The Committee agreed to the proposal in principal and requested that officers bring forward a report that would enable it to consider and approve the governance arrangements.

**2. Operational Guidelines**

The following principles have been taken into consideration by the Pensions Committee in establishing the operational guidelines for the management of the new asset class.

- Investments should comply with the Pension Fund's existing investment strategy with regard to the required rate of return and risk appetite.
- The Investment should not place undue pressure on cashflow.
- The sourcing, execution and management of local investment opportunities should not overburden the Pension Fund's existing resources.
- The Governance arrangements for the portfolio should be clear and well developed.
- The Pension Fund wishes to benefit from both capital appreciation and income generation

The following operational guidelines have been agreed by the Pensions Committee for the management of the portfolio.

Principle	Parameter
Target Sector	<ul style="list-style-type: none"><li>• Housing</li><li>• Commercial Property Development</li><li>• Leisure Development</li><li>• Public sector infrastructure projects</li></ul>
Target Return	The target return is 4% pa net of fees in real terms based upon the latest actuarial report and updated on a triennial basis. (i.e. 4% above the prevailing Consumer Price Index rate) The target return will reflect both capital appreciation and income generation.



<b>Risk Appetite</b>	The PF is willing to consider exposure to the following risks, subject to the appropriate due diligence, risk management techniques and adequacy of return. <ul style="list-style-type: none"><li>• Construction risk</li><li>• Demand risk</li><li>• Availability Risk</li><li>• Counterparty credit Risk</li></ul>
<b>Investment Products</b>	The PF is flexible around the type of product it might use.
<b>Leverage</b>	Leverage will be factored into the risk assessment and considered on a project by project basis.
<b>Time Horizon</b>	Both long term and short term investments.
<b>Exclusions</b>	Investments are limited by the target sector and the asset class. Individual projects should be at least £750k in value. No specific products have been excluded
<b>Allocation Limits</b>	The initial allocation is 3% of pension fund assets as set out in the statement of investment principles

### **3. Project Selection, Evaluation and Approval**

The current governance arrangements are based upon an external Fund Manager structure. Due to the localised nature of the proposed portfolio and the relatively small proportion of the fund's allocation to local infrastructure the Pensions Committee adopted the following :

#### **a. Internal Investment Manager**

The Group Director (Resources) will appoint the Internal Investment Manager (IIM), initially the Property Services Manager. The IIM will:

- Act as first point of contact for potential investments
- Pro-actively search for new investment opportunities
- Consider investment opportunities brought forward by third parties
- Carry out initial screening of investment opportunities to determine those with potential to meet the Investment criteria
- Refer and present suitable investment opportunities to the Infrastructure Evaluation Panel

#### **b. Infrastructure Evaluation Panel**

The Infrastructure Evaluation Panel will consist of the Group Director Resources (chair), Head of Finance and Procurement, Corporate Finance and Strategy Manager and the Assistant Chief Executive (Legal and Democratic Services) or their successor roles where appropriate. The panel will be considered quorate with a minimum of three members. In the absence of the nominated officers deputies may be accepted

The Panel will:

- Consider Investment opportunities presented to it by the IIM.
- Consider whether the investment proposal is subject to the requirements of the public procurement regime.

- Carry out a detailed appraisal of each Investment.
- Agree, by majority, those Investments meeting the required criteria to submit to the Group Director Resources further consideration and approval.

c. Project Approval

- The Group Director Resources will receive recommendations from the panel and will decide whether to proceed with the Investment. The decision to invest will be made in consultation with the Chair of Pensions.
- The Group Director Resources may approve an investment in principle that is subject to the public procurement regime. As a consequence, the Director of Resources may initiate a tender process in accordance with the Council's Procurement Framework.

The Director of Resources will ensure that sufficient resources are made available to the panel to ensure that the necessary project evaluation work is carried out robustly. This work may be carried out by internal professional staff but in some instances external specialists may be engaged (see also paragraph 6). The level of resources will be kept under review taking account of the size of the portfolio and the complexity of the project (s).

These proposed arrangements are consistent with the Pension Fund's Funding Strategy Statement, Governance Compliance Statement and Statement of Investment Principles. However, a revision to the Council's constitution is required in order to allow the Group Director to approve projects within the infrastructure portfolio.

**4. Selection Criteria**

The IIM will carry out a simplified first filter in order to screen Investment opportunities. The Panel will need to carry out the second stage testing (due diligence) of schemes under consideration. The precise nature of the assessment will be determined on the characteristics of each scheme. However, the following table sets out the broad framework for the first and second stage tests.

<b>Test</b>	<b>First Filter</b>	<b>Second Filter – Due Diligence</b>
<b>Return Test</b>	<b>Does the potential return on investment meet or exceed the relevant return threshold?</b>	<b>Financial assessment including use of capital investment appraisal techniques.</b>
<b>Risk Test</b>	<b>Are the risks associated with the investment opportunity understood and mitigation strategies under consideration?</b>	<b>Risk measurement including use of sensitivity analysis, ratio analysis, credit ratings and any other appropriate measures. Assessment of options to mitigate risk</b>
<b>Size Test</b>	<b>Does the scheme conform to the size parameters for target investments?</b>	<b>Test the investment requirement to the parameters set out in operational guidelines</b>

<b>Investment Cash Test</b>	<b>Is there sufficient cash available to fund the project?</b>	<b>Financial assessment of Investment requirement Vs. current commitments and cashflow</b>
<b>Resource Test</b>	<b>Are there sufficient internal resources available to manage the proposed scheme?</b>	<b>Assessment of resource requirements to manage project.</b>

Further criteria may be added at a later stage in the event that the Pensions Committee wishes to increase its exposure to Infrastructure. Additional tests may include geographical exposure or the concentration of investments in asset types.

## **5. Reporting Requirements**

The Pension Committee currently receives reports from its external fund managers. A comparable process is required for the monitoring of the local infrastructure portfolio. The precise format of monitoring reports may vary according to the nature of the approved schemes and it is expected that reporting will be developed over time to meet the requirements of the Pensions Committee and the Evaluation Panel. The IIM will be responsible for the submission of these reports based upon a format to be developed under the guidance of the Panel (and Corporate Finance). However, the following information is expected to be included;

### **Quarterly**

- Investment Record
- Drawdown record
- Returns Record
- Performance record

### **Annually**

- Year-end portfolio valuation
- Portfolio performance compared to benchmark
- Progress report on each project forming the portfolio

### **Reporting responsibilities**

The Infrastructure Investment Panel will:

- Determine the format and content of investment monitoring reports
- Keep the performance of the portfolio under review
- Report and make recommendations where necessary in relation to the management of the portfolio.

The Internal Investment Manager will;

- Monitor the progress of the projects within the portfolio.
- Prepare and submit reports to the Pensions Committee and Infrastructure Investment Panel on progress and performance of infrastructure assets within the portfolio accordance within agreed timetables.

- Arrange for the formal valuation of assets held within the portfolio in order to comply with statutory and accounting requirements.

## **6. Engagement of Third Party Expertise**

The IIM and the evaluation panel or the Committee may need additional specialist advice which is only available through the engagement of external professional advisors. This may take a number of forms, including:

- a) Valuation: For example it is expected that external valuers will be engaged to carry out an independent valuation of the portfolio at year end.
- b) Technical or financial: For example to assess or evaluate a particular specialised asset or project
- c) Legal : To examine specialised contracts or document or investment in third part contracts

The Director of Resources will engage the necessary support as required. The cost would fall upon the Pension Fund.

## **7. Role of the Pensions Investment Advisor**

Under the existing governance arrangements the Pension Fund has appointed an Investment Advisor, Hymans Robertson to provide independent advice on the Fund's investment activities.

The advisor would be expected to provide advice to the Committee in relation to the infrastructure portfolio, in particular to the impact of the portfolio's performance on overall fund performance.

## **8. Procurement Framework**

Any proposed investments may subject to the public procurement regime, but this will depend on the characteristics of each investment.

The public procurement regime applies to the purchase of supplies (goods), services or works above specified financial thresholds. The purchase of shares, or land would fall outside the public procurement regime. However, it would be necessary to examine the detailed proposals with great care as they may involve the purchase of associated services, or land development agreements, which could be subject to public procurement rules.

## **9. Constitution**

The powers delegated to the Director of Resources under the constitution do not explicitly refer to direct investment through the proposed local infrastructure portfolio. For clarity it is recommended that the following amendments to the constitution be referred to the Governance Committee.

**The powers of the Director of Resources be extended para 3.71 (e) as follows:**

- (vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chair of Pensions

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

There are no immediate financial implications arising from the approval of the Governance arrangements. However, it is anticipated that additional contributions from the Council will be made available to invest in Infrastructure. In these circumstances the financial impact on the Fund would be as follows:

- An initial increase in Fund Valuation and a corresponding reduction in the Net Pension Liability.
- Increase in revenue stream arising from the use of assets.
- Potential increase in asset values and returns over time.
- Increased fund management and monitoring costs.
- Risk that the portfolio fails to achieve growth objectives for the fund.
- Risk that the cost of the investment in the project exceeds the initial estimate (for construction projects)
- Risk that on-going running costs are greater than planned, offsetting cashflow benefits and required rate of return.
- Risk of fluctuations in assets values or revenue streams which are out of step with actuarial assumptions.
- Risk of counterparty failure.

The cost of additional specialist advice required to support the process will fall on the Pension Fund. The requirements for the on-going selection and monitoring may also create financial pressures on the Fund especially if the portfolio grows over time. For that reason it will be necessary to review the resource requirements over the medium term

### **Legal Implications and risks:**

While investing in the local infrastructure may be of benefit to the Council and local residents, this has to be secondary to the interests of the pension fund in securing a good return on its investment. In the event that the interests of the Pension Fund and the Council are in conflict then the interests of the fund must prevail.

It will be necessary to properly document investments in projects, particularly where they are run by bodies other than the Council, e.g. social landlords, to ensure that the terms of investment and any related security for the Council finance is secured.

### **Human Resources Implications and risks:**

None arising directly from the consultation.

### **Equalities implications and risks:**

None arising directly from the consultation.

**BACKGROUND PAPERS**

None



**GOVERNANCE COMMITTEE**

**Subject Heading:**

MONITORING OFFICER NO 20  
AMENDMENTS TO THE  
CONSTITUTION

**Report Author and contact details:**

IAN BURNS  
Acting Assistant Chief Executive, Legal &  
Democratic Services – 2442

**Policy context:**

Monitoring Officer Amendments to the  
Constitution

**Financial summary:**

These changes are purely procedural and  
have no specific financial implications

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

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

**SUMMARY**

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council’s structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

**RECOMMENDATIONS**

That this report be noted.

**REPORT DETAIL**

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

As a new Constitution has been adopted with effect from 9<sup>th</sup> May 2010 the numbering system has commenced again from 01/10.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

**IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

**Financial implications and risks:**

These changes are purely procedural and have no specific financial implications.

**Legal implications and risks:**

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

**Human Resources implications and risks: None**

**Equalities implications and risks: None**

**BACKGROUND PAPERS**

None



## SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 20

Date 4<sup>th</sup> June 2013

### Notification of amendments to the constitution

#### Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
3.6.4	90	Add new paragraph (o) to read  (o) To manage, supervise and control the Havering Music School	Restructure
3.4 Part 4B	126	Amend throughout constitution all the Licensing functions to be changed from "Head of Housing and Public Protection" to "Head of Regulatory Services"	Restructure
3.6.6	95	Head of Regulatory Services Planning Control Move (t) To authorise activities under the Regulation of Investigatory Powers Act 2000. from Planning Control section  To immediately beneath Head of Regulatory Services after paragraph (e)  (f) To authorise activities under the Regulation of Investigatory Powers Act 2000	Restructure
Whole Constitution	All	Amend throughout the Constitution "Head of Financial & Procurement" to "Head of Finance & Procurement"	Error

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## GOVERNANCE COMMITTEE

**Subject Heading:**

MONITORING OFFICER NO 21  
AMENDMENTS TO THE  
CONSTITUTION

**Report Author and contact details:**

IAN BURNS  
Acting Assistant Chief Executive, Legal &  
Democratic Services – 2442

**Policy context:**

Monitoring Officer Amendments to the  
Constitution

**Financial summary:**

These changes are purely procedural and  
have no specific financial implications

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

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

### SUMMARY

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

### RECOMMENDATIONS

That this report be noted.

**REPORT DETAIL**

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

As a new Constitution has been adopted with effect from 9<sup>th</sup> May 2010 the numbering system has commenced again from 01/10.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

**IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

**Financial implications and risks:**

The introduction of compulsory licensing of scrap metal dealers and collectors imposes additional burdens on the council. The administration cost of determining and issuing licences can be covered by charging fees for licences, which is a matter for the Executive, but the cost of enforcement will have to be covered by existing budgets.

**Legal implications and risks:**

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

**Human Resources implications and risks: None**

**Equalities implications and risks: None**

**BACKGROUND PAPERS**

None

**SUBJECT: AMENDMENTS TO CONSTITUTION**

**Notification No. 21**

**Date 14<sup>th</sup> August 2013**

**Notification of amendments to the constitution**

**Amendments made by the Monitoring Officer**

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

<b>Part and article/ section</b>	<b>Page ref</b>	<b>Substance of amendment / amended wording</b>				<b>Reason for amendment</b>
Part 2 Article 1	12	Article 1 1.03 (d)  Delete from list:  Best Value Performance Plan				Legalisation
Part 3, Section 1.2	40	Functions delegated to general council committees:  Licensing Committee: add after "the Gambling Act 2003" and the Scrap Metal Dealers Act 2013				Legalisation change – introduction of the Scrap Metal Dealers Act 2013
Part 3, Section 3, Appendix A	113	Part 3, Section 3, Appendix A, Enactments enforceable by Environmental Health, add:  Scrap Metal Dealers Act 2013 Vehicle (Crime) Act 2001  Enactments enforceable by Trading Standards  Delete: Vehicle (Crime) Act 2001				Legalisation change – introduction of the Scrap Metal Dealers Act 2013
Part 3 Section 4, subsection B – Licensing and Registration Functions	136	73	Power to grant vary or renew a scrap metal dealers site licence	Section 2&3 & Sch 1 Scrap Metal Dealers Act 2013	Head of Regulatory Services, the Public Protection Divisional Manager; Licensing Committee	Legalisation change – introduction of the Scrap Metal Dealers Act 2013

Part and article/ section	Page ref	Substance of amendment / amended wording			Reason for amendment	
		74	Power to grant or vary a scrap metal collector's licence	Section 2&3 and Sch 2 Scrap Metal Dealers Act 2013	Head of Regulatory Services, the Public Protection Divisional Manager; Licensing Committee	
		75	Power to revoke a scrap metal dealers or collectors licence	Section 4 Scrap Metal Dealers Act 2013	Licensing Committee	