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## MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE Town Hall, Main Road, Romford 15 January 2014 (7.30 - 8.45 pm)

**Present:**

### **COUNCILLORS**

<b>Conservative Group</b>	Frederick Thompson (Chairman), Rebecca Bennett (Vice-Chair), Michael Armstrong, Robert Benham, Steven Kelly, Roger Ramsey and +Melvin Wallace
<b>Residents' Group</b>	Clarence Barrett, Gillian Ford and Barbara Matthews
<b>Labour Group</b>	Keith Darvill
<b>Independent Residents Group</b>	Jeffrey Tucker
<b>UKIP Group</b>	Lawrence Webb

**+ Substitute Members:** Councillor Melvin Wallace (for Michael White)

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

Apologies for absence were received from Councillor Michael White.

There were no disclosures of pecuniary interest

### 21 **MINUTES**

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

### 22 **DEVELOPMENT & AUTHORISATION OF PATIENT GROUP DIRECTIONS (PGDS)**

The Committee was invited to consider the amendments required to the Constitution to extend the authority of the Director of Public Health to have designated responsibility for signing Patient Group Directions on behalf of the authorising body (the Council).

Patient Group Directions - PGDs - are written directions enabling 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. Local

Authorities now had the power to authorise PGDs relating to their health improvement responsibilities.

The legislation central to these changes was the Health and Social Care Act 2012 (the Act) which transferred responsibility for aspects of health improvement from the NHS to top tier Local Authorities. The delivery of some health improvement services was dependent on PGDs.

An identified individual must have responsibility for ensuring that PGDs were developed in line with legislation and local organisational policies and governance arrangements with full consideration of the service in which the PGD was to be used was stipulated within the enabling legislation.

The Act required this person to be either the Chief Executive or the Director of Public Health (DPH). Given that authorisation would entail judgments as to whether use of a PGD was consistent with appropriate professional relationships and provided advantages for patient care without compromising patient safety, a detailed knowledge of health improvement services would be necessary and hence this responsibility would be best placed under the remit of the Director of Public Health.

With regard to the development of PGDs within the Council, it was envisaged that a lead author who would normally be a consultant in public health, would be charged with engaging the support of a wider team of health professionals as necessary.

The resulting PGD would be scrutinised by a separate, multi-professional PGD Approval Group before final approval by the DPH.

It was proposed that the DPH, supported by the PGD Approval Group would publish an Annual Report detailing any PGDs authorised and information regarding their subsequent usage. The Report would be shared with the chair and members of the Health and Wellbeing Board.

The proposed governance arrangements would give the Director of Public Health the responsibility to authorise PGDs on behalf of the Council having been scrutinised by an appropriately constituted PGD Approval Group which would assess and provide reassurance regarding PGDs, and related plans for implementation and audit, developed by separate PGD Working Groups and that as a consequence, these arrangements would ensure that PGDs in Havering improved outcomes and experience of care whilst preserving patient safety.

After some discussion during which it was agreed that in the setting-up of these PGDs provision should be made to ensure the Council was suitably insured/ indemnified against any claims against it,

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

The following paragraph be 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.

**23 OUTSIDE BODIES - HORNCHURCH HOUSING TRUST**

Members were reminded that the Council appointed a number of nominative trustees to the Trust for four year terms of office expiring in sequence over each four year period and that the term of office for both Mr Ivor Cameron and Mrs Peggy Munday were due to expire at the end of February 2014.

Both had indicated that they wished to be re-appointed to the Trust.

The Committee accordingly **RESOLVED** to re-appoint Mr Ivor Cameron and Mrs Peggy Munday as Trustees for the term of office expiring in February 2018.

**24 VACATION OF OFFICE BY FORMER COUNCILLOR MARK LOGAN**

The Committee was informed of the circumstances which led to the vacation of office by former Councillor Mark Logan. The report also explained that as the vacancy occurred less than six months before the next round of local council elections (May 2014), there was no requirement for a by-election to take place

The Committee **NOTED** the report.

Councillor Jeffrey Tucker wished it to be recorded that he did not agree to note the report.

**25 HAVERING'S MAYORALTY - REDUCTION IN ACTIVITY PROPOSAL**

The Committee was informed that the cost of the Mayoralty was contingent on the activity preferences of the office's incumbent which could therefore mean that there was, on occasion, a wide variation in expenditure.

Members were provided with details a series of options for implementing defined parameters for the role and activity profile of the Mayor. With continued pressure on public finances, a number of suggestions were proposed which would reduce the overall cost of delivering the Mayoralty in Havering and Members were invited to

express their preferences which would then form the basis of a revision to the provision of Mayoralty support.

Members were unanimous in the primary duty of the Mayor was to the borough, wherever and whenever he or she was invited to be present and as a good deal of activities took place at the week-end, there was no question of reducing or eliminating that from mayoral duties. The Committee considered that this extended – to a large extent – to the Mayor's presence being important across London (notably the Lord Mayor's events and other pan-London civic functions) and to a lesser extent, with neighbouring boroughs.

Members were adamant that in the future, no support should be provided for anything concerning the Mayor's Charity – and this included reciprocal arrangements with other mayors. If any mayor wanted support, it would have to be paid for by them or obtained from the charity's own fund-raising operation.

Concerning visits other than local and pan- London ones, it was proposed that they normally would be declined, but exceptionally could be accepted if sanctioned by the Leader – or paid for personally. The question of "twinning" events was included in this. There was support for Ludwigshaven, but not for the French twin.

Members discussed the matter of the Mayor's car and considered that a reasonable status needed to be maintained (any savings obtained by making radical changes here were considered to be marginal and possibly counter-productive. There was, however, interest in possible changes in the duties of the Mayor's drivers. Having a principle driver was agreed, but whether a second driver could take on the duties of Mayor's secretary/pool driver, was moot and required further examination.

There was no support for reducing the Civic Purse and Members were not persuaded that reducing the Mayor's SRA was helpful, though there was agreement that the duties of the Deputy Mayor should be restricted to providing cover for when the Mayor was unavailable – not extending Civic commitments. Accordingly, the Committee expressed an opinion that the Deputy Mayor's SRA should be reduced. It also considered that more involvement by former mayors could be encouraged and the Remembrance Day attendance by a number of former mayors was cited as an example.

The Committee **ACCEPTED** that changes needed to be made to ensure that the cost to the borough of the Mayoralty was as carefully managed as any other service provision and, having given their counsel, delegated the matter to officers to set the matter in order:

26 **MEMBER INDUCTION PROGRAMME 2014**

The Committee was reminded that with the forthcoming local elections taking place in May 2014 there was a need to deliver a range of training and information sessions to new and re-elected members commonly known as the “Member Induction Programme”(MIP).

Following consideration of a draft programme by the Member Development Group at its meeting on 21 October 2013 it had been agreed that the programme attached to the report should be sent to Governance Committee for noting.

Accordingly, a report on this matter was submitted to the Governance Committee in December 2013 and it recommended that some minor adjustments be made to the MIP. These had now been incorporated and Members were invited to note the revised programme.

The Committee considered that the programme needed to contain a mandatory provision for Group Leaders (and their deputies) to receive training and that on the basis that this was included in the programme, it could be accepted.

The Committee agreed to **NOTE** the report and accept the programme on the understanding that mandatory training for Group Leaders and their deputies was included in the programme

27 **POWERS OF THIRD TIER MANAGERS**

The Committee was invited to consider amendments required to the Constitution to give delegated authority for third tier managers to hear and determine disciplinary and grievance cases.

Whilst it had long been possible for managerial staff to handle disciplinary matters, including hearings, custom and practice within the Council had been that most disciplinary and grievance hearings were conducted by a Head of Service or Assistant Director with subsequent appeals being heard by a Group Director or occasionally another Head of Service. This was reflected in the current provision in the Constitution which delegated disciplinary matters to Heads of Service who would have to formally delegate powers to a third tier manager if the Head of Service wanted them to handle disciplinary hearings.

As a result of the Council’s Transformation Programme there were fewer Heads of Service who had greater calls upon their time. This resulted in it being increasingly difficult to schedule disciplinary and grievance hearings within a reasonable timescale. It was generally in the interest of the organisation, the Service and the affected individuals that such matters were dealt with expeditiously, indeed in

the past the Council had been criticised for the length of time taken to handle disciplinary cases.

It was therefore proposed that third tier managers, i.e. those reporting directly to a Head of Service, would have delegated powers to hear and determine disciplinary and grievance cases. This would include those involving gross misconduct and therefore the risk of dismissal from employment if the case was found to be proved, although normally a case of such seriousness would be heard by a Head of Service.

The procedure to be followed in hearings was clearly set out in the relevant HR policy and process and HR support and training would be made available to managers.

The Committee **RESOLVED to RECOMMEND to Council** 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

**28 MONITORING OFFICER NO 22 AMENDMENTS TO THE CONSTITUTION**

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

**29 JOINT COMMITTEE - CONSEQUENTIAL AMENDMENTS**

The Committee was invited to consider amendments required to the Constitution - predominately to the scheme of delegation to officers - consequent on the Council's decision to create a Joint Committee with the London Borough of Newham for the delivery of back office/support services for the Council. The only new power was one to the Chief Executive to delegate functions to staff employed by London Borough of Newham.

This would confirm the Council's agreement (made at its meeting on the 27 November) to the formation of a Joint Committee with the London Borough of Newham and to delegate to it the provision of various back office/support functions of the Council which were currently directly provided by the Council.

As the Governance Committee had already accepted the principle of this delegation of authority, the final allocation would be handled by the Monitoring Officer using his delegated powers to amend the Constitution to reflect organisational changes, as he would have to do elsewhere in the Constitution.

After discussion, the matter was put to the vote, the motion being to accept the recommendations in the report.

In favour of the motion: Councillors: Frederick Thompson, Steven Kelly, Roger Ramsey, Robert Benham, Michael Armstrong, Becky Bennett, Melvin Wallace, Clarence Barrett, Gillian Ford, Barbara Matthews, Keith Darvill and Lawrence Webb

Against the motion: Councillor: Jeffrey Tucker

The motion was **CARRIED** by twelve votes to one.

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

1. The function and powers set out in Appendix 1 of the report 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 to the report.
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 Governments 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.

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**Chairman**

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**SUBJECT: AMENDMENTS TO CONSTITUTION**

**Notification No. 22**

**Date 11<sup>th</sup> December 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 3, Section 1.3	43	Table in Section 1.3  Delete Consideration Sub-Committee and its functions  Amend the function of the Hearing Sub-committee to read:  "To consider the outcome of investigations and determine whether or not there has been a breach of the Member's Code of Conduct by one or more members and, if there has been a breach, what penalty should be imposed".	Legalisation & organisational changes
Part 4	185	14. Standards Committee  Delete para (a)  Re-number para (b) to para (a)  Add (a) (iii) The Independent Person (or Deputy Independent Person) shall be entitled to attend and speak at any meeting of the Committee or Sub-Committee.	Legislation change

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