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Havering
LONDON BOROUGH

EXTRAORDINARY COUNCIL MEETING

**7.30 pm Wednesday, 4 September 2013
At Council Chamber - Town Hall**

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
Tel: 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 - 16)

To sign as a true record the minutes of the Meeting of the Council held on 17 July 2013 (attached).

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

5 PROCEDURAL MOTIONS

To receive any procedural motions.

6 MOTION TO VARY PREVIOUS COUNCIL DECISION (Pages 17 - 18)

Motion to vary the sizes of various committees previously agreed at the Annual Council Meeting (attached).

7 RECOMMENDATIONS AND REPORTS (Pages 19 - 28)

**NOTE: The deadline for amendments is
midnight, Monday 2 September 2013**

To consider a report of the Chief Executive on Appointing the Committees of the Council (attached).



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
17 July 2013 (7.30pm – 10.10pm)**

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, John Mylod, Denis O'Flynn, Barry Oddy, Fred Osborne, Ron Ower, Garry Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Billy Taylor, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffrey Tucker, Melvin Wallace, Lawrence Webb, Keith Wells, Damian White, Michael White and John Wood.

Approximately fifteen Members' guests and a representative of the press were also present.

Apologies were received for the absence of Councillor Mark Logan.

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 Reverend Henry Pradella of St Henry and St Giles Church, Rainham.

The meeting closed with the singing of the National Anthem.

23 MINUTES (agenda item 3)

The minutes of the meeting of the Council held on 12 June 2013 were before the Council for approval.

The minutes were **AGREED** without division and it was **RESOLVED**:

That the minutes of the meeting of the Council held on 12 June be signed as a correct record.

24 **DISCLOSURE OF PECUNIARY INTERESTS (agenda item 4)**

There were no disclosures of interest.

25 **ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)**

There were no announcements given.

26 **PETITIONS (agenda item 6)**

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

Councillor June Alexander concerning the reinstatement of parking spaces for Plover Gardens, Cranham.

Councillor Pat Murray concerning measures to improve road safety in Tring Gardens, Harold Hill.

Councillor Lawrence Webb to oppose the sale of parkland in Dorking Road RM3.

Councillor Keith Wells against the proposed disposal of green open space at Tiverton Road/Bedale Road.

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

27 **ANNUAL REPORTS OF COMMITTEES (agenda item 7)**

Council received and considered the Annual Reports of the following:

Audit Committee
Children & Learning Overview & Scrutiny Committee
Crime & Disorder Committee
Environment Overview & Scrutiny Committee
Health Overview & Scrutiny Committee
Individuals Overview & Scrutiny Committee
Towns & Communities Overview & Scrutiny Committee
Value Overview & Scrutiny Committee
Member Development Group

Each Annual Report was **ADOPTED** without debate or division.

RESOLVED:

That the Annual Reports as listed be approved.

28 **MEMBERS' QUESTIONS (agenda item 8)**

Twelve questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 1** to these minutes.

29 **NEW ROMFORD LEISURE CENTRE (agenda item 9A)**

Motion on behalf of the Independent Residents' Group

This Council welcomes all viable plans to improve leisure facilities throughout the borough.

And therefore calls on the Administration to publish and review all the advice that informed their decision to close the Romford ice rink and proceed with a new Leisure Centre in Western Road.

In order to re-assure Members and public that this ambitious project is technically and financially viable.

A1: Amendment on behalf of the Administration

This Council welcomes all plans to improve the leisure facilities in Havering and congratulate the Administration on developing the deal to deliver its Manifesto pledge of a new leisure complex in Romford.

This Council welcomes also scrutiny with relation to the project and is happy to be open and transparent so long as it doesn't conflict with any financial confidentiality.

Following debate, the Administration amendment was **CARRIED** by 28 votes to 19 (see division 1) and it was then **CARRIED** as the substantive motion without division.

RESOLVED that:

This Council welcomes all plans to improve the leisure facilities in Havering and congratulate the Administration on developing the deal to deliver its Manifesto pledge of a new leisure complex in Romford.

This Council welcomes also scrutiny with relation to the project and is happy to be open and transparent so long as it doesn't conflict with any financial confidentiality.

30 **HAROLD HILL AMBITIONS PROGRAMME (agenda item 9B)**

With the agreement of the Council, this motion was withdrawn by the Labour Group.

31 **VOTING RECORD**

The record of voting divisions is attached as **Appendix 2**.

Mayor
4 September 2013

COUNCIL, 17th JULY 2013

MEMBERS' QUESTIONS

1 Fixed Penalty Notices

To the Cabinet Member for Environment (Cllr Barry Tebbutt)

By Councillor Brian Eagling

Question:

Motorists using grass verges for parking cause considerable environmental and structural damage which entails expensive reinstatement works. Would the Cabinet Member advise the number of Fixed Penalty Notices issued in each of the last two years for this offence and explain what other actions are being taken to tackle this practice.

Answer:

That's right, parking vehicles on grass verges can cause considerable damage, as does parking on some footpaths because they're not all made to bear the weight and movement of vehicles. However, with increasing car ownership comes a greater pressure on the availability of kerbside parking, and we recognise this.

Where we can, we will install footway parking facilities providing the surface can cope with vehicle weights and frequent movements, and that there's suitable space for pedestrians, pushchairs and wheelchair and mobility vehicle users.

In 2011/12 the Council issued 1151 penalty charge notices to people parked on a grass verge, and 291 were issues in 2012/13. That's a significant fall, which is very positive and shows that motorists are more careful not to park on grass verges.

In response to a supplementary question, the Cabinet Member explained that officers were sent to investigate reports of residents using grass verges or the footway to drive their cars into their front garden areas. Officers would give residents details of the cost of installing a cross-over for the property in question or would prosecute if necessary.

2 Bosworth Field

To the Deputy Leader of the Council (Councillor Steven Kelly)

By Councillor Denis O'Flynn

Question:

When will the proposed improvements to the Bosworth Field adjoining the Briar Road Estate be implemented.

Answer:

After consultation with residents it has been agreed to revamp Bosworth Field to include new play and recreational facilities for younger children as well as a new skate park, a multi-use games court and seating for all residents.

In June, the Council selected a contractor to carry out these works and they have already started to purchase the various pieces of equipment to be installed.

We expect the work to begin in August. This is another promise kept by the Administration.

In response to a supplementary question, the Cabinet Member clarified that the land in question was not part of the Green Belt. Discussions about the area had taken place approximately seven years ago which had resulted in the conversion of a number of garage sites into new housing.

3 New Leisure Centre

To the Cabinet Member for Culture, Towns & Communities (Cllr Andrew Curtin)

By Councillor Jeffrey Tucker

Question:

During the Leader's Speech Debate, my colleague Cllr Durant said, "The new Leisure Centre is an expensive gamble, because putting an ice rink above a swimming pool is **almost** never attempted, because the heat from the pool melts the ice"!

Cllr Tebbutt responded by saying, "You're wrong to say never, because there is already such a facility operating in Southwark. I don't know its name, but it's in Southwark"!

To re-assure Members about the viability of our scheme, can the Cabinet Member provide details of the exact location, opening times and cost to the local Council of the 'Southwark' facility?

Answer:

Unfortunately Cllr Tebbutt was misinformed about the location of the ice rink and swimming pool facility. The facility that is currently being built in London is in Streatham, which is in Lambeth. It is similar in design to what is proposed for the Romford Leisure Development with an ice rink above a swimming pool.

Lambeth Council is working with Tesco and others to provide the facility in Streatham and it is expected to cost the Council in the region of £19million. Thanks to the land-swap deal that we struck with Morrisons, we're able to protect Havering taxpayers from that sort of burden.

The Streatham rink and leisure centre is due to open towards the end of the year.

In response to a supplementary question, the Cabinet Member reported that he understood the pool in Streatham was on target to open towards the end of 2013. Engineering techniques used in the Streatham facility would also be incorporated within the Romford project.

4 Commissioned Bailiffs

To the Cabinet Member for Value (Councillor Roger Ramsey)

By Councillor John Wood

Question:

Would the Cabinet Member respond to the following queries in respect of council commissioned bailiffs:-

- a) On how many occasions in 2012/13 were bailiffs deployed to recover monies owed.
- b) How much was recovered in that period and what was the fee payable to the bailiffs.
- c) How many complaints have been received over the last three years relating to bailiffs.

- d) Does this Council set down guidelines for bailiffs to follow and how is that monitored.

Answer:

The Council commissioned Bailiffs on 8,640 occasions to collect money owed to the Authority.

The Council doesn't pay fees directly to Bailiffs. It is their responsibility to recover the debt and any additional charges that may have been incurred. In 2012/13, bailiffs recovered a total of £1,950,000 of money owed to Havering Council.

It is currently not possible to determine the exact number of complaints received about bailiffs specifically - as these will have been recorded together with a variety of other complaints relating to the relevant area (for example, council tax arrears). This supports the view of officers that we do not receive a large number of such complaints. Consideration is being given to breaking down recording of complaints so that any bailiff complaints are specifically identifiable.

All Bailiff Companies are expected to follow the national standard for Bailiffs. These are set by the Office of Government Commerce. In addition we have our own standards that are part of our debt management policy.

We hold regular meetings with the Bailiff companies and would take immediate action if a complaint about bailiff's behaviour was raised.

5 Building New Council Houses

To the Cabinet Member for Housing, with responsibility for Public Protection (Councillor Lesley Kelly)

By Councillor Keith Darvill

Question:

Will the Administration review its decision not to build new Council Houses?

Answer:

We have, and we've submitted a planning application to build nine new bungalows within the grounds of Garrick House.

This is the first time the Council has planned to build houses in more than 20 years. That's because we recognise there's a specific need for them. We have lot of older people living in homes that are too big for them, while so many families are living in overcrowded homes. We've consulted with residents and designed the bungalows to meet the needs of elderly residents so that they will want to live in them and let other families have the space that they need.

But we're also working with housing associations to provide more affordable social housing across the borough. Each year, more and more affordable homes have been built. In total, 1225 have been delivered in the last four years. That's more than a thousand families who have been able to live in an affordable home thanks to our partnerships with housing associations.

In response to a supplementary question, the Cabinet Member agreed to try and seek out a LGA publication – 'Let's Get Building' which supported increasing the number of affordable Council houses.

6 Universal Credit

To the Cabinet Member for Housing, with responsibility for Public Protection (Councillor Lesley Kelly)

By Councillor Ray Morgon

Question:

Would the Cabinet Member advise what steps the council will be taking to stop a potential increase in rent arrears when Universal Credit introduces benefit payments direct to tenants.

Answer:

The introduction of Universal Credit and the provision of direct payments are only two of a number of changes to benefits that have either recently been introduced, or are due to be happen in the near future. The three main changes that staff have been working on are: the introduction of the under occupation levy, the benefit cap and payments of benefits directly to claimants.

The council has undertaken a lot of work to make sure that people are aware of these changes, and established a multi-agency welfare reform group to co-ordinate efforts. We have contacted every household affected by the change in benefit arrangements and have brought in dedicated debt advisors to complement current advice and support structures. The full list of activities is quite exhaustive and I would be happy to send further details to Councillor Morgon.

The first changes occurred in April 2013 (in particular, the introduction of the under occupation levy) and I am pleased to say that the collection rate of Council rents has not as yet, seen any significant reduction.

7 New Football Pitches at the Manor Gooshays Ward

To the Cabinet Member for Culture, Towns & Communities (Cllr Andrew Curtin)

By Councillor Pat Murray

Question:

Will the Lead Member assure me that no adverse impact on wild life and fauna will arise following the creation of new football pitches on the Manor and will he confirm that any impact on the environment will be monitored and the results of that monitoring will be disclosed to members of the Council.

Answer:

Prior to any works being agreed on Dagnam Park, the Council commissioned two ecological survey reports and an impact assessment report on the proposals to the historic landscape. We are assured that the works will have no long term impact on the local wildlife; minimum impact and disturbance to the local wildlife during the construction; and that the design of future maintenance programmes will consider local wildlife.

We regularly monitor flora and fauna in Havering's parks and adjust maintenance programmes to improve local biodiversity. Dagnam Park is one of the parks that will be monitored in the future and any issues that arise will be addressed as and when required.

In response to a supplementary question the Cabinet Member agreed to send to Councillor Murray the impact assessments carried out in relation to the project as well as of any consultation with other bodies that could be released.

8 Savings 2012/13

To the Cabinet Member for Value (Cllr Roger Ramsey)

By Councillor Clarence Barrett

Question:

Would the Cabinet Member set out in detail what approved savings were NOT fully achieved in 2012/13.

Answer:

In 2010 the council set out a four year plan to reduce its budget by £40 million. In the last financial year we needed to make £10 million of savings -

the details of which were set out in individual service plans that were reviewed by overview and scrutiny committee and Cabinet.

We have delivered the savings that were necessary for last year although the accounts have still to be audited.

In any transformation programme with the scale of savings that Havering has had to make there will be some areas where the programme has to be adjusted, so that where identified savings could not be made within a given year, they are achieved in other ways.

Any savings that cannot be delivered permanently have been covered by substitute savings, and set out in the budget report.

These were:

For the customer services programme, £421k

For the shared services programme, £352k.

We have sensibly set aside a special budget provision to cover shortfalls while our plans are refined. What matters to local people is that we are able to deliver the totality of savings with as little impact as possible on frontline services and taxpayers. I'm pleased to say we are on track to do just that.

In response to a supplementary question, the Cabinet Member explained that, whilst the final figures and audit had not been completed, there would be an underspend that would be applied to one-off items such as new technology or redundancy costs. Havering Council Tax payers were happy with the way resources had been managed.

9 Harold Hill Ambitions Implementation Plan

To the Deputy Leader of the Council (Councillor Steven Kelly)

By Councillor Paul McGeary

Question:

When will the implementation plan for Harold Hill Ambitions be disclosed to Ward Councillors?

Answer:

In 2007, which is when we started doing Harold Hill Ambitions, we went out to consultation – to 1,300 people. In 2008 we published two Cabinet reports which detailed at great length every item to be covered. That was then followed in 2009 by another Cabinet report and was then followed in 2010 by a further progress report.

The Harold Hill Ambitions Board that was set up constitutes the Leader and myself, and various other people, overseeing and delegating activity. Unlike

most people we run on about eight or nine different fronts at the same time. We have a brochure which first set out the plan clearly and there have actually been 16 quarterly updates since then provided to all the local residents through the Harold Hill Ambitions newsletter.

To update members here, just in case they've missed what we have managed to achieve: the Academy is open and delivering excellent education results - one of the things we are very proud of; myplace is open and providing facilities for young people; work is set to begin building a new library; we are building nearly 1,000 homes in Harold Hill which will help us deliver Havering homes for Havering people and in fact in Briar Road the Briar Road tenants will get priority; Central Park will be revamped this summer, as we promised; we will be turning Broxhill into a state-of-the-art sports park; Dagnam Park is being improved as well.

In response to a supplementary question, the Cabinet Member confirmed that details of Harold Hill projects would be given as the projects were delivered. The Cabinet Member felt that the question had only been asked as an election was now imminent.

10 **Beam Reach**

To The Leader of the Council (Michael White)

By Councillor David Durant

Question:

Please provide an up-date on plans for a super-size prison at Beam Reach and the Administration's views on this matter.

Answer:

There has been no further information from the Ministry of Justice about any proposals for a new prison in Beam Reach in Rainham.

The Council believes that such a development would have serious implications for plans to regenerate the wider area which could provide much needed jobs, family homes and improved travel connections.

Residents believe that a new "super" prison would have a detrimental effect on their community and the Council strongly supports this view.

In response to a supplementary question, the Leader of the Council stated that it was not relevant how it was financed, a prison such as this was not in the Administration's plans for Rainham.

11 New Homes Bonus expenditure

To the Cabinet Member for Value (Cllr Roger Ramsey)

By Councillor June Alexander

Question:

Would the Cabinet Member advise how much of the £1.797 million New Homes Bonus is scheduled to be spent on homes related expenditure this year?

Answer:

The New Homes Bonus is an unringfenced grant, and as such, forms part of the overall funding allocated to the Council by the Government. It cannot be viewed as a separate funding source.

Neither should it be seen as 'extra' money. The funds for the New Homes Bonus form part of our revenue support grant, which has been cut in overall terms. In other words, we have less money to spend, not more.

The Council has consulted fully on its budget proposals and these were considered at length by the Joint Overview and Scrutiny Committee. The Council's planned spending for the year is entirely in accordance with that consultation, and the subsequent decisions taken at Budget Council.

So any decision to spend money on new priorities beyond those agreed when we set the budget would either result in a rise in Council Tax or require new savings to compensate.

12 Voids of Council Homes

To the Cabinet Member for Housing, with responsibility for Public Protection (Councillor Lesley Kelly)

By Councillor Denis Breading

Question:

Will the Lead member make a statement about the current average number of voids and the average length of such voids of Council Homes compared with 2011 and 2012?

Answer:

During the first three months of 2013/14, the average number of properties that were void – in other words empty between tenancies - was 62 per month.

This is a little higher than the monthly average of 49 properties for the last three years because we are proactively helping under-occupiers who are affected by the housing benefit changes to downsize to a smaller property. As a result, there are more moves taking place within the Council's housing stock and hence more voids, particularly among high demand family-sized accommodation.

So far in 2013/14, the average length of time that a council property stands empty between tenancies is 23 calendar days. The comparable figure for 2010/11 was 22 days, for 2011/12 24 days, and in 2012/13 it was 19 days.

In response to a supplementary question, the Cabinet Member explained the number of voids had gone up because there had been more moves between properties. The percentage figure for voids was similar to that in previous years and she would forward this figure to Councillor Breading.

VOTING RECORD

DIVISION NUMBER:	1						
The Mayor [Cllr. Eric Munday]	O						
The Deputy Mayor [Cllr. Linda Trew]	✓						
<u>CONSERVATIVE GROUP</u>							
Cllr. Michael White	✓						
Cllr. Michael Armstrong	✓						
Cllr. Robert Benham	✓						
Cllr. Becky Bennett	✓						
Cllr. Jeff Brace	✓						
Cllr. Wendy Brice-Thompson	✓						
Cllr. Andrew Curtin	✓						
Cllr. Osman Dervish	✓						
Cllr. Roger Evans	✓						
Cllr. Georgina Galpin	✓						
Cllr. Peter Gardner	✓						
Cllr. Lesley Kelly	✓						
Cllr. Steven Kelly	✓						
Cllr. Pam Light	✓						
Cllr. Robby Misir	✓						
Cllr. Barry Oddy	✓						
Cllr. Gary Pain	✓						
Cllr. Roger Ramsey	✓						
Cllr. Paul Rochford	✓						
Cllr. Geoffrey Starns	✓						
Cllr. Billy Taylor	✓						
Cllr. Barry Tebbutt	✓						
Cllr. Frederick Thompson	✓						
Cllr. Lynden Thorpe	✓						
Cllr. Melvin Wallace	✓						
Cllr. Keith Wells	✓						
Cllr. Damian White	✓						
<u>RESIDENTS' GROUP</u>							
Cllr. Clarence Barrett	X						
Cllr. June Alexander	X						
Cllr. Nic Dodin	X						
Cllr. Brian Eagling	X						
Cllr. Gillian Ford	X						
Cllr. Linda Hawthorn	X						
Cllr. Barbara Matthews	X						
Cllr. Ray Morgon	X						
Cllr. John Mylod	O						
Cllr. Ron Ower	X						
Cllr. Linda Van den Hende	X						
Cllr. John Wood	X						
<u>LABOUR GROUP</u>							
Cllr. Keith Darvill	X						
Cllr. Denis Breading	X						
Cllr. Paul McGeary	X						
Cllr. Pat Murray	X						
Cllr. Denis O'Flynn	X						
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>							
Cllr. Jeffery Tucker	X						
Cllr. Michael Deon Burton	X						
Cllr. David Durant	X						
Cllr. Mark Logan	A						
<u>UNITED KINGDOM INDEPENDENCE PARTY</u>							
Cllr. Lawrence Webb	O						
Cllr. Sandra Binion	O						
Cllr. Ted Eden	A						
Cllr. Fred Osborne	O						
TOTALS							
✓ = YES	28						
X = NO	19						
O = ABSTAIN/NO VOTE	5						
ID = INTEREST DISCLOSED/NO VOTE	0						
A = ABSENT FROM MEETING	2						
	54						

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EXTRAORDINARY COUNCIL, 4 SEPTEMBER 2013

MOTION

A MOTION TO VARY PREVIOUS COUNCIL DECISION

Motion on behalf of the Administration

That the sizes and seat allocations of various Committees agreed at Annual Council be varied in accordance with the Chief Executive's report submitted at agenda item 7.

(Note: This motion has been signed by the required 14 Members of the Council).

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REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTING THE COMMITTEES OF THE COUNCIL

- 1 In accordance with the Constitution, the Council appointed its Committees at the Annual Meeting in May. Since then, the political make-up of the Council has changed with three Members leaving the Conservative Group to join UKIP, together with a UKIP councillor being elected in a bye-election, thereby creating a fifth group on the Council.
- 2 This report seeks to address the change in the political make-up of the Council by re-visiting the total number of seats on Committees. It also addresses the sizes of Committees and the proposed allocation of seats in accordance with the Local Government (Committees and Political Groups) Regulations 1990. A brief summary of the legal requirements on political balance and their impact on the present makeup of the Council is set out at Appendix 2. Great detail is provided in Annex C.
- 3 In the event that the Council agrees to slight revisions to the total number of seats and the seat numbers for each committee, the proposal default seat allocation between the parties is set out in Annex A. If the Council decides to keep the current seat numbers for each committee then the default seat allocation will be as in Annex B.
- 4 There are no additional financial implications or risks arising from this report.
- 5 There are no legal, human resources or equalities and social inclusion implications or risks attached to this report.

RECOMMENDATIONS

1. That in the event that the Council agrees to vary the sizes of the Committees listed in Appendix 1 so that the total number of committee seats is 121, the default seat allocation for political balance as is set out in Annex A will apply.
2. If the sizes of the Council's Committees are not amended by Council then the default seat allocation for political balance as set out in Annex B will apply.

Extraordinary Council, 4 September 2013

Staff Contact: Andrew Beesley
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**Cheryl Coppel
Chief Executive**

Background Papers List

None

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

Audit Committee

Governance Committee

Adjudication and Review Committee

Appointments Sub-Committee

Licensing Committee

Pensions Committee

Regulatory Services Committee

Standards Committee

Children & Learning Overview & Scrutiny
Committee

Crime & Disorder Committee

Environment Overview & Scrutiny
Committee

Health Overview and Scrutiny Committee

Individuals Overview & Scrutiny
Committee

Towns & Communities Overview &
Scrutiny Committee

Value Overview & Scrutiny Committee

POLITICAL BALANCE

- 1 **The Local Government (Committees and Political Groups) Regulations 1990** require that, so far as practicable, the membership of Committees – both overall, and of individual bodies – must reflect the division of the overall membership of the Council into the various Groups. The Regulations set out the parameters within which such balance is to be achieved.
- 2 The proposed number of 121 committee seats in **Annex A** has been prepared accordingly and is the preferred position.
- 3 **Annex B** is the default position based on the total number of 119 committee seats.
- 4 **Annex C** sets out in detail the principles of political balance that the law requires the Council to conform to, and discusses the application of those rules to the current political make-up of the Council.
- 5 In broad terms, each Group of members is entitled to take seats on Committees in proportion to the total number of Members that belong to it. The Regulations state that each Group must have at least two Members and Members who do not belong to a group of at least this size do not have any entitlement to an allocation of seats. There is discretion as to the size of Committees and thus the total number of places available for allocation, although for reasons of practicality it is necessary to ensure that sufficient Members are available from each Group to cover its meeting obligations. To this end and to reflect the inclusion of an extra Group, the proposed total number of seats is to increase slightly to 121 from 119, with individual Committee sizes varying from 6 Members to a maximum of 15.
- 6 Changes in the sizes of Committees are proposed to Highways Advisory Committee; and to the Crime & Disorder, Environment, Individuals and Value Overview and Scrutiny Committees.
- 7 Within the overall number of seats available, some adjustment is needed to ensure, so far as practicable, that each Group has its due share of seats and that the allocation of seats between the Groups on each Committee reflects their respective proportions of the Council's membership.
- 8 ***There is no perfect answer.***
- 9 The first step is to agree the overall number of seats on Committees, with the sizes of the individual Committees and the allocation of seats to each Group following the formula referred to in Annex C; then finally, adjustments are required to the outcome to ensure that, overall, each

Group receives its appropriate share of the total number of seats to be allocated.

- 10 Because the Council now has 5 political groupings, a number of default positions are possible within the proposed total number of seats and the number of seats proposed for each committee. Taking account of existing arrangements and member preferences, the proposed default position is set out at Annex A. Some minor variation, principally in the allocation of seats between the 2 smallest groups, is possible and still amount to a legal default position. Should members wish to adopt a different default position that could be agreed by the Council by a simple majority.
- 11 The Council can agree different arrangements from those prescribed by law, i.e. an arrangement that isn't a default position, so long as no Member votes against them. Should any such "different arrangements" receive only one vote against, despite all other Members voting in favour of it, then the "default" position would apply.

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of 121 seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the preferred position.

		CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Governance	13	7	3	1	1	1
Licensing	11	6	2	1	1	1
Regulatory Services	11	6	2	1	1	1
Highways	11	6	2	1	1	1
Adjudication	10	5	2	1	1	1
Pensions	7	4	1	1	0	1
Audit	6	3	1	1	1	0
Children's	9	5	2	1	0	1
Value	9	5	2	1	0	1
Towns	9	5	2	1	1	0
Individuals	7	4	2	1	0	0
Crime	6	3	2	0	1	0
Health	6	3	2	0	0	1
Environment	6	3	2	0	1	0
Seats Allocated	121					

All Groups are represented on the Governance, Highways Advisory, Licensing, Regulatory Services and Adjudication & Review Committees. Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

RECOMMENDED SEAT ALLOCATION (Default position based on allocation of 119 seats)

		CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Governance	13	7	3	1	1	1
Licensing	11	6	2	1	1	1
Regulatory Services	11	6	2	1	1	1
Adjudication	10	5	2	1	1	1
Highways	9	5	2	1	1	0
Pensions	7	4	1	1	0	1
Audit	6	3	1	1	1	0
Children's	9	5	2	1	0	1
Value	9	5	2	1	1	0
Towns	9	5	2	1	1	0
Individuals	7	4	2	1	0	0
Crime	6	3	2	0	1	0
Health	6	3	2	0	0	1
Environment	6	3	2	0	1	0
Seats Allocated	119					

All Groups are represented on the Governance, Licensing, Regulatory Services and Adjudication & Review Committees. Committee seats are allocated, and each Committee is balanced, as "reasonably practicably" as possible

POLITICAL BALANCE PRINCIPLES

- 1.1 In allocating seats on Committees to the Groups, the Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. As the current situation at Havering is that one Group (the Conservative Group) has an overall majority but there are several opposition Groups, the relevant principles are, in order of priority:
1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
 2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
 3. The total share of all the seats available for all of the Council main Committees allocated to each political Group must be proportionate to that Group's share of the total Council membership.
 4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group must be proportionate to that Group's share of total Council membership.
- 1.2 Moreover, in determining entitlements to seats, any members who are not in a Group are disregarded, as they are not entitled to a seat on any Committee; but the proportions on which entitlements are calculated must relate to the total number of Councillors.
- 1.3 **In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own.** With the distribution of seats on the Council that results from the election and recent changes in political make-up, it is inevitable (a) that the smaller Groups will not be able to be represented on every Committee, (b) that one Group's representation on some Committees will be at the expense of another's and (c) that, with calculations made as accurately as possible, one or more Groups may have actual seat numbers that differ from their entitlements.
- 1.4 The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.
- 1.5 To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.
- 1.6 Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to

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each Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

- 1.7 The “wishes of the Group” may be communicated to the Chief Executive (or the Committee Administration Manager [CAM] on her behalf) by notice in writing by the Group Leader (or on his/her behalf by a recognised deputy) and will be implemented forthwith. Changes may be effected at any time by notice to the Chief Executive (or CAM) and will be notified to all Members in the next available edition of the weekly Calendar Brief.
- 1.8 It should be noted that the Chairmen and Vice-Chairmen of Committees were appointed by Council and any change in membership affecting a Chairman or Vice-Chairman would therefore require consideration by Council, and be dealt with by formal motion where necessary.
- 1.9 The Health and Wellbeing Board, while a Council Committee, is an executive Committee with separate statutory rules on membership. As with the Cabinet therefore, the Health and Wellbeing Board is not included in this seat allocation process.

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

- 2.1 The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

- 3.1 The Regulations specify that the minimum size of a Group is two Members. As seats are allocated on the basis of Groups, Members who do not belong to a Group do not have a right to be allocated any Committee seat.
- 3.2 The seat entitlements of the Groups are determined by a formula using the percentage of seats held by each Group, operating through a sequence of stages as follows:
 - **First**, the percentage of each Group’s membership of the Council is calculated.
 - **Next**, that percentage is then applied to the number of seats available on each Committee to determine each Group’s potential entitlement to seats on that Committee (rounded to the nearest whole number following the mathematical convention that numbers below 0.5 are rounded down, and those 0.5 or more are rounded up).

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil (i.e. less than 0.5), as there is a specific number of seats available on each Committee and no Group may have more seats on any Committee than its entitlement.

Those figures are then applied to the total number of seats available on each Committee, the seats being allocated in order, highest entitlement first, until all seats have been allocated.

- **Finally**, fine adjustment is required to ensure that, so far as reasonably practicable, the total of seats allocated reflects the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process. This can result in a group being allocated more seats than appears to be its strict entitlement: this is the inevitable result of tensions within the political balance rules, which require different balancing arrangements as between the overall number of seats available, and the number of seats on each Committee.

Specific allocations

- 4.1 For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.
- 4.2 Once the number of seats available on each Committee has been determined, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.

Sub-Committee of the Governance Committee

- 5.1 The Appointments Sub-Committee does not count for the purpose of determining the overall political balance but must nevertheless be politically balanced itself. The suggested allocation of seats is as follows:

Sub-Committee	CONSERVATIVE	RESIDENTS	LABOUR	IRG	UKIP
Appointments	7	4	2	1	0

- 5.2 Members of the Sub-Committee do not have to be Members of the Governance Committee, though some overlapping membership is desirable.