



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm

Thursday
26 June 2014

Town Hall,
Main Road,
Romford

Members 13: Quorum 5

COUNCILLORS:

Conservative

(5)

Michael White
(Chairman)
Osman Dervish
Roger Ramsey
Melvin Wallace
Damian White

Residents'

(5)

Clarence Barrett
(Vice-Chair)
Jody Ganly
Ray Morgon
Stephanie Nunn
Darren Wise

UKIP

(2)

Lawrence Webb
Ian de Wulverton

Independent Residents'

(1)

Jeffrey Tucker

For information about the meeting please contact:

Grant Söderberg - tel: 01708 433091

e-mail: grant.soderberg@onesource.co.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

3 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 - 12)

To approve as a correct record the minutes of the Committee held on 12 March 2014, and to authorise the Chairman to sign them.

5 ADDITION TO THE DELEGATED POWERS OF THE HEAD OF REGULATORY SERVICES (Pages 13 - 16)

6 APPOINTMENTS TO OTHER ORGANISATIONS, 2014/15 (Pages 17 - 28)

Members are invited to consider the appended proposed appointments to outside bodies and to amend or confirm them as the Committee thinks appropriate.

Andrew Beesley
Committee Administration
Manager

Public Document Pack Agenda Item 4

MINUTES OF A MEETING OF THE GOVERNANCE COMMITTEE Town Hall, Main Road, Romford 12 March 2014 (7.30 - 7.52 pm)

Present:

COUNCILLORS

Conservative Group	Frederick Thompson (Chairman), Rebecca Bennett (Vice-Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White and +Pam Light
Residents' Group	Clarence Barrett, Barbara Matthews and +June Alexander
UKIP Group	Lawrence Webb

+ Substitute Members: Councillor Pam Light (for Michael Armstrong) and June Alexander (for Gillian Ford)

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

Apologies for absence were received from Councillors Michael Armstrong, Gillian Ford and Keith Darvill.

There were no disclosures of pecuniary interest

30 **MINUTES**

The minutes of the meeting held on 15 January 2014 were agreed as a true record and signed by the Chairman.

31 **APPOINTMENTS TO OUTSIDE BODIES AND OTHER ORGANISATIONS 2013/14**

Members were reminded that since Councillor Michael White stepped down as Leader of the Council and Councillor Steven Kelly acceded to that role, the appointment to a number of important outside bodies needed to be revised as they were now anomalous. The Committee was also mindful that the Local Elections were not far distant and therefore it would be prudent to ensure that existing memberships remained consistent as far as was possible, bearing in mind that the next outside body appointments would now take place at the beginning of July.

The Committee:

- 1 (a) **Determined** the appointments to the organisations referred to in the report for the period until the meeting which would deal with appointments for the municipal year, 2014/15 (or such other period as may be relevant in any specific case).
- (b) **Recommended** to the Leader that appointments be made where those appointments were executive and
- 2 **Noted** that where the Council's representative (or any deputy or alternative representative where applicable) was unable to attend a particular meeting and the constitutional arrangements of the body in question so permitted, that representative might mandate the Chair of the meeting to exercise a proxy vote.

32 **MEMBER INDUCTION PROGRAMME**

The Committee was reminded that a report had been submitted to the January meeting of the Governance Committee outlining the range of training and information to be provided to Members following the Council election in May 2014.

Following further discussions with the Member Development Group, outlines of the first two planned events for Members were provided for noting by the Committee.

Members considered that the schedule for special training (e.g. to the committees for audit, equalities, pensions, licensing and planning) would need to be covered quickly although the Committee acknowledged that whilst there was no specific requirement for Members appointed to the Regulatory Services Committee to receive formal training, the changing rules governing planning made training desirable.

In addition, Members expressed a desire for the training to be given to new councillors to be separate from and distinct to that given to those Members who were returning and who had acquired experience as the Committee appreciated there would be clear advantages for both groups to receive training appropriate to reflect that differential.

Members were in agreement that the time after the local elections and before Annual Council would be a hectic one and they impressed officers with the need for those planning the programme to ensure that appropriate mandatory training was provided to those chosen by the various Groups to be Leaders and Deputy Leaders.

The Committee **noted** the report and accepted the programme on the understanding that mandatory training for Group Leaders and their deputies

was included in the programme as well as the other elements identified above.

33 **MONITORING OFFICER REPORT NR. 23**

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

34 **MONITORING OFFICER REPORT NR. 24**

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

35 **MONITORING OFFICER REPORT NR. 25**

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

36 **MONITORING OFFICER REPORT NR. 26**

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

Chairman

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SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 23

Date 16th January 2014

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 ref	Substance of amendment / amended wording	Reason for amendment
Part 3, Section 3.6.6	92	<p>Add the following to Part 3 3.6 for the responsibility of Head of Street Care after 3.6.3 (gg):</p> <p>(hh) To determine the making of Tree Preservation Orders and applications for the topping, lopping and felling of trees where the trees are covered by a Tree Preservation Order; to confirm or revoke Tree Preservation Orders; to waive the requirement to replace trees where appropriate; to serve Tree Replacement Notices where necessary.</p> <p>(ii) To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1976 in respect of complaints regarding dangerous trees posing an imminent risk to persons or property or causing damage to property.</p> <p>(Informative: powers in (hh) & (ii) area also held by the Head of Regulatory Services</p>	Organisational Change

Part and article/ section	Page ref	Substance of amendment / amended wording	Reason for amendment
Part 3, 4 (Functions not to be the responsibility of an authority's Executive),	143	Amend Part 2, 47, gives the decision making body for Powers relating to the preservation of trees to the Head of Regulatory Services Add Head of Streetcare	Organisational Change

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SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 25

Date 13th February 2014

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 ref	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.6.2	86	Move paragraphs (e) to (i) from Head of Customer Services To 3.7.3 Head of Finance & Procurement after paragraph (i)	Organisational Change
Part 3 Section 3.6.2	86	Delete paragraph (j)	Organisational Change
Part 3 Section 3.6.2	87	Amend The Benefit Manager to read: Principal Investigation Officer and move to end of Section 3.7.3	Organisational Change
Part 3 Section 3.7.3	102	Delete paragraph (i) and renumber paragraph (j) to (i)	Organisational Change

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SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 26

Date 20th February 2014

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 ref	Substance of amendment / amended wording	Reason for amendment
Part 5	314, 315	Rename: The Adjudication & Review Committee To: Governance Committee	Amendments
Part 5	316, 320, 323, 324	Rename: Adjudication and Review Committee To: Monitoring Officer	Legislation Change
Part 5	324	49. Delete: Which could lead, ultimately, in the most serious cases, and a referral to the Standards for England to the disqualification of a Member.	Legislation Change
Part 5	327	Replace paragraph 4 The Standards Committee (England) Regulations 2008 provide for public access to meetings and documents of Adjudication and Review committee proceedings. Where a sub-committee of an adjudication and Review committee is considering an allegation against a member or a request to review a decision to take no action, there is no public right of access to the meetings or documents but the sub-committee is required to produce	Legislation Change

Part and article/ section	Page ref	Substance of amendment / amended wording	Reason for amendment
		<p>a written summary of its consideration of those matters, which is available to the public. Otherwise, the proceedings of Adjudication and Review committees and sub-committees of Adjudication and Review committees are to be open to the public in a manner similar to that in which other proceedings of local authorities are made open.</p> <p>With: Where an Adjudication & Review sub-committee of an Adjudication and Review committee is considering an allegation against a member or a request to review a decision to take no action, there is no public right of access to the meetings or documents but the sub-committee is required to produce a written summary of its consideration of those matters, which is available to the public. Otherwise, the proceedings of Adjudication and Review sub-committees are to be open to the public in a manner similar to that in which other proceedings of local authorities are made open.</p>	

GOVERNANCE COMMITTEE

26 June 2014

Subject Heading:	ADDITION TO THE DELEGATED POWERS OF THE HEAD OF REGULATORY SERVICES
Report Author and contact details:	IAN BURNS Acting Assistant Chief Executive, Legal & Democratic Services – 2442
Policy context:	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

Following adverse judicial comments on the use of s.106 Town & Country Planning Act to restrict residents of new developments from having access rights to residents' parking schemes, an alternative legal provision has been identified and delegation of its use by the Head of Regulatory Services is recommended.

RECOMMENDATIONS

That the Committee recommend to the Council that the following paragraph be added to Section 3.6.6 in Part 3 of the Constitution relating to the Head of Regulatory Services:

(dd) To enter into agreements under s.16 Greater London Council (General Powers) Act 1974 to restrict the occupants of buildings from having access to residents parking permits.

REPORT DETAIL

1. The Council's basic policy provision for new developments is that any required parking provision should be provided on site. This is particularly so in town centres where often many existing buildings do not have any provision for on-site parking, so there is considerable pressure on existing on-street provision, particularly in controlled parking zones. On occasions developers are unable or unwilling to provide the required level of on-site parking provision.
2. In order to prevent occupants of the development subsequently also applying for a residents parking permit for the controlled parking zone within which the development is situated, legal agreements are entered into with developers to remove that possibility.
3. Previously restricting access to residents' parking permits was implemented under the provisions of s.106 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), however following adverse judicial comment on the limitation of the application of planning obligations under the Section 106(1) of the 1990 Act to restricting access to residents parking permits, it is considered that the alternative statutory provision under s.16 of the Greater London Council (General Powers) Act 1974, should be the preferred statutory provision used to implement the policy.
4. While most applications requiring legal agreements are considered by Committee, decisions on some small scale residential developments are delegated for determination to the Head of Regulatory Services. So that he can determine applications where a restriction on future residents having access to residents parking permits is required, rather than refer the application to Committee, it is recommended that the additional power to utilise s. 16 is delegated to him.

IMPLICATIONS AND RISKS

Financial implications and risks:

The agreements and/or undertakings made under seal that effect land and bind successors in title under Section 16 of the Greater London Council (General Powers)

Act 1974 will require legal input but any costs will be recouped through an appropriate legal fee.

Legal implications and risks:

These are covered in the report

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

None

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GOVERNANCE COMMITTEE

26 June 2014

Subject Heading:

APPOINTMENTS TO OTHER ORGANISATIONS, 2014/15

CMT Lead:

Ian Burns
Assistant Chief Executive
01708 432442

Report Author and contact details:

Jacqui Barr
Research & Information Officer,
Committee Administration
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01708 432439

Policy context:

The Council appoints Members and others to serve on a variety of other bodies

Financial summary:

There are no significant financial implications.

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

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

SUMMARY

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

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

RECOMMENDATIONS

That:

- 1 (a) That the Committee determine appointments to the organisations referred to in this report for the period until the meeting that deals with appointments for the municipal year, 2014/15 (or such other period as may be relevant in any specific case).
- (b) That, where the appointment is executive, the Committee **RECOMMEND** to the Leader that the appointment be made.
- 2 That, where the Council's representative (or any deputy or alternative representative where applicable) is unable to attend a particular meeting and the constitutional arrangements of the body in question so permit, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 3 That the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Roger Ramsey (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either is unable to vote in person).

REPORT DETAIL

- 1.1 The Committee is authorised to make all appointments to other organisations (other than executive appointments, which are made by the Leader). Appointments are for the period expiring at the first meeting of this Committee in the municipal year 2015/16 (probably during the last week of May 2016), except where otherwise specifically provided.
 - 1.2 **Appendix 1** Executive appointments. **The Committee is asked to review the appointments and to make recommendations to the Leader.**
 - 1.3 **Appendix 2** lists the appointments made by office-held and by individual member, but are not executive. **The Committee is asked to review these appointments and either confirm them or agree what changes are to be made.**
 - 1.4 Appointments that do not require review or renewal for the present are shown in italics. **The Committee is asked to note these appointments.**
- 2. Exercise of voting rights:**

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

3. London City Airport Consultative Group:

- 3.1 There are several outside bodies which have member-level representation from London Councils. All nominations to outside bodies are made by the London Councils Leaders' Committee. When he was the Cabinet Member for Environment, Barry Tebbutt was appointed to represent the boroughs of Waltham Forest, Redbridge and Havering on the London City Airport Consultative Committee until April 2015.
- 3.3 Members are appointed for three years (with the exception of those for LBs Newham and Greenwich who are nominated on an annual basis), so it is likely that following the Election in May 2014 Havering will be asked to make a new appointment to replace Barry Tebbutt until April 2015.

4. Thames Regional Flood Defence Committee:

- 4.1 Barry Tebbutt (Cabinet Member for Environment), was appointed via London Councils Environment Committee in November 2010 for a four year period to represent the boroughs of Barking & Dagenham, Havering and Redbridge.
- 4.2 London Councils has indicated that it appears unlikely the nomination will remain with Havering since the political balance on London Councils has changed following the Local Council elections

5. North East London NHS Foundation Trust:

- 5.1 The Council makes a Non-executive appointment to the Board of Governors of the North East London Foundation Trust.
- 5.2 The representative was formerly the Cabinet Member for Individuals, but at the meeting of Governance on 12 March 2014, it was agreed that the Head of Adult Services, Barbara Nicholls should replace the Cabinet Member as the council's representative.
- 5.3 The Committee is asked to consider whether it wishes to
- (i) **Agree** the change from Member to Officer appointment
- OR**
- (ii) **Retain** the position as a Member appointment.

6. Havering Local Strategic Partnership Board:

- 6.1 Following the removal of the Local Area Agreement national performance framework, it was decided that the meetings of the Havering Local Strategic Partnership would no longer be held. Member representation is therefore no longer required.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

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

Legal, Finance and Environmental Implications and Risks

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

BACKGROUND PAPERS

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

APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2014/15

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

Appointments to other organisations, 2014/15

Grants Committee

Representative (1):

Deputy (up to 4):

Greater London Provincial Council

Representative (1):

Deputy Representative (1):

APPOINTMENTS MADE BY THE COUNCIL TO OTHER ORGANISATIONS, 2014/15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
Adoption Panel-1	<i>One Vacancy</i>	
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	<i>Two Vacancies</i>	
Carers Panel-1	<i>One Vacancy</i>	
Coopers Company & Coborn Educational Foundation	<i>One Vacancy</i>	
Damyns Hall Aerodrome Joint Consultative Committee-2	<i>Two Vacancies</i>	
Essex Wildlife Trust (Bedfords Park Management Committee)	<i>One Vacancy</i>	
Governor Panel - 3	<i>Three Vacancies</i>	
Havering Arts Council - 5	<i>Five Vacancies.</i>	
Havering Association for People with Disabilities - 2	<i>Two Vacancies</i>	

Appointments to other organisations, 2014/15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
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Havering Bands and Majorettes Association - **Three Vacancies**
 Executive Committee - 3

Havering & Brentwood Bereavement Service **One Vacancy**
 - 1

Havering Chamber of Commerce and Industry Leader of the Council

Havering Children's Trust **One Vacancy**

Havering Community Safety Partnership – 2 **Two Vacancies**

Havering Joint Forum - 6 Leader of the Council, Deputy Leader of the Council, , Leader of the Opposition Group and **Three Vacancies**

Appointments to other organisations, 2014/15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Havering Sports Council - 5	Five Vacancies
Havering Sixth Form College	One Vacancy Councillor Wendy Brice Thompson (till September 2016)
Havering Theatre Trust - 3	Three Vacancies
Havering Twinning Educational Association	One Vacancy
Hornchurch Housing Trust (Nomination Trustees) - 6	Ms Pamela Freer and Mr David Williams (until February 2015) Mr Eric Munday and Mr Ted Eden (until February 2017) Mr Ivor Cameron and Mrs Peggy Munday (until February 2018)
Joint O&S East London Solutions	One Vacancy, Deputies: Three Vacancies.

Appointments to other organisations, 2014/15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Local Government Association General Assembly - 4	Leader of the Council, Leader of the Opposition and Two Vacancies
City Region Board (formerly Local Government Association Urban Commission)- 2	Two Vacancies
London City Airport Consultative Group (indirect appointment via nomination to London Council)	One Nomination to London Councils (until April 2015)
London Home & Water Safety Council -1	One Vacancy
London Road Safety Council - 2	Two Vacancies
London Youth Games-1	One Vacancy
Lucas Children's Play Charity Nominative Trustees – 2	One Vacancy and Councillor Linda Hawthorn (appointed till November 2015)

Appointments to other organisations, 2014/15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	
North East London NHS Foundation Trust – 1	Head of Adult Services*	To be confirmed by Governance
Orchard Village Neighbourhood Management Board -4	Four Vacancies	
Poyntz (a.k.a. Richard Poyntry's) and other charities	Councillor June Alexander (until March 2016) Mr David Livermore (until March 2016) Rev. George Baisley (until March 2016)	
Relate North East - 2	Two Vacancies	
Reserve Forces & Cadets Association -1	One Vacancy	
Romford Town Centre Partnership	Leader of the Council, Chief Executive One Vacancy for Deputy	
<u>Romford Combined Charity Nominative Trustees</u> – 2	Mr Michael Armstrong, and Mr Andrew Curtin and (until 3.11.14) One Vacancy (until 3.11.16) Councillor Melvin Wallace (until 25.10.15)	
Safer Neighbourhood Board	One Vacancy	
Second Chance Theatre for the People	One Vacancy	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)
Standing Advisory Council for Religious Education (SACRE) - 5	Five Vacancies
Tenant Management Organisations -3	BETRA (Gooshays) – Vacancy DELTA (Squirrels Heath) – Vacancy PETRA (St Andrews) – Vacancy
Upminster Windmill Preservation Trust - 1	One Vacancy
Veolia ES Cleanaway Havering Riverside Trust - 1	One Vacancy
Veolia ES Cleanaway Havering Riverside Trust - 1	One Vacancy