



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm	Thursday 30 April 2015	Town Hall, Main Road, Romford
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Members 13: Quorum 5

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(3)**

Ray Morgon
Stephanie Nunn
Barry Mugglestone

**East Haverling
Residents'
(2)**

Clarence Barrett
(Vice-Chair)
Darren Wise

**UKIP
(2)**

Lawrence Webb
Ian de Wulverton

**Independent Residents
(1)**

Jeffrey Tucker

**For information about the meeting please contact:
Grant Soderberg tel: 01708 433091
e-mail: grant.soderberg@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

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 - 8)

To approve as a correct record the minutes of the Committee held on 11 March 2015, and to authorise the Chairman to sign them.

5 REVISION TO THE CALL-IN PROCEDURE FOR REGULATORY SERVICES (Pages 9 - 12)

6 APPOINTMENT TO OUTSIDE BODIES (Pages 13 - 16)

7 MONITORING OFFICER REPORT NR 05 (Pages 17 - 22)

8 E1: CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION (Pages 23 - 26)

9 E2: CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION (Pages 27 - 30)

Andrew Beesley
Committee Administration
Manager

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
11 March 2015 (7.30 - 8.40 pm)**

Present:

COUNCILLORS

Conservative Group	Michael White (Chairman), *Roger Ramsey, Melvin Wallace, Damian White and +Robert Benham
Residents' Group	Ray Morgon, Stephanie Nunn and Barry Mugglestone
East Havering Residents' Group	Darren Wise and +Linda Van den Hende
UKIP Group	Lawrence Webb and Ian de Wulverton
Independent Residents Group	+David Durant

Apologies for absence were received from councillors Osman Dervish, Clarence Barrett and Jeffrey Tucker who were substituted by councillors +Robert Benham, +Linda van den Hende and +David Durant respectively.

*In the absence of the Chairman and the Vice Chairman, the Committee agreed that Councillor Roger Ramsey should take the Chair. Councillor Michael White subsequently arrived and Councillor Ramsey relinquished the Chair in his favour after the item concerning the revision to the appointment of Aldermen and Freeman.

There were no disclosures of pecuniary interest

Decisions were taken without division unless otherwise stated.

24 MINUTES

The minutes of the meeting held on 14 January 2015 were agreed as a true record and signed by the Chairman.

25 REVISION TO THE CALL-IN PROCEDURE FOR APPLICATIONS BROUGHT BEFORE THE REGULATORY SERVICES COMMITTEE

The Committee was informed that following a request from members of the Regulatory Services Committee, it had been proposed that a revision be made to the call-in procedure for planning applications brought before the Regulatory Services Committee. The proposal before the Committee was for the call-in of a planning application to be restricted specifically to the Councillors for the ward in which the planning application site is located.

Members noted that the intention of the amendment was to seek to limit call-ins which might have no real planning merit, but which would add to the burden on the Regulatory Services Committee which would have to deal with them. Several Members expressed their unease with the restriction to that of the Ward councillors arguing that if the application in question was close to a Ward boundary, it could have more serious implications for that Ward than the ward the application was in.

The view was also expressed that councillors were not simply elected to a specific Ward, but had responsibilities across the whole borough and it was unreasonable to prohibit any councillor from exercising their discretion in the public interest simply because they were not directly connected with the Ward in question.

Having discussed the issues, the Chairman asked the Committee whether the report should be deferred to a later meeting in order that the views of Members could be more thoroughly ascertained.

The Committee **agreed** to defer the matter to a later meeting to allow further deliberation to take place.

26 **FLOOD & WATER MANAGEMENT ACT 2010**

The Committee was reminded that in 2010 the Flood & Water Management Act 2010 introduced provisions for the management of risks in connection with flooding and coastal erosion.

The Government, in liaison with the Environment Agency and DEFRA (Department for Food and Rural Affairs) had since been scoping arrangements for requiring Sustainable Urban Drainage Systems (SUDS) to be provided within certain categories of new development as part of a suite of measures to combat flood risk. The Government recently announced that SUDS matters would now be incorporated within the planning application process from April 2015. Further national guidance on the exact process was awaited.

The report sought to delegate the provisions of the Flood & Water Management Act into the executive functions of the Head of StreetCare and Head of Regulatory Services.

The Committee **recommended** that the provisions of the Flood & Water Management Act into the executive functions of the Head of StreetCare and Head of Regulatory Services.

27 **REVISION TO THE PROCEDURE FOR THE NOMINATION AND APPOINTMENT OF HONORARY FREEMAN AND HONORARY ALDERMAN**

Members considered revisions to the procedure for the nomination and appointment of Honorary Freemen and Honorary Aldermen and the adoption of a protocol for such matters.

It was informed that under the provisions of Section 249 of the Local Government Act 1972, the Council may, by resolution passed by not less than two-thirds of the councillors voting thereon at a meeting specially convened for the purpose:

- (i) Admit to be Honorary Freemen of the Borough persons of distinction and persons who had, in the opinion of the Council, rendered eminent service to the Borough; and
- (ii) Confer the title of Honorary Alderman upon persons who had, in the opinion of the Council, rendered eminent service to the Council as past councillors.

Current practice in Havering was for nominations for the appointment of honorary freeman and honorary alderman to be submitted for consideration at the annual meeting of Council. To support the nominations, details of the eminent service or the reasons for distinction for which the award was to be conferred, were required.

In recent years there had been an increase in the number of nominations with an annual expectation that nominations would be made. To ensure that the honour was regarded as the highest accolade a Council could award, the Administration proposed that a protocol which would amend existing procedures and which would also remove the likelihood of a nomination not achieving the requisite two-thirds majority at Council should be put in place.

It was proposed that in the first instance Group Leaders would attempt to reach agreement on the nomination to ensure that it would meet the requisite two-thirds majority. Once Group Leaders had discussed the matter, it would be referred to the Governance Committee which would in turn recommend to Council for its consideration the names of those individuals nominated for the award of honorary freeman or honorary alderman.

The Committee accordingly **recommended to Council that**.

1. The protocol for the nomination and appointment of honorary freemen and honorary aldermen for the London Borough of Havering attached as Appendix A to the report be approved.
2. That a common form for both Aldermen and Freemen be devised so that all applications could receive equal consideration.
3. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution.

28 **RESIGNATION OF THE MEMBER CHAMPION FOR THE OVER FIFTIES**

The Committee was informed about the recent resignation of the Over Fifties Champion, Councillor Patricia Rumble. The report explained that a successor would need to be appointed at the next ordinary meeting of Full Council due to take place on 25 March.

The Committee **noted** the resignation of Councillor Patricia Rumble as the Member Champion for the Over Fifties and that her successor would be appointed at the next meeting of Council.

29 **MEMBERS CODE OF CONDUCT COMPLAINTS PROCEDURE**

The Committee was informed about proposed changes to the procedure for considering allegations against breaches of the Members' Code of Conduct which the Adjudication & Review Committee had considered and approved at its meeting on 4 February 2015. This had now been referred to the Governance Committee for consideration about whether to include the arrangements in the Council's Constitution.

Members expressed a number of differing views on whether the procedure before them was strictly necessary and were informed that whilst a protocol was required, what that contained – and its extent – was at the discretion of each local authority. Members were further informed that the procedure before them was comparable with those in many other authorities and was designed to ensure that the process was fair, effective and timely.

A member raised the question about the absence of an appeal mechanism within the process and was advised that this would not be appropriate as any decision which a Member considered to be unreasonable could be challenged by referring the matter to either the Local Government Ombudsman or to a Judicial Review.

After discussion, the adoption of the process as it stood was put to the vote at the request of a Member.

In favour of the motion: Councillors: Michael White, Roger Ramsey, Melvin Wallace, Damian White, Robert Benham, Ray Morgon, Stephanie Nunn, Barry Mugglestone, Linda van den Hende, Darren Wise, Lawrence Webb and Ian de Wulverton

Against the motion: Councillor: David Durant

The motion was **CARRIED** by 12 votes to one.

The Committee **noted** the report and its appendices and **resolved** that it be adopted for use by the Council and that the arrangements for dealing with alleged breaches of the draft Members' Code of Conduct (Appendix 1 to the report) be included in the Council's Constitution.

30 **APPOINTMENTS TO OUTSIDE BODIES AND OTHER ORGANISATIONS**

The Committee was invited to consider the following three outside body appointments and make or confirm appointments as appropriate.

In respect of the **Hornchurch Housing Trust**, the Committee was asked to either to appoint Mr David Williams and Ms Pamela Freer as Trustees to the Trust for the term of office expiring in February 2019 or appoint Ms Pamela Freer and Councillor John Wood as Trustees to the Trust for the same term of office.

In respect of the **Havering Twinning Association**, the Committee was informed that unfortunately, due to a number of circumstances, the decision had been taken to wind up the Trust and there would be no more formal meetings and that in accordance with Charity Commission practice, the Trust would remain a formally constituted body until such time as the accounts had been closed, but Member appointments would no longer be required.

The **East London Waste Authority (ELWA)** constitution, the four member Boroughs were required to appoint two Councillor representatives each to the Management Board annually, a number of 8 in total. In addition, each Borough appointed a Director level officer to the Management Board.

The former Group Director Culture, Community and Economic Development - Cynthia Griffin – had been the Authorised Officer for the London Borough of Havering, but following her recent departure, this position had fallen vacant and now required formal appointment.

It was therefore proposed that Andrew Blake-Herbert Director of Communities and Resources should be appointed as ELWA Director of Environment to the Management Board with immediate effect.

The Committee **resolved** to:

1. **Appoint** Ms Pamela Freer and Councillor John Wood as Trustees to the Hornchurch Housing Trust for the term of office expiring in February 2019.

2. **Note** the position In respect of the Havering Twinning Association,
3. **Confirm** the appointment in respect of the ELWA Waste Authority of Andrew Blake-Herbert as ELWA Director of Environment.

31 **LOCAL PENSIONS BOARD**

The Committee was reminded that steps were necessary to progress the establishment of a Local Pension Board as required by Regulation 106 of the Local Government Pension Scheme Regulations 2013 (the 2013 Regulations) which came into force on 20 February 2015 requiring the Council to establish a pension board no later than 1st April 2015

The Committee was informed that at its meeting on the 23 September 2014, the Pension Committee had agreed to the establishment of a working group of officers from London Borough of Havering and London Borough of Newham to assist in devising appropriate plans for implementation of the requirement to establish a Local Pension Board.

There had been no alternative other than to establish the Local Pension Board and this requirement was being brought in at the same time as a new national Scheme Advisory Board and followed-on from changes in the Scheme whereby accrual of pension built up on a career average basis rather than being linked to final salary, also implemented through the 2013 Regulations. The changes followed wide discussion and consultation.

Currently the Constitution delegated the Council's functions as Scheme Manager, primarily to the Pensions Committee under Part 3 paragraph 1.2. Under the service specific officer delegations at Part 3 section 3.7.2 (b) the Council's section 151 officer was delegated to administer the Council's Pension Fund.

The Guidance on implementation of the new Local Pension Board recommended that the Council considered whether the current arrangement was fit for purpose. The working group had reviewed this and considered that it was. The Local Pension Board would have the role of assisting the Council to ensure compliance with the various duties under the Scheme exercised by the Members and officers as described above.

The Local Pension Board would be a free-standing committee and would not be set up under section 101 Local Government Act 1972 and therefore the Member's Code of Conduct would not apply to it.

Remuneration of members of the Local Pension Board. It was proposed that the members of the Local Pension Board would receive an allowance of £117 for each meeting attended (matching the allowance for co-opted members)

The final version of the 2013 Regulations was unfortunately only published on 29 January 2015 and there were a number of changes from the draft version and therefore there might be a need to further revise the three documents attached to reflect the current legislation. The attached versions are therefore being submitted as the current working versions.

Funding of the Local Pension Board. The costs of administration would be funded entirely from the Pension Fund as required by Regulations. The Section 151 Officer would be responsible for setting the budget and approving expenditure of the Board.

Recruitment and advertising for members was to be undertaken shortly and would involve communications to all Scheme employers and scheme members. A Panel would meet as soon as reasonably possible to shortlist and interview prospective candidates following the Council meeting approving the establishment of the Local Pension Board. Whilst the legislation required the Board to be established by 1 April 2015 its first meeting did not need to take place for up to four months thereafter. A date for the first meeting would therefore need to be set up following appointments to the Board.

The Committee **recommended** to Council that it agreed:

1. Additions to the Constitution as detailed below:

Changes to the Constitution: To establish this board in The Council's Constitution are as follows

At Part 2 Appendix (Council Bodies) add a new paragraph

“Havering Local Pension Board

Membership: to be determined in accordance with the Local Government Pension Scheme Regulations 2013, not being a body constituted under section 101 of the Local Government Act 1972.”

At Part 3 Section 1.4 Statutory and non-statutory bodies

Add: Name – “Havering Local Pension Board”

Functions: “Assisting the scheme manager (i.e. the Council) in relation to the following matters.

- (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;**
- (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;**
- (c) such other matters as the scheme regulations may specify.”**

At Part 3, Section 3.7.7 Functions of the Director of Legal and Governance

Add paragraph (s) and make consequential amendments to the lettering of the succeeding paragraphs:

“To take any necessary action to address any conflicts of interest arising in the Havering Local Pension Board.”

2. The adoption of the:
 - Terms of Reference for the Local Pension Board
 - Code of Conduct for members of the Local Pension Board
 - Conflict of Interest Policy for members of the Local Pension Boardwhich were appended to the report
3. The delegation of the power to make any further amendments to the Constitution (including oneSource delegations) as may be necessary and to revise the Terms of Reference, Code of Conduct and Conflicts of Interest policy to the Monitoring Officer, after consultation with the Council’s Section 151 Officer and the Cabinet Member for Value.

And that a further report on the appointment process itself be provided to the Cabinet Member for Value providing greater detail and reasons why an officer appointment panel should select councillors.

Chairman

GOVERNANCE COMMITTEE

REPORT

30 April 2015

Subject Heading:

Revision to the call-in procedure for applications brought before the Regulatory Services Committee

Report Author and contact details:

Andrew Beesley, Committee Administration & (Interim) Member Support Manager
01708 432437;
Andrew.beesley@onesource.co.uk

Policy context:

Council's Constitution

Financial summary:

None arising from this report

SUMMARY

A report was presented at the previous meeting of the Committee on 11 March 2015 setting out proposed changes to the call-in procedure for planning applications brought before the Regulatory Services Committee. At that meeting, Members deferred making a decision so that further thought could be given to the proposed revisions.

This revised report before Members retains the proposal for the call-in of a planning application to be restricted to the Councillors for the ward in which the planning application site is located. It is recognised however that there may be exceptional circumstances whereby non-ward councillors feel it is necessary for an application to be brought for the consideration of the Regulatory Services Committee. In such exceptional circumstances, approval must be sought in writing, setting out detailed reasons for the call in which must be related solely to matters of material planning concern, and obtained from the Head of Regulatory Services for the application to be brought before the committee.

RECOMMENDATIONS

It is recommended to Council:

1. That Committee Procedure Rule 13(e) of the Council's Constitution be revised to read the following:

(e) Only a Councillor representing the ward in which the planning application is located, or in exceptional circumstances any member of the Council, may call-in an application before the Regulatory Services Committee. Any such request for call-in must be received by the Head of Regulatory Services in writing (to include email and facsimile) and must set out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

2. That Section 3.6.6(d) be revised to read the following:

“Members of the Ward in which a proposal is situated may request that an application be referred to the Regulatory Services Committee for determination. Such request must be made in writing to either the Head of Regulatory Services personally. If no such request is received by the deadline of that period the Head of Regulatory Services may determine the application.

If any Member considers there are exceptional circumstances warranting the calling in of a planning application which is not situated within their Ward then they must seek and obtain approval from the Head of Regulatory Services.”

3. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposal be agreed by Council.

REPORT DETAIL

1. Committee Procedure Rule 13(e) of the Council's Constitution sets out the provisions for the call-in of a planning application for consideration by the Regulatory Services Committee which would otherwise be determined by Council Officers in accordance with the delegated scheme of authority. It states:

“Any request for call-in by a Member must be received by the Head of Regulatory Services in writing (to include email and facsimile) and setting out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.”

2. As previously reported, Members of the Regulatory Services Committee had proposed that a revision be made to the call-in procedure. The previous proposal was for the call-in of a planning application to be restricted specifically to the Councillors for the ward in which the planning application site was located. This would change the existing arrangement which permits any Member of the Council to call-in a planning application irrespective of whether he/she is the ward Councillor where the planning application site is located.
3. At the meeting of the Governance Committee on 11 March 2015 where the report on the matter was first considered, a number of Members expressed concern that the proposal was too restrictive in that there might be exceptional circumstances where non-ward councillors would want the matter to be brought before Members rather than through a delegated authority to Officers. Such exceptional circumstances could for example include proposals which are very close to a neighbouring Ward boundary and/or have a wider impact that affects more than the Ward concerned. As such, Members deferred making a decision to enable further discussion on what the appropriate procedure for the call-in should be.
4. To assist, Officers have provided details of the call-in arrangements for all London boroughs (attached as Appendix A). The research has shown that out of the remaining 31 London boroughs, 21 have some form of restriction on their call-in arrangements, with variations depending upon local preferences.
5. A consistent theme throughout the various local arrangements is the need for material planning considerations to be stated when the request for call-in is made. That provision currently exists within the Committee procedure rules. Should Members be minded to agree the proposals to restrict the call-in arrangements to Ward Councillors and, in exceptional circumstances to all members of the Council, it would continue that approval in writing must be submitted to and obtained from the Head of Regulatory Services. The reasons provided for the call-in will be included in the report before the Regulatory Services Committee and the Member(s) calling-in the application is/are expected to attend the relevant meeting to explain their reasons.
6. There is no right of appeal where the Head of Regulatory Services deems that the reasons for call-in do not relate to material planning considerations.
7. Should Members be minded to recommend this revised approach to Council, minor alterations would also be required to the delegations afforded to the

Head of Regulatory Services. Those revisions are detailed in recommendation 2 of this report.

8. It should be noted finally that any Member of the planning committee calling in a matter must continue to take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial impacts resulting from the proposed revision to the Council's Constitution.

Legal implications and risks:

It is for Council to determine the procedures it shall follow for the calling in of planning applications before the Regulatory Services Committee.

Human Resources Implications and risks:

There will likely be a very minor reduction in the volume of work for staff as the proposal, if agreed, would result in fewer reports making their way onto the Regulatory Service Committee agenda for consideration.

Equalities implications and risks:

There are none arising from this report.

BACKGROUND PAPERS

None



GOVERNANCE COMMITTEE

30 April 2015

Subject Heading:

**APPOINTMENTS TO OUTSIDE BODIES
AND OTHER ORGANISATIONS**

CMT Lead:

Andrew Blake Herbert

Group Director Communities and
Resources

01708 432201

Report Author and contact details:

Jacqui Barr

Research & Information Officer,
Committee Administration

jacqui.barr@havering.gov.uk

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

Havering will be clean and its environment will be cared for

☐

People will be safe, in their homes and in the community

☐

Residents will be proud to live in Havering

☐

SUMMARY

A vacancy has occurred on the Governor Appointments Panel following the resignation of Councillor Webb.

RECOMMENDATIONS

The Committee **note** the position in respect of the Governor Appointments Panel.

DETAILS

1. **The Governor Appointments Panel**

The Governor Appointments Panel consider applications for the LA governor positions on school governing bodies and recommend individuals to the Director of Children, Adults and Housing. Meetings are held on a termly basis, but can be convened more often if required.

Governance Committee appoints three Members to the Panel on an annual basis and in June 2014, appointed the Cabinet Member for Children and Learning, Councillor Gillian Ford and Councillor Lawrence Webb to serve as the Council's representatives for this municipal year.

On 1st April 2015, Councillor Webb resigned from the Governor Panel. Councillor Webb has indicated that it is unlikely the UKIP Group will put forward an alternative nomination to the vacancy

The Committee is asked to note the vacancy, which will be considered with the annual appointments to Outside Bodies at the May meeting.

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.

BACKGROUND PAPERS

Files are held by Committee Administration containing background information on the organisations to which appointments are being made.

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GOVERNANCE COMMITTEE

30 April 2015

Subject Heading:

**MONITORING OFFICER NO 05
AMENDMENTS TO THE
CONSTITUTION**

Report Author and contact details:

Graham White, Interim Head of Legal
Services / Deputy Monitoring Officer

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

Havering will be clean and its environment will be cared for

People will be safe, in their homes and in the community

Residents will be proud to live in Havering

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 the changes to the Constitution set out at Appendix A to 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.

The amendments pick up legislative changes brought in by the Care Act 2014, ensuring that the Head of Adult Social Care has all of the relevant powers to administer the Council's adult social care functions. There is one addition of the Local Safeguarding Children Board at Part 3 section 1.3 as a statutory body which has been previously overlooked.

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: None

Legal implications and risks:

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution in given situations and these amendments are pursuant to and in accordance with those powers. There are not legal implications arising from this report.

Human Resources implications and risks: None

Equalities implications and risks:

The proposed minor constitutional amendments will ensure that the Local Authority is compliant with the Care Act 2014. There are no direct equalities implications or risks arising from this report.

BACKGROUND PAPERS

None

SUBJECT: AMENDMENTS TO CONSTITUTION**Notification No. 5****Date April 2015****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 1.3	44	Add in Column 1 "Local Safeguarding Children Board" Add in Column 2 "Function" "(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for those purposes."	
Part 3 Section 1.3	44	Add in Column 1 "Safeguarding Adults Board" Add in Column 2 "Function" (a) to help and protect adults at risk of neglect or abuse (b) to ensure the effectiveness of what each of its members does.	

Part 3 Section 3 Paragraph 3.5.6 (b)	79	Remove “:(i) section 29 of the National Assistance Act 1948 (ii) section 45 of the Health Services and Public Health Act 1968 (iii) section 2 of the Chronically Sick and Disabled Persons Act 1970” and replace with: “ and their carers including placement in residential or nursing homes in the statutory or independent sector, home care, respite care, and any other appropriate care and support, pursuant to the Care Act 2014.”	
Part 3 Section 3 Paragraph 3.5.6 (e)	79	Change to: “In special circumstances, to exceed the maximum personal allowance for community care services under the Care Act 2014.”	
Part 3 Section 3 Paragraph 3.5.6 (f)	79	Change to: “To take deferred payments charges against interests in property in accordance with section 34 Care Act 2014 and associated Regulations.”	
Part 3 Section 3 Paragraph 3.5.6 (h)	80	Change to: “To make application to act, and to act, as deputy for finance and affairs for persons who, for reasons of mental disorder, are incapable of managing their own affairs, or to act as appointee for the receipt of DWP benefits.”	
Part 3 Section 3 Paragraph 3.5.6 (i), (j), (l) and (n)	80	<ul style="list-style-type: none"> • Delete these four paragraphs 	
Part 3 Section 3 Paragraph 3.5.6 (o)	80	Change to: “To exercise the Council’s discretion in the assessment of charges and contributions for the provision of community care and support services.”	

Part 3 Section 3 Paragraph 3.5.6 (p)	80	Change to : “To administer all arrangements including assessments, payments, refusals and termination with respect to the making of direct payments to people eligible to receive care and support including carers. “	
Part 3 Section 3 Paragraph 3.5.6 (r)	80	Delete this paragraph.	
Part 3 Section 3 Paragraph 3.5.6 (s)	80	Change to: “To enter into contracts for the provision of residential and other care and support services pursuant to duties under the Care Act 2014 and other relevant community care legislation.”	
<i>Part 3 Section 3 Paragraph 3.5.6 (v)</i>	81	Delete this paragraph	
Part 3 Section 3 Paragraph 3.5.6	81	Add a new paragraph: “To take any appropriate steps as are necessary to comply with the Care Act 2014 and any other relevant community care legislation including but not limited to: information and advice services, adult safeguarding, oversight of the residential care market, dealing with provider failure and the provision of independent advocacy for service users.”	
Part 3 Section 3 Paragraph 3.5.6	81	Add a new paragraph: “To take any appropriate steps to recover unpaid charges for the provision of care and support services whether by way of enforcement through court process or otherwise.”	

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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