

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
14 October 2014 (7.30 - 9.10 pm)**

Present:

COUNCILLORS

Conservative Group	Michael White (Chairman), Osman Dervish, Roger Ramsey, Melvin Wallace and +Joshua Chapman
Residents' Group	Jody Ganly, Ray Morgon and +Barbara Matthews
UKIP Group	Lawrence Webb and +Philip Hyde
Independent Residents Group	+David Durant

As there were two members of the public present (one of whom had announced an intention to record part or all of the meeting) the Chairman reminded Members that in the light of recent changes to legislation, any recording by a member of the public was permitted so long as it did not disrupt or distract Members from the consideration of the business in hand. The clerk, on behalf of the Chairman, reminded those present of the action to be taken in an emergency.

Apologies for absence were received from Councillors Damian White, Stephanie Nunn, Ian de Wulverton and Jeffrey Tucker who were substituted by Councillors Joshua Chapman, Barbara Matthews, Philip Hyde and David Durant, respectively.

As the business of the meeting included an item which involved the matter of Members' allowances, the whole Committee declared a pecuniary interest

Decisions were taken without division unless otherwise stated.

9 MINUTES

The minutes of the meeting held on 9 September 2014 were agreed as a true record and signed by the Chairman

10 REVISIONS TO THE OVERVIEW & SCRUTINY GOVERNANCE STRUCTURE

The Committee received a report which proposed changes to the Overview & Scrutiny governance regime. Members were reminded that following a Member-led review of Scrutiny in 2013 it was recognised that the majority of councils across London, and many nationally, had an "overarching" Overview and Scrutiny committee which co-ordinated the work of thematic

sub-committees, oversaw requisitions of executive decisions and ensured the avoidance of duplication in terms of topic groups and other scrutiny activities.

Since Overview & Scrutiny (O&S) coming into force in 2002, Havering had adopted an O&S structure in which individual committees took ownership for scrutinising specific areas of responsibility, operating their own requisition powers. Currently, there were seven O&S committees:

Value, Towns and Communities, Environment, Children and Learning, Individuals, Health and Crime and Disorder

As part of the 2013 review, Best Practice authorities in O&S - as recognised by the Centre for Public Scrutiny (CfPS) - were visited. Visits to Enfield and Hackney demonstrated the advantages of an overarching scrutiny board which coordinated the work of themed committees. As a consequence of the findings of the 2013 review, it was proposed that a single O&S Board be established in Havering to undertake all call-in functions and to act as a vehicle by which the effectiveness of scrutiny would be monitored and where work undertaken by themed sub-committees could be co-ordinated to avoid duplication and to ensure that areas of priority were being pursued.

This Board would subsume the role of the current Value Scrutiny Committee which oversaw general management matters. It was also proposed that the other current O&S committees would become sub-committees to the new Overview and Scrutiny Board. Those sub-committees could continue to form topic groups of their own choosing.

It was envisaged that in order for the proposed arrangement to function effectively, the Chairs of the O&S sub-committees would have automatic membership of the new O&S Board. The Board would need to be politically balanced and its size would therefore need to depend upon the political balance of the distribution of Chairs of sub-committees (which with the current distribution of group membership would mean a Board of 16 members (there being a need for additional members to achieve the correct balance)).

The matter was closely debated by Members and a number of differing views presented, including that the creation of an over-arching O&S Board was simply adding another layer to the process. There were doubts about whether a Board with a membership of 16 would be too unwieldy and concerns were expressed that this version could stifle meaningful scrutiny just as easily as facilitating it.

Some Members expressed doubt as to whether the proposed changes would add any value to O&S as a check to the Administration as it placed all the call-in powers in the Board and that could mean that call-in itself might not function as it was intended.

There was a degree of caution about the intention to move to this model, reducing all the current Chairs to the status of chairs of sub-committees, whilst elevating one of their current number to the Chair of the O&S Board.

It was mooted that this was a means of re-distributing allowances from Overview and Scrutiny to fund additional Cabinet places.

There was however support for the adoption of the proposals as it would enable a more strategic approach to O&S which was missing within the existing structure.

Having discussed the matter at length, the issue of whether to accept the recommendations as set out in the report was put to the vote.

In favour of the motion: Councillors: Michael White, Roger Ramsey, Melvin Wallace, Osman Dervish, Joshua Chapman, Clarence Barrett, Darren Wise and Lawrence Webb

Against the motion: Councillors: Ray Morgon, Jody Ganly, Barbara Matthews, David Durant and Philip Hyde

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

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

- 1) An overarching Overview & Scrutiny Board be established in accordance with political balance rules
- 2) The following Overview and Scrutiny committees be converted to sub-committees of the overarching Overview & Scrutiny Board:
 - Towns & Communities
 - Health
 - Individuals
 - Environment
 - Crime and Disorder
 - Children & Learning
- 3) Council to nominate one of the chairs of the Overview and Scrutiny sub-committees to Chair the Overview & Scrutiny Board
- 4) The Overview & Scrutiny Board to comprise all of the chairs of the Overview and Scrutiny sub-committees together with such other members nominated to the Board to meet the political balance requirements.
- 5) Using her delegated powers, the Council's Monitoring Officer makes the necessary changes to the Council's Constitution in respect of the proposed revisions to Overview and Scrutiny.
- 6) Council should receive nominations for the appointment of the Chairman and Vice Chairman of the Overview and Scrutiny Board.

11 **REVISIONS TO THE SPECIAL RESPONSIBILITY ALLOWANCES SCHEME**

The Committee was reminded that on 26 February 2014 the Council had approved the 2014/15 Members Allowances Scheme. The budget position had been established on the basis of a reduction in the number of Special Responsibility Allowances (SRAs) which was not enacted at that time.

Subject to the agreement of the proposed revisions to the Council's committee structure, the report before the Committee proposed a revision to the existing scheme. In reviewing the scheme due regard had been given to the June 2014 report of the Independent Remuneration Panel of London Councils and the allowances in the scheme were set with regard to their bands of recommendations.

In addition, close consideration had been given to the diverse political make-up of the Council which was critical when establishing the number of positions that were to receive an SRA. The Allowances proposed fell within the budget that had been set to ensure allowances were reduced in line with reductions elsewhere within the council.

The Local Authorities (Members' Allowances) (England) Regulations 2003 provided that a Local Authority should make a scheme in accordance with those Regulations in respect of each year. Regulation 10 provided that such a scheme should be made before the beginning of each year commencing on 1st April. Such a scheme might be amended during the year, but could only be revoked and replaced with a new scheme with effect from the beginning of a year.

Members were reminded that in light of the on-going financial pressures the Council faced with the continued reduction in central government funding, it was proposed that the level of SRAs for a number of posts be reduced, the figures for this were detailed in the table appended to this Minute.

To ensure that expenditure did not exceed the budget position, account had been taken of the circumstance such that when a councillor would otherwise be entitled - under the scheme - to more than one SRA then that entitlement should instead be only to **one** of them, (being the one attracting the higher rate). The effect of this was that only 29 of the 33 SRAs proposed in the report would actually be paid to Members.

It was stressed that under Regulation 19 of the 2003 Regulations, before an authority could amend a scheme, it should have regard to the recommendations made in relation to it by an independent remuneration pane – which had been the case in this instance.

This question was discussed at some length with a number of different perspectives being presented for consideration. One view was that the allowances should simply be reduced across the board by 20%. Another was that SRAs should be allocated according to the amount of work and the complexity of the work the Chair had to do.

Members of different groups expressed disagreement with the payment of set amounts of SRA to vice-chairmen as it was difficult to calculate how much they actually undertook, but there was more general support for the ad-hoc payment of an attendance allowance in line with that paid to co-optees (£117 a time) in respect of Licensing. There was also discussion about whether the allowance for the VC of Regulatory Services ought to be considered as well, and whilst some objections were raised about the amount of administration such a scheme might entail, the consensus was that the basic allowances for the vice-chairman of Licensing be removed and replaced with payment per session.

As was pointed out, this was an interim measure and could be revisited later in the year and re-evaluated ahead of next April and, where possible, enhanced.

The issue of whether to accept the recommendations – including the amendment to remove the annual allowance for the vice-chair of Licensing and replacing it with a “per meeting” payment at the same rate of that paid to Independent Persons – and recommend this to Council, was put to the vote.

In favour of the motion: Councillors: Michael White, Roger Ramsey, Melvin Wallace, Osman Dervish, Joshua Chapman, Jody Ganly, Clarence Barrett, Darren Wise, Lawrence Webb and Philip Hyde

Against the motion: Councillors: Ray Morgon and David Durant

Councillor Matthews abstained

The motion was **CARRIED** by ten votes to two.

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

The proposed revision to the Members’ Allowances Scheme for the remainder of the 2014/15 municipal year as set out in Schedule 1 of Appendix A (as amended) be approved. This amendment – concerning the Vice Chairman of the Licensing Committee – removes the proposed £2,000 allowance and replaces it with a standard rate of allowance per each sub-committee meeting chaired equal to that paid to co-optees (currently £117).

12 **THE ENFORCEMENT OF MOVING TRAFFIC CONTRAVENTIONS**

The Committee was reminded that the Traffic Management Act 2004 placed a duty on Local Authorities to ensure the free flow of traffic on the roads they managed and provided the process for issuing, processing and dealing with challenges related to Penalty Charge Notices (PCNs) issued for parking, bus lane and moving traffic contraventions (MTCs). MTCs however were enforceable by the Council pursuant to the London Local Authorities and Transport for London Act 2003 (LLATFLA).

There were a limited number of locations in Havering where MTC enforcement could be applied and the Committee considered whether these locations would benefit from such enforcement in terms of improved driver behaviours, improved traffic flow and road safety.

The Committee was informed that signage would need to be placed at the entrance points to the borough and in key locations where the moving traffic and civil parking enforcement would take place to ensure that all motorists were aware that camera enforcement would be in operation.

Alongside this process, it was proposed that all locations should be checked to ensure there was a need for enforcement and that all locations met the regulatory requirements for enforcement.

The Council could not enforce the relevant MTC unless it had resolved to do so, such decision falling to full Council. The Governance Committee was asked to consider whether or not to recommend adoption of LLATFLA provisions to Council. If adopted there would be a need for consequential amendments to the Constitution. Should Council resolve to adopt the MTC provisions, a further report to Cabinet would be submitted in relation to the operational aspects of enforcement.

The Committee agreed:

1. **To Recommended to Council** to make a resolution to adopt enforcement of Moving Traffic Contraventions within the whole of Havering in accordance with the provisions as set out in the London Local Authorities and Transport for London Act 2003 & enforcement of Bus Lane contraventions with the provisions as set out in the London Local Authorities & Transport for London Act 1986.
2. That under delegated authority, the Head of StreetCare publish the necessary notices to introduce the changes.
3. To note that a report will be submitted to Cabinet for it to determine the locations of CCTV cameras within the borough.

13 **MONITORING OFFICER - NR 2**

Members were reminded that as a result of the restructure of the Council and the establishment of oneSource, post titles and responsibilities had changed and the Monitoring Officer was now the Director of Legal & Governance. The post of Assistant Chief Executive, Legal & Democratic Services had been deleted.

The changes made to the numerous listed pages were in consequence of the restructure to ensure that the appropriate post title for Legal & Democratic functions was stated together with other minor changes which

properly reflected the current structure. All these changes were set out within the appendix to the report.

The Committee:

Noted the changes within the appendices to the report.

Chairman