



Haverling

L O N D O N B O R O U G H

GOVERNANCE COMMITTEE AGENDA

7.30 pm

**Wednesday
14 March 2012**

**Town Hall, Main Road,
Romford**

Members 13: Quorum 4

COUNCILLORS:

**Conservative Group
(8)**

**Residents' Group
(2)**

**Labour Group
(2)**

**Independent
Residents' Group
(1)**

Frederick Thompson
(Chairman)
Becky Bennett (Vice-
Chair)
Robert Benham
Osman Dervish
Steven Kelly
Eric Munday
Roger Ramsey
Michael White

Clarence Barrett
Gillian Ford

Keith Darvill
Paul McGeary

Jeffrey Tucker

**For information about the meeting please contact:
Grant Soderberg 01708 433091
grant.soderberg@haverling.gov.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 DECLARATIONS OF INTEREST

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the Committee held on 17 January 2012, and to authorise the Chairman to sign them.

5 PAY POLICY STATEMENT 2012-2013 (Pages 7 - 28)

Members are invited to consider the statement and recommend its acceptance to Council.

6 AUDIT AND PENSIONS COMMITTEES - TERMS OF REFERENCE AND CONSTITUTION (Pages 29 - 34)

Members are invited to consider the requirements for Member training and to consider whether to recommend them to Council.

7 AMENDMENTS TO THE CONSTITUTION - CONTRACT PROCEDURE RULES (Pages 35 - 74)

Members are invited to consider whether to recommend the revised CP rules to Council.

8 KEY DECISIONS - FURTHER REPORT

Members are invited to deliberate on the arguments for changing the rules defining key decisions and whether to recommend the changes to Council.

Report to follow, if available

9 STANDARDS OF MEMBERS' CONDUCT - LOCALISM ACT 2011: NEW REGIME (Pages 75 - 84)

Members are invited to consider the proposals surrounding the abolition of the Standards Committee and to recommend to Council the proposals to ensure Standards matters continue to be managed appropriately.

10 JOINT MEETINGS OF OVERVIEW & SCRUTINY COMMITTEES - CHAIRING ARRANGEMENTS (Pages 85 - 88)

Members are invited to consider amending the Committee Procedure Rules in this regard and recommending the revisions to Council.

11 APPOINTMENT OF LOCAL AUTHORITY GOVERNORS TO SCHOOLS, PUPIL REFERRAL UNITS AND ACADEMIES. (Pages 89 - 92)

Members are invited to note and approve the amendments to the process.

12 APPOINTMENT TO OUTSIDE BODIES AND OTHER ORGANISATIONS 2012 - TRUSTEES OF POYNTZ CHARITY (Pages 93 - 96)

Members are invited to appoint/reappoint the proposed candidates for this charity.

13 LOCALISM ACT - REPEAL OF STATUTORY PETITIONS PROCEDURE AND FUTURE ARRANGEMENTS FOR HANDLING PETITIONS (Pages 97 - 108)

Members are invited to consider and note the impact of the repeal of this piece of legislation.

14 MONITORING OFFICER NO 10 - AMENDMENTS TO THE CONSTITUTION (Pages 109 - 112)

Members are invited to note the changes to the constitution.

15 MONITORING OFFICER NO 11 - AMENDMENTS TO THE CONSTITUTION (Pages 113 - 116)

Members are invited to note the changes to the constitution.

16 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster
Committee Administration &
Member Support Manager**

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Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
17 January 2012 (7.30 - 8.55 pm)**

Present:

COUNCILLORS

Conservative Group	Frederick Thompson (Chairman), Becky Bennett (Vice-Chair), Osman Dervish, Steven Kelly, Michael White, +Sandra Binion, +Garry Pain and +Lynden Thorpe
Residents' Group	Clarence Barrett and Gillian Ford
Labour Group	Keith Darvill and Paul McGeary
Independent Residents Group	+David Durant

There were no declarations of interest

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

Apologies for absence were received from Councillors Robert Benham, Eric Munday, Roger Ramsey and Jeffrey Tucker.

Councillors +Garry Pain, +Sandra Binion and +Lynden Thorpe substituted for Councillors Robert Benham, Roger Ramsey and Eric Munday respectively and Councillor +David Durant substituted for Councillor Jeffrey Tucker.

14 MINUTES

The minutes of the meeting held on 9 November 2011 were agreed as a true record and signed by the Chairman after the clerk had confirmed that the voting records had been corrected in the copy presented for signature.

15 AMENDMENTS TO THE CONSTITUTION - FINANCE PROCEDURE RULES

The Committee was informed that elements of the Finance Procedure Rules (FPR), (notably the Closedown of Accounts) reviewed two years previously now required adjustment in order to reflect recent changes in legislation.

A Member queried the need for changing the FPR as they had been set up to function independently of economic changes. He was assured that they

remained robust, but that the legal framework in which they operated had changed.

Another Member queried why there appeared to be a discrepancy in authorisation in connection with certain virements. The Committee was reminded that the apparent discrepancies were in part due to the manner in which the FPR was set up, but that the FPR as a whole was consistent.

A motion to add wording of a paragraph within the Budget Management section so that it read:

“The Group Director, Finance and Commerce is responsible for ensuring that Cabinet, **Overview and Scrutiny and elected Members are** suitably informed of the financial position during the course of the year” was proposed.

The motion was put to the vote and was **LOST** 5 votes to 8.

Councillors Clarence Barrett, Gillian Ford, Keith Darvill, Paul McGeary and David Durant voted in favour of the motion; Councillors Frederick Thompson, Becky Bennett, Garry Pain, Osman Dervish, Lynden Thorpe, Sandra Binion and Michael White voted against.

The report as a whole was then put to a vote

Councillors Frederick Thompson, Becky Bennett, Garry Pain, Osman Dervish, Lynden Thorpe, Sandra Binion, Michael White, Keith Darvill and Paul McGeary voted in favour of the motion and Councillors Clarence Barrett, Gillian Ford and David Durant voted against, therefore the vote was **CARRIED** by 10 votes to 3.

The Committee therefore **RECOMMENDED** to Council that the revised Financial Procedure Rules should be adopted without change.

16 **ANNUAL MEETING OF THE COUNCIL - REVIEW OF MEETING ARRANGEMENTS**

Members were reminded that at the meeting of the Committee held on 7 September 2011, they had considered events at the Annual Meeting of Council held in May 2011 and had asked for a report on options for improvements in the arrangements for Annual Meetings.

Various options were presented and explored. Following discussion, the consensus was that, as an experiment for 2012, a second meeting – within a month of Annual Council – would be the way forward and that the Committee should revisit the issue after that meeting.

RESOLVED TO RECOMMEND TO COUNCIL

- 1 That the conferment of awards at the Annual Meeting of the Council be considered civic business and dealt with before the statement by the Leader of the Council, and that the Council Procedure Rules (CPR) be amended by moving paragraph (h) of CPR 1 to follow immediately after paragraph (e), and re-numbering the current paragraphs (f) and (g) accordingly.
- 2 That, for 2012/13, the following adjustments be made:
 - (a) That the business of the Annual Meeting of the Council in May be confined to civic business (Part 1 of CPR 1) and other business appropriate to the Annual Meeting (paragraphs (h) and (i) of Part 2 of that CPR), that the meeting commence at 7.30pm rather than 7pm, that the Leader's statement be taken as the final item of business and that the meeting terminate on conclusion of the statement;
 - (b) That an additional ordinary meeting of the Council be held on 13 June to consider the remaining business specified in Part 2 of CPR 1 (ordinary business at the Annual Meeting) and that there be opportunity for debate about the Leader's statement;
 - (c) That the Mayor be authorised to determine the timetable for the submission of any motion or amendment relating to the Leader's statement for the meeting of 13 June as if the final paragraph of CPR 4.1 (arrangements for extraordinary meetings) applied to the meeting; and
 - (d) That so far as necessary to achieve the purposes of these proposals, Part 2 of CPR 1 be suspended for the 2012 Annual Meeting but be applied to the additional ordinary meeting (rather than CPR2 (ordinary meetings)).

***Note of the Chief Executive** - Having regard to the need to give due notice of business at the proposed additional meeting and to the Queen's Diamond Jubilee Celebrations at the beginning of June, the earliest practicable date for that meeting would be Wednesday 13 June and it was proposed to Council that the meeting be held that day.*

17 **PUBLIC ACCESS TO THE COUNCIL CHAMBER - FURTHER REVIEW OF ARRANGEMENTS (SECOND REPORT)**

Following an incident at a meeting of the Regulatory Services Committee in October 2011, several Members had expressed concern about their personal safety. The report now before the Committee put forward possible measures for improving Members' security within the Chamber.

Following discussion, Members concluded that any risk to the personal safety was outweighed by the need to maintain a proper link between

Members and those attending meetings in exercise of their democratic rights. Members expressed the view that it was the responsibility of individual Councillors to conduct themselves in a proper manner when in public and to set an example.

The Committee agreed that it would not be necessary to implement further security measures within the Council Chamber.

18 APPOINTMENT OF NOMINATIVE TRUSTEE TO THE ROMFORD COMBINED CHARITY

The Committee received a report reminding it that the term of office for Councillor Osman Dervish had come to an end and that until the future of the charity should be determined, it was the duty of the Committee to nominate a successor.

Councillor Sandra Binion was proposed and seconded. There were no other nominations and, as she expressed a willingness to accept the nomination, Committee:

RESOLVED:

To

- 1 Appoint Councillor Sandra Binion as nominative Trustee in succession to Councillor Osman Dervish.
- 2 Note the current position regarding the administration of the Charity.

19 URGENT BUSINESS

The Chairman announced that two issues had been brought to his attention for inclusion since the publication of the agenda. Considering them to be of an urgent nature, he was allowing them to be considered by the Committee.

A member raised a query relating to the presence during deliberation by an Overview and Scrutiny Committee of a requisitioned matter of the Cabinet member who had been invited to appear before it to clarify points of detail. At the meeting in question, the Cabinet Member had declined to withdraw, stating that he had a right to be present during the deliberations. The Member stated that he had thought this had been incorrect and although the Chairman had urged the Cabinet member to withdraw, he continued to refuse. The Member had subsequently sought clarification on the point and asked what the position was as stated in the Constitution.

The Committee was informed that Cabinet members could attend Overview & Scrutiny meetings in connection with requisitions, but this was at the invitation of the Chairman and that they could speak freely during the discussion but, when the Committee indicated that it was intending to deliberate the matter, the Cabinet member was obliged to withdraw.

Officers confirmed that the appropriate portion of the Constitution would be made available to Members after the meeting.

The second matter was in respect of the legal position of Cabinet members speaking on topics within their portfolios in Regulatory Services Committee meetings. The Member asked for clarification as to whether it was appropriate for a Cabinet member to speak on projects where the Council itself had an interest. He added that he had received Counsel's opinion that this would not be proper.

The Committee took the view that legal advice was necessary on this and asked the Acting Assistant Chief Executive to provide a report in due course on the subject.

Chairman

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	Pay Policy Statement 2012/13
CMT Lead:	Andrew Blake-Herbert Group Director: Finance & Commerce Andrew.BlakeHerbert@havering.gov.uk 01708 432201
Report Author and contact details:	Julian Sivill Strategic HR Business Partner Julian.Sivill@havering.gov.uk 01708 433763
Policy context:	High performing public services delivering excellent value for money. A transparent, less bureaucratic and open Council.
Financial summary:	There are no specific financial implications
Has an Equality Impact Assessment (EIA) been carried out?	No

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

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

1. The Localism Act 2011 requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force. The pay policy statement must be approved by a full meeting of the Council and published on the Council's website.

2. This report sets out the Council's Pay Policy Statement 2012/13 for consideration by the committee prior to its submission to Council on 28 March 2012.

RECOMMENDATIONS

That the Committee **RECOMMEND** to Council that the Pay Policy Statement attached at Appendix 1 be approved.

REPORT DETAIL

1. The Localism Act 2011 requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force. The pay policy statement must be approved by a full meeting of the Council and published on the Council's website.
2. The Council's pay policy statement must set out:
 - The remuneration of the its Chief Officers
 - The remuneration of its lowest-paid employees
 - The relationship between the remuneration of its Chief Officers and its other employees
3. Under the Localism Act 2011, Chief Officers in Havering are defined as the following roles:
 - Chief Executive
 - Group Directors
 - Assistant Chief Executive/Assistant Director
 - Heads of Service
 - Joint Director for Public Health
4. The Council's draft Pay Policy Statement 2012/13 is attached at Appendix A.
5. The Committee is asked to recommend to Council (28 March 2012) that the Pay Policy Statement 2012/13 be approved.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications or risks.

Legal implications and risks:

The Localism Act 2011 requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force.

Human Resources implications and risks:

There are no specific implications or risks.

Equalities implications and risks:

There are no specific implications or risks.

BACKGROUND PAPERS

There are no background papers.

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London Borough of Havering

Pay Policy Statement 2012/13

Draft

Introduction

1. This pay policy statement is produced in accordance with Chapter 8 of the Localism Act 2011 which requires the Council to prepare a pay policy statement by the 31 March each year before it comes into force.
2. This pay policy statement was approved by a meeting of Havering Council on 28 March 2012. It is made available on the Council's website which also includes separately published data on salary information relating to the Council's senior management team.
3. Under the Localism Act 2011, the Council's pay policy statement must set out:
 - a. the remuneration of its chief officers
 - b. the remuneration of its lowest-paid employees
 - c. the relationship between:
 - i. the remuneration of its chief officers and
 - ii. the remuneration of its employees who are not chief officers
4. Under the Localism Act 2011, Chief Officers in Havering are defined as the following roles:
 - a. Chief Executive
 - b. Group Directors (currently x 4)
 - c. Assistant Chief Executive/Assistant Director (x2)
 - d. Heads of Service (x 16)
 - e. Joint Director for Public Health
5. This pay policy statement excludes staff in schools.
6. The Council's next pay policy statement will be for the year 2013/14 and will be submitted to a meeting of Havering Council for approval by 31 March 2013.

Remuneration of Chief Officers

Chief Executive

1. The Chief Executive is the Council's Head of Paid Service.
2. The Chief Executive is paid on a spot salary. As at 31 March 2012, the annual Full Time Equivalent spot salary is £163,920pa. The spot salary is increased in accordance with the Joint Negotiating Committee for Chief Executives of

Local Authorities with effect from 1st April each year. Although not yet determined, the award for 1st April 2012 is likely to be 0%.

3. The Chief Executive is entitled to receive a separate Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
4. The Chief Executive receives no bonuses, overtime or any other additional salary payments.

Group Directors

1. The Council is currently operating on interim management arrangements for Group Directors. The substantive role of the Group Director Social Care & Learning was temporarily split following the departure of the previous postholder. This is because the Council has an extremely high level of transformation work on hand to deliver budget savings and because of the additional work required due to the imminent changes in the health system which will include the Council taking on additional responsibilities.
2. The current 4 Group Directors are:
 - i. Group Director: Finance & Commerce
 - ii. Group Director: Adults and Health
 - iii. Group Directors: Children's Services
 - iv. Group Director: Culture & Community
3. The current 4 Group Directors are paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:
 - i. £113,750
 - ii. £117,000
 - iii. £120,250
 - iv. £123,500
 - v. £126,750
 - vi. £130,000
4. The substantive vacant role of Group Director Social Care & Learning is paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salary, as at 31 March 2012:
 - i. £126,875
 - ii. £130,500
 - iii. £134,125
 - iv. £137,750
 - v. £141,375
 - vi. £145,000

5. The value of the incremental points for the 2 Group Director grades are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1st April each year. Although not yet determined, the award for 1st April 2012 is likely to be 0%.
6. Progression through the incremental points of the grade is subject to annual incremental progression.
7. The Council's statutory chief officer roles currently undertaken by Group Directors are detailed below. No additional payments are made in respect of these roles:

Section 151 (Finance):	Group Director: Finance & Commerce
Children's Services:	Group Director: Children's Services
Adults Social Services:	Group Director: Adults & Health
8. Group Directors are entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
9. Group Directors receive no bonuses, overtime or any other additional salary payments.

Assistant Chief Executive: Legal & Democratic Services / Assistant Director Commissioning

1. The Assistant Chief Executive: Legal & Democratic Services and Assistant Director Commissioning are paid on a grade comprising the following 6 incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:
 - a. £91,875
 - b. £94,500
 - c. £97,125
 - d. £99,750
 - e. £102,375
 - f. £105,000
2. The value of the incremental points is increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year. Although not yet determined, the award for 1 April 2012 is likely to be 0%.
3. Progression through the incremental points of the grade is subject to annual incremental progression.

4. The Assistant Chief Executive: Legal & Democratic Services is the Council's Statutory Monitoring Officer. No additional payments are made in respect of this role.
5. The Assistant Chief Executive: Legal & Democratic Services is entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.

Heads of Service

1. The 16 Heads of Service are:
 - Head of Asset Management
 - Head of Business Systems
 - Head of Development & Building Control
 - Head of Internal Shared Services
 - Head of Finance & Procurement
 - Head of People & Change
 - Head of Adult Social care
 - Head of Children & Young People
 - Head of Learning & Achievement
 - Head of Communications
 - Head of Customer Services
 - Head of Culture & Leisure
 - Head of Housing & Public Protection
 - Head of Regeneration, Policy & Planning
 - Head of Streetcare
 - Head of Legal Services
2. The 16 Heads of Service are paid on one of the following 3 grades comprising the following incremental points and annual Full Time Equivalent salaries, as at 31 March 2012:

HoS3

- a. £70,125
- b. £72,720
- c. £75,318
- d. £77,919

HoS2

- a. £75,354
- b. £78,147
- c. £80,934
- d. £83,724

HoS1

- a. £82,947
 - b. £86,022
 - c. £89,085
 - d. £92,160
-
3. The value of the incremental points for the 3 Head of Service grades are increased in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities with effect from 1 April each year. Although not yet determined, the award for 1 April 2012 is likely to be 0%.
 4. Progression through the incremental points of the grades is subject to annual incremental progression.
 5. The Head of Finance & Procurement receives an additional annual allowance of £5,000 in respect of Deputy Statutory Section 151 (Finance) responsibilities.
 6. The Head of Legal Services receives an additional annual allowance of £5,000 in respect of Deputy Statutory Monitoring Officer responsibilities.
 7. The Head of Children & Young People receives an additional Market Supplement payment equivalent to £10,000pa.
 8. The Head of Internal Shared Services receives an additional Honorarium payment equivalent to £12,840pa.
 9. The Head of Legal Services is entitled to receive a separate Deputy Returning Officer fee in respect of elections. The approach to the setting of these fees is set out in Appendix 1.
 10. Two Heads of Service roles are shared with other authorities. The Head of Business Systems role is currently shared with the London Borough of Newham (the London Borough of Havering meets 50% of the costs). The Head of People & Change role is currently shared with Southend Borough Council (this partnership is due to end on 31 March 2012 – the London Borough of Havering meets 20% of the costs). Further details can be found on the London Borough of Newham and Southend Borough Council's websites.

Joint Director for Public Health

1. The appointment of the Acting Joint Director for Public Health is part of the collaborative work between the National Health Service and the Council. This is a transitional arrangement in preparation for the transfer of public health responsibilities from the National Health Service to the Council in April 2013.

The post is paid on the VSM (Very Senior Manager) NHS scale with an annual Full Time Equivalent salary, as at 31 March 2012, of between £85,000 and £95,000. The Council funds 50% of the costs of this appointment.

Other Remuneration for Chief Officers

1. On appointment, Chief Officers will be placed on the appropriate incremental point within the appropriate grade having regard to the knowledge, skills and competencies of the individual as well as their current and previous salary levels.
2. The Council does not operate a performance related pay scheme or other bonus schemes for Chief Officers.
3. Chief Officers are not entitled to payment for any other charges, fees or allowances.
4. Chief Officers are not entitled to any benefits in kind as a result of their office or employment.
5. All officers (including Chief Officers) who are within 3 years of retirement and have completed 25 years service within Local Government by the date of their retirement and have been continuously employed by the Council since 24 September 1997 are entitled to receive a salary plusage payment during their final 3 years employment with the Council. The payment is based on 0.2% and 0.3% of substantive salary for each year of Local Government service and each year of continuous service with the Council respectively.
6. The Council's policies regarding how the Council exercises the various employer discretions provided by the Local Government Pension Scheme (LGPS) are set out at Appendix 2. These discretions are applied equally to Chief Officers and the Council's other employees. Chief Officers are not entitled to any other increase in or enhancement of pension entitlement as a result of a resolution of the authority.
7. On ceasing to be employed by the Council, Chief Officers (and the Council's other employees) will only receive compensation:
 - e. in circumstances that are relevant (eg redundancy) and
 - f. that is in accordance with our published policies regarding the various employer discretions provided by the LGPS and/or
 - g. that complies with the specific terms of any compromise agreement
8. All directly employed staff, whether permanent or fixed term, will be paid via the Council's payroll system and subject to deduction of tax and national insurance in accordance with PAYE regulations.

Remuneration of the Council's Other Employees and the Council's Lowest Paid Employees

1. The Council uses the following grading structures to pay its other employees:
 - a. NJC for Local Government Employees
 - b. Soulbury Committee
 - c. JNC for Youth & Community Workers
 - d. School Teachers Pay & Conditions
2. The grades, incremental points and annual Full Time Equivalent salaries, as at 31 March 2012, associated with these grading structures are detailed at Appendix 3.
3. The remuneration of the Council's other employees also includes the payments/allowances detailed at Appendix 4.
4. For the purpose of this pay policy statement the Council's lowest paid employees are defined as those paid at Scale 1, spinal point 4 of the NJC for Local Government Employees for which the annual Full Time Equivalent salary, as at 31 March 2012 is £14,697. The Council currently has 2 employees at this level.
5. For the purposes of this pay policy statement the Council's median paid employee is paid at Scale 6, spinal column point 26 of the NJC for Local Government Employees for which the annual Full Time Equivalent salary, as at 31 March 2012 is £23,970.

Relationship between the remuneration of the Council's top earner, its lowest paid employees and other employees

1. Although the Council does not have a policy regarding the ratio between the remuneration of its top earner, its lowest paid employees and other employees, the current ratios are (based upon the part-year to January 2012) detailed below.

Top Earner : Lowest Paid Employee	1 : 11.1
Top Earner : Median Paid Employee	1 : 6.8

Approach to the Setting of Returning Officer/Deputy Returning Officer Fees

Local Elections

Returning Officer fees are paid in accordance with the scale of fees agreed by the Leaders Committee of London Councils. The fees are funded by the Council which provides a budget every fourth year for running local elections. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

Greater London Authority Elections

Returning Officer fees are set by the Greater London Returning Officer. The fees are funded by the Greater London Authority. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

European Parliamentary and Parliamentary Elections and National Referenda

Returning Officer fees are set by the Central Government usually through the publication of a Statutory Instrument. The fees are funded by Central Government. Fees for Deputy Returning Officer roles are paid by the Returning Officer from a budget allocated for clerical assistance and vary in accordance with duties and responsibilities undertaken.

Local Government Pension Scheme Discretions

The Local Government Pension Scheme Regulations (as amended)

Statement of Policy (July 2009)

*The Council has made decisions under the above Regulations, which have resulted in the following policies being adopted. (Please note the above Regulations only apply to employees of the Council who are eligible to be members of the Local Government Pension Scheme (LGPS) **they do not apply to teachers**).*

Flexible Retirement

Changes have recently been made to the rules of the Local Government Pension Scheme allowing scheme members (and employers) to consider the option of flexible retirement. This regulation allows employees over 50 who have reduced their grade or hours to receive immediate pension benefits whilst still working.

The Council has decided to allow flexible retirement in cases where there is no or minimal cost to the Council subject to careful consideration of the detailed merits of each individual case taking into account the Council's financial position at the time.

Elections for early retirement (with or without a reduction).

Elections made under this Regulation by members aged less than 60 are ineffective without the consent of the employing authority or former employing authority. The Council has decided to consider consent to such elections where cost savings apply which are at least equal to the compensatory lump sum payment required to be paid into the Pension Fund to cover the cost of the early retirement.

Increase of total membership of members leaving employment at or after age 50

This Regulation allows the Council to resolve to increase an employee's pension membership as an alternative to awarding compensatory added years under the Compensation Regulations. The Council has decided not to exercise this discretion.

Increase of total membership for new members

This Regulation allows the Council to resolve to increase a new employee's pension membership within 6 months of them joining the Local Government Pension Scheme. The Council has decided that in general this discretion will not be exercised, having regard to the likely cost.

Establishment of shared cost AVC scheme (SCAVCs)

This Regulation allows the Council to resolve to establish a SCAVC scheme whereby the Council contributes as well as the member. The Council has decided not to exercise this discretion on cost grounds.

Abatement of retirement pensions in new employment

This Regulation requires the Council to formulate and keep under review their policy concerning abatement (that is, the extent, if any, to which the amount of retirement pension payable to a member should be reduced (or whether it should be extinguished) where the member has entered a new employment with a Scheme employer, other than one in which he is eligible to belong to a teachers scheme). The Council has decided that where this Regulation applies the retirement pension will be abated or reduced.

Grading Structures for the Council's Other Employees

NJC for Local Government Employees

Spinal Point	Pay £		
4	14,697	Administrative, Professional, Technical & Clerical Staff	
5	14,814	Grade	Spinal Point Range
6	14,940	APTC 1	4-11
7	15,216	APTC 2	11-13
8	15,615	APTC 3	14-17
9	16,005	APTC 4	18-21
10	16,290	APTC 5	22-25
11	16,482	APTC 6	26-28
12	16,794	SO1	29-31
13	17,196	SO2	32-34
14	17,484		
15	17,808	Principal Officers	
16	18,195	Grade	Spinal Point Range
17	18,582	PO1	33-36
18	18,915	PO2	35-38
19	19,563	PO3	38-41
20	20,205	PO4	41-44
21	20,877	PO5	44-47
22	21,375	PO6	46-49
23	21,951	LP07(a)	49-52
24	22,608	LP07(b)	50-53
25	23,277	LP07(c)	51-54
26	23,970	LP08(a)	55-58

27	24,711	LP08(b)	56-59
28	25,455	LP08(c)	57-60
29	26,400	LP08(d)	58-61
30	27,225	LP08(e)	59-62
31	28,032	LP08(f)	60-63
32	28,800	LP08(g)	61-64
33	29,601	LP08(h)	62-65
34	30,390	LP08(i)	66-70

35 30,987

36 31,761 **Residential Workers ** - see below**

37	32,607	Grade	Spinal Point Range
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38	33,510	Grade 1/2	4-19
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39	34,542	Grade 3	18-23
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40	35,418	Grade 4	22-27
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41	36,306	Grade 5	25-30
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42	37,179	Grade 6	28-31
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43	38,070	Grade 7	31-34
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44	38,961	Grade 8	34-37
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45	39,789	Grade 9	37-40
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46 40,716

47 41,610 **Residential Home Workers**

48	42,498	Grade	Spinal Point Range
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49	43,368	1	6 & 8
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50	44,262	2	10-12
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51	45,153	3	13-15
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52	46,050	NRHW 4	16-17
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53	46,962	Cook's Grade	11-13
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54 47,907

55	48,876	Day Centre Officers	
		(for people with learning disabilities)	
56	49,836	Grade	Spinal Point Range
57	50,790	Level 1	16-24
58	51,741	Level 2	20-26
59	52,704		
60	53,655	Social Workers Spinal Point Range	
61	54,609	22-36	
62	55,572	Minimum entry point for social worker (unqualified) is scp 22	
63	56,529	Minimum entry point for social worker (qualified) is scp 24	
64	57,477	Review point for social worker (unqualified) is scp 27	
65	58,440	Review point for social worker (qualified) is scp 29	
66	59,667	Maximum point for social worker (unqualified) is scp 35	
67	60,915		
68	62,187		
69	63,498		
70	64,827		

**** Residential Workers (W)**

(inc weekend enhancement)

1/2 (W) SP 6-19 / BAR / 21

3 (W) SP 20-23 / BAR / 25

4 (W) SP 24-27 / BAR / 29

5 (W) SP 27-30 / BAR / 32

6 (W) SP 30-33

7 (W) SP 33-36

8 (W) SP 36-39

9 (W) 39-42

Residential Benchmark: Grade SP22-26 / BAR / 28

Soulbury Committee

Educational Improvement Professionals

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
1	32,353	18	51,837	35	69,228	
2	33,512	19	52,969	36	70,337	
3	34,606	20	53,554	37	71,427	
4	35,714	21	54,679	38	72,529	
5	36,817	22	55,658	39	73,616	
6	37,920	23	56,738	40	74,702	
7	39,079	24	57,705	41	75,795	
8	40,192	25	58,741	42	76,885	
9	41,491	26	59,749	43	77,975	
10	42,649	27	60,781	44	79,071	
11	43,792	28	61,827	45	80,164	
12	44,899	29	62,876	46	81,257	
13	46,152	30	63,924	47	82,356	
14	47,269	31	64,961	48	83,446	
15	48,503	32	66,016	49	84,539	
16	49,620	33	67,071	50	85,632	
17	50,739	34	68,151			

Trainee Educational Psychologists

<u>Spine Point</u>	<u>£</u>
1	21,801
2	23,397
3	24,991
4	26,587
5	28,182
6	29,777

Assistant Educational Psychologists

<u>Spine Point</u>	<u>£</u>
1	26,799
2	27,893
3	28,988
4	30,076

Educational Psychologists – Scale A

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	33,934	7	44,165	
2	35,656	8	45,786	
3	37,378	9	47,305	
4	39,100	10	48,825	
5	40,822	11	50,243	
6	42,544			

Senior & Principal Educational Psychologists

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	42,544	10	54,085	
2	44,165	11	55,159	
3	45,786	12	56,255	
4	47,305	13	57,370	
5	48,825	14	58,447	
6	50,243	15	59,575	
7	50,825	16	60,693	
8	51,912	17	61,818	
9	52,989	18	62,942	

Young People's Community Service Managers

<u>Spine Point</u>	<u>£</u>		<u>Spine Point</u>	<u>£</u>
1	33,555	13	46,633	
2	34,653	14	47,731	
3	35,751	15	48,831	
4	36,871	16	49,933	
5	38,009	17	51,042	
6	39,120	18	52,142	
7	40,256	19	53,237	
8	41,547	20	54,355	
9	42,258	21	55,496	
10	43,357	22	56,661	
11	44,450	23	57,851	
12	45,546	24	59,066	

JNC for Youth & Community Workers

Support Worker Level

<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
1	14,143	10	19,636
2	14,733	11	20,591
3	15,324	12	21,525
4	15,917	13	22,489
5	16,509	14	23,485
6	17,100	15	24,166
7	17,697	16	24,875
8	18,291	17	25,574
9	19,047		

Grade Spine Points

First Level	
YSW 11	1-4
YSW 12	2-5
YSW 13	3-6

Grade Spine Points

Second Level	
YSW 21	7-10
YSW 22	8-11
YSW 23	9-12
YSW 24	10-13

Grade Spine Points

Second Level (Contd.)	
YSW 25	11-14
YSW 26	12-15
YSW 27	13-16
YSW 28	14-17

Professional Level

<u>Spine Point</u>	<u>£</u>	<u>Spine Point</u>	<u>£</u>
11	20,591	21	28,461
12	21,525	22	29,352
13	22,489	23	30,219
14	23,485	24	31,091
15	24,166	25	31,968
16	24,875	26	32,847
17	25,574	27	33,726
18	26,279	28	34,613
19	26,975	29	35,496
20	27,673	30	36,377

<u>Grade</u>	<u>Spine Points</u>	<u>Grade</u>	<u>Spine Points</u>
YPR 1	11-14	YPR 10	20-23
YPR 2	12-15	YPR 11	21-24
YPR 3	13-16	YPR 12	22-25
YPR 4	14-17	YPR 13	23-26
YPR 5	15-18	YPR 14	24-27
YPR 6	16-19	YPR 15	25-28
YPR 7	17-20	YPR 16	26-29
YPR 8	18-21	YPR 17	27-30
YPR 9	19-22		

Schools Teachers Pay & Conditions

Main Pay Scale £

M1	25,117
M2	26,674
M3	28,325
M4	20,080
M5	32,630
M6	35,116

Upper Pay Scale £

U1	37,599
U2	38,991
U3	40,433

Additional Payments for Class Teachers £

TLR 2 min	2,535
TLR 2 max	6,197
TLR 1 min	7,323
TLR 1 max	12,393
SEN min	2,001
SEN max	3,954

Unqualified Teachers £

1	18,789
2	20,629

3	22,470
4	24,311
5	26,150
6	27,992

Excellent Teachers £

Min	43,668
Max	56,061

Leadership Scale £

L1	40,433
L2	41,373
L3	42,328
L4	43,314
L5	44,318
L6	45,351
L7	46,496
L8	47,499
L9	48,609
L10	49,784
L11	50,993
L12	52,106
L13	53,335
L14	54,583
L15	55,869

Leadership Scale £

L16	57,277
L17	58,526
L18	59,925
L19	61,338
L20	62,784
L21	64,264
L22	65,782
L23	67,338
L24	68,934
L25	70,575
L26	72,247
L27	73,962
L28	75,725
L29	77,525
L30	79,381

Leadership Scale £

L31	81,274
L32	83,215
L33	85,213
L34	87,246
L35	89,337
L36	91,473
L37	93,679
L38	95,921
L39	98,185
L40	100,565
L41	103,003
L42	105,502
L43	108,070

Additional Payments/Allowances for Other Employees

The following additional payments/allowances are paid to employees other than Chief Officers.

Accelerated Increments	Salary Offset
Additional Allowance	Session payment
Additional Hours	Shift payment
Advance of Pay	Sleep in allowance
Bank Holiday Enhanced	Split duty
Callout Allowance	Standby allowance
Casual Pay	Stat. adoption pay
Civil Weddings	Stat. maternity pay
Contractual overtime	Stat. paternity pay
Dog money	Stat. sick pay
Electoral registration	Supply
Enhanced payments	Three year plusage
Essential Car Lump Sum	Tool allowance
Excess Leave	Unpaid leave
FE Lecturer Pay	Unsocial hours
Fee	
First Aid	
GTC Payment	
Gritting Allowance	
Holiday Pay	
Honorarium	
Invigilation	
Laundry Allowance	
Leave Not Taken	
Lettings	
London Allowance	
Market Supplement	
New Starter Arrears	
Night rates	
Noise abatement	
Occupational maternity pay	
Occupational sick pay	
Out of school activity	
Overtime	
Pay adjustment	
Protected rate	
Redeployment payment	
Relocation expenses	

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**GOVERNANCE
COMMITTEE**

REPORT

14 March 2012

Subject Heading:	AUDIT AND PENSIONS COMMITTEES – Terms of Reference and Constitution
CMT Lead:	Ian Burns Acting Assistant Chief Executive 01708 432442
Report Author and contact details:	James Goodwin Committee Officer James.goodwin@havering.gov.uk 01708 432432
Policy context:	The Terms of Reference require amendment to ensure the Pensions Committee fully comply with the six principles set out in the Local Government Pension Scheme Regulations and to ensure members of the Audit Committee are adequately trained to carry out their role.
Financial summary:	There are no direct 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

The Pensions Committee at its meeting on 9 November 2011 considered the outcome of the Annual review of the Statement of Investment Principles and undertook a review of its Governance Compliance Statement.

The Pensions Committee were concerned to note that not all members of that Committee had received suitable training. They also expressed the view that named substitute members should be trained to the same level. To encourage all members to avail themselves of the training opportunities they were recommending this Committee to amend the Terms of Reference.

Whilst reviewing its Governance Compliance Statement the Pensions Committee also considered the current duties and terms of reference on the appointment of advisors and felt that these needed amendment.

The Audit Committee had also given consideration to the need to ensure all members of that Committee and named substitutes should be adequately trained.

RECOMMENDATIONS

That the Committee recommend to Council that:

1. Part 3 of the Constitution, paragraph 1.2 Functions delegated to general council committees be **amended** as follows:
 - a. **Advisers and Investment managers**
To “Authorise staff to invite tenders and to award contracts to actuaries, advisers and fund managers and other related investment matters

To appoint and review the performance of advisers and investment managers for pension fund investments.”
2. Part 4 of the Constitution, Paragraph 12 **Pensions Committee amended** to read:
 - (a) The bodies that are Scheduled or Admitted Bodies of the Havering Pensions Fund for the purposes of the Local Government Pensions Scheme are entitled between them to nominate a representative who shall be co-opted to serve on the Committee with voting rights.
3. Part 4, section 3, of the constitution, **Committee Procedure Rules** paragraph 17 ‘**Training and continuity of membership of certain committees**’, sub paragraphs (a) and (c) should be strengthened by the addition of the following sentence at the end of both paragraphs “If a member does not undertake the required training within six months of appointment then that member shall not partake in the decision making of the Committee until their training has been completed” and at the end of paragraph (c): “ Non-nominated members may not act as substitutes.”

REPORT DETAIL

1. Since January 2010 the Pensions administering authority (the Pensions Committee) must publish its compliance against the revised set of Myners Principles. At the end of 2000, beginning of 2001 Paul Myners, then Chairman of Gartmore Investment Management plc, carried out a review, on behalf of the Government, of Institutional Investment in the United Kingdom. He came up with a set of principles, as a model of best practice, and recommended that Pension Funds should show in their Statement of Investment Principles what they were doing to implement each of the principles. Where they had chosen not to meet a given principle they should explain publicly, and to their members, why not. Over the intervening years the principles have been refined and the current 6 principles are set out in Appendix 'A'.
2. In carrying out their annual review of the Statement of Investment Principles the Pensions Committee expressed concern that nearly two years into the life of the current committee not all members had undertaken suitable training. Although members of the Committee had been asked to complete the Skills and Knowledge Framework to assess their level of knowledge not all members had completed the questionnaire. The Committee had urged all members to do so as a matter of urgency.
3. The Pensions Committee appreciated that it was not possible for members to attend every meeting, and to ensure trained substitutes were available they asking Group Leaders to nominate named substitutes who could also receive the same training.
4. Given the fact that not all members had yet availed themselves of the available training the Pensions Committee were asking this Committee to amend the Constitution to require all members of the Pensions Committee, and named substitutes, to avail themselves of suitable training within six months of being appointed to serve on the Committee, or as a named substitute. Failure to avail themselves of the training should disbar them from membership until such time as they have undertaken the necessary training.
5. Annually the Pensions Committee undertake a review of its Governance Compliance Statement. The Pensions Committee considered two key points. The first related to the Constitutional arrangements. The Committee have over its last two meetings been reviewing its Terms of Reference. Having given the matter due consideration the Pensions Committee are recommending this Committee to amend their Terms of reference to read:
 1. Item ii) Change to "Recommend the authorisation of staff to invite tenders and to award contracts to actuaries, advisers and fund managers and other related investment matters";
 2. Item iii) – Change to "To appoint and review the performance of advisers and investment managers for pension fund investments."

6. Secondly, as recommended in the Myner's Principles, the Committee reviewed the situation of the representative of the Admitted and Scheduled Bodies. In previous years the Committee had decided not to give voting rights to this representative. This year having had the benefit of a number of years experience with the representative serving on the committee without voting rights the Committee agreed to recommend that voting rights be extended to the representative or representatives of the scheduled and/or admitted bodies.
7. At Audit Committee at its meeting on 21 December 2011 members gave consideration to the need to ensure all members of the Committee received adequate training to enable them to carry out their role. They wish to see similar provision in their constitution to that of the Pensions Committee to require all members of the audit committee and designated substitutes to avail themselves of the necessary training within 6 months of joining the Committee.

Financial implications and risks:

There is an expectation that committee members are suitably trained to undertake their responsibilities. There are specific requirements of both the Pensions and Audit Committees that mean that members serving on those committees require specialist knowledge to enable them to make informed decisions. There are risks arising if decisions are then reached where not all members of those committees are suitably trained. Specialist training is provided, especially for dealing with pensions matters, and the report recommends that the council ensures that both regular committee members and named substitutes undergo this training. The costs of pensions training can be met from the pensions fund itself, other training would need to be met from the members training budget. There are no other financial implications or risks arising from this report.

Legal implications and risks:

Failure to comply with the Myner's Principles may well attract adverse criticism of the Council.

Human Resources implications and risks:

None arising directly from this report.

Equalities implications and risks:

None arising directly from this report.

BACKGROUND PAPERS

None

The details of the current Myners Principles are set out below:**Principle 1: Effective decision-making**

Administering authorities should ensure that:

- a) decisions are taken by persons or organisations with the skills, knowledge, advice and resources necessary to make them effectively, and monitor their implementation; and
- b) those persons or organisations have sufficient expertise to be able to evaluate and challenge the advice they receive, and manage conflicts of interest.

Principle 2: Clear objectives

An overall investment objective(s) should be set out for the fund that takes account of the scheme's liabilities, the potential impact on local tax payers, the strength of the covenant for non-local authority employers, and the attitude to risk of both the administering authority and scheme employers, and these should be clearly communicated to advisers and investment managers.

Principle 3: Risk and liabilities

- a) In setting and reviewing their investment strategy, administering authorities should take account of the form and structure of liabilities; and
- b) These include the implications for local tax payers, the strength of the covenant for participating employers, the risk of their default and longevity risk.

Principle 4: Performance assessment

- a) Arrangements should be in place for the formal measurement of performance of the investments, investment managers and advisers; and
- b) Administering authorities should also periodically make a formal assessment of their own effectiveness as a decision-making body and report on this to scheme members.

Principle 5: Responsible ownership

Administering authorities should:

- a) adopt, or ensure their investment managers adopt, the Institutional Shareholders' Committee Statement of Principles on the responsibilities of shareholders and agents;
- b) include a statement of their policy on responsible ownership in the Statement of Investment Principles; and
- c) report periodically to scheme members on the discharge of such responsibilities.

Principle 6: Transparency and reporting

Administering authorities should

- a) act in a transparent manner, communicating with stakeholders on issues relating to their management of investment, its governance and risks, including performance against stated objectives; and
- b) provide regular communication to scheme members in the form they consider most appropriate.

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	AMENDMENTS TO THE CONSTITUTION – Contract Procedure Rules
CMT lead:	Ian Burns Acting Assistant Chief Executive, Legal & Democratic Services – 2442
Report Author and contact details:	Mike Stringer Head of Finance and Procurement – 2101
Policy context:	Constitutional amendments
Financial summary:	There are no relevant financial implications

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - a. monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect

- b. make recommendations to the Council about amending the Constitution
3. Recent applications of the Constitution have identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work. These are beyond the authority of the Monitoring Officer to approve.

RECOMMENDATIONS

That the Committee **RECOMMEND** to Council that the revised Contract Procedure Rules (CPR's) be adopted.

REPORT DETAIL

- 1 The Contract Procedure Rules (in Part 4 of the Council's Constitution) were revised and updated in 2008, as part of the review of the Constitution then undertaken.
- 2 A further review has recently been completed and the Committee is now invited to approve the revised version, as set out in the appendix. Items highlighted in red are the main changes to the Rules.
- 3 With the introduction of new technology the Council will be using the Oracle i-procurement module, an electronic form of ordering goods and services, this will become the default method of procurement across the Council, and therefore the rules have been changed to reflect this.
- 4 The Council has now developed Internal Shared Services, where the Operational Procurement team will be dealing with all procurements with an estimated value over £100k. The reason for this is that there are only 29 contracts on the contracts register which have a value of between £60k (previous value in the CPR's) and £100k and over 140 contracts over £100k. Therefore there needed to be a change to procedure and this is reflected in the Contract Procedure Rules.
- 5 The main changes to the Contract Procedure Rules have been highlighted in red italics in the appendix which covers areas of changes in values relating to contracts, how the rules will be enforced through i-procurement and the approach to Small and Medium Sized businesses and local businesses.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications or risks. The changes to the rules are needed to reflect both the new corporate methods of procurement and the increase in value where the formal contracting process will now operate.

Legal implications and risks:

There are no relevant legal implications or risks.

Human Resources Implications and risks:

There are no relevant HR implications or risks.

Equalities implications and risks:

There are no relevant equality implications or risks.

BACKGROUND PAPERS

Appendix 1 Contract Procedure Rules

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CONTRACTS PROCEDURE RULES

Contents	Section	Page No
Introduction	1	3
Contract procedure	2	4
Calculating the value of a contract	3	4
European procurement requirements	4	6
Legal, procurement & technical support	5	6
Requirements in relation to TUPE	6	7
Pre-tender report	7	7
Tender process	8	8
Procedure for submission and opening of tenders	9	10
Conduct of negotiations	10	10
Award in-house	11	11
Post Tender reports	12	11
Council standard terms of contract	13	12
British or other applicable European standards	14	14
Early authorisation approval	15	14
Execution of contracts	16	14
Records to be kept	17	16
Prevention of corruption	18	17
Best Value requirements	19	18
Council corporate contracts & framework agreements	20	18
Contract extensions and variations	21	19
Non-commercial considerations	22	20
Appointment of consultants	23	21

Contents	Section	Page No
Framework /Consortium contracts	24	22
Electronic Business	25	23
Exceptions	26	23
Contracts under £25,000	Schedule A	27
Contracts between £25,000 and £99,999	Schedule B	27
Contracts between £100,000 and £174,000	Schedule C	28
Contracts between £174,000 and £5,000,000 for Part B services or works less than £4,348,350	Schedule D	29
Contracts between £174,000 and £5,000,000 for Part A services	Schedule E	31
Contracts between £5,000,000 and £10,000,000 for Part B services	Schedule F	33
Contracts between £5,000,000 and £10,000,000 for Part A services and works	Schedule G	35
Contracts above £10,000,000 for Part B services	Schedule H	37
Contracts above £10,000,000 for Part A services and works	Schedule I	39
Framework contracts	Schedule J	40
Consortia arrangements (where the London Borough of Havering is not a member)	Schedule K	41

1 Introduction

Purpose

The purpose of these rules is to ensure that all Council contracts involving the Council are awarded:

- (a) in compliance with all relevant United Kingdom and European legislation including best value and EC procurement legislation
- (b) to ensure probity
- (c) to ensure value for money is obtained
- (d) to ensure efficient processes are in place**
- (e) to maximise competition wherever possible
- (f) in accordance with best practice
- (g) to ensure a fair and transparent process
- (h) in a way which demonstrates an audit trail with evidence that there was a fair process and value for money was obtained.

Status

The Contract Procedure Rules (CPR's) provide the framework for the procuring of goods and services for the Council.

The CPR's ensure there are rules to govern how we procure goods and services to make the most effective and efficient use of resources to deliver best value for the Council and the local community.

The Rules identify what route to take when ordering goods and services for the Council and compliance with these rules is a requirement for all Council employees.

Requirements

All contracts will be awarded in accordance with these rules and the Financial Procedure Rules which are compulsory and with the relevant provisions of the Council's Procurement Framework. A contract is any order or purchase of goods, supplies, services or works.

All contracts will be awarded in accordance with all relevant United Kingdom and European legislation including best value and European procurement legislation.

No contract may be awarded unless there is sufficient budget available for the goods, supplies, services or works being procured and appropriate delegated authority to award the contract.

The person awarding the contract shall have a duty to ensure and demonstrate that the best value is obtained, having regard to the appropriate balance between quality and price.

Members of CMT, Assistant Chief Executive, Assistant Director and Heads of Service are responsible for ensuring that all:

- (a) contracts are awarded in accordance with these Rules
- (b) persons responsible for awarding contracts are familiar with the Council's Procurement Framework, familiarise themselves with its contents and attend relevant Council training as appropriate.**
- (c) contracts over £100,000 are recorded on the Contracts Register maintained by the Operational Procurement Team using a Form L
- (d) contracts over £100,000 shall have a nominated Contract Monitoring Officer
- (e) contracts over £100,000 shall be signed and sealed by the Mayor via Legal and Democratic Services.**

2 Contract Procedure

The relevant procedures set out in the Schedules to these Rules and in the Procurement Framework shall be followed for all contracts subject to European Procurement Rules. **All** contracts **will** be let in accordance with the relevant procedure as set out in Schedules A to K based on the value of the contract.

3 Calculating the value of a contract

In calculating the value of the contract for the purposes of the competition requirement:

- (a) values are total lifetime contract values not annual values
- (b) values exclude VAT
- (c) values are to be aggregated – for example, if there is a recurring need on an annual basis for supplies
- (d) An estimate shall be made of the total purchasing requirement/whole life costing/financial implications – for example,

including ongoing maintenance and support costs. If there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract for the purposes of these Rules.

- (e) The valuation shall include the value of possible contract extensions and possible additional options.
- (f) Where a contract is of indeterminate length the value of the contract shall be assessed on the basis of the maximum anticipated length of the contract.
- (g) Where a contract is for a number of organisations and the Council is the lead authority, then the value of the contract shall be the total value of the contract for all the organisations. If the Council is not the lead authority then the value of the contract for the purposes of these Rules shall be the value of just this Council's proportion of the contract. It is a breach of these Rules to deliberately divide up contracts to evade the need to follow a more complex/lengthy procurement procedure or evade the requirements of European or UK legislative requirements.

4 European procurement requirements

Thresholds

European procurement legislation shall be complied with for all contracts above the following thresholds:

Type of contract	Threshold
Services	£ 173,934
Supplies	£ 173,934
Works	£ 4,348,350

These thresholds will be revised every two years. The next revision will be January 2014.

5 Legal, procurement and technical support

Self Service

Staff should use the intranet self service in the first instance when a procurement is required. Once staff has obtained information on "How to procure" they MUST place their order through the oracle i-procurement system in conjunction with these rules.

Shared Services

Staff should contact the Shared Services for procurement related advice, support and guidance on matters that they are unable to find using the intranet self service.

Consulting Operational Procurement Team

The Operational Procurement Team **MUST** be advised at the outset via shared services on all contracts for a value of more than £100,000 and the advice of the Team must be sought to confirm that there are not existing contracts for similar goods or services in order to ensure that the European thresholds are not inadvertently breached.

Notifying Assistant Chief Executive Legal & Democratic Services

The Assistant Chief Executive Legal & Democratic Services shall be notified at the outset of all proposed contracts with a value of more than £174,000 in order to advise on applicability of EU rules, TUPE, best value and any other legislative requirements and to nominate a legal representative to the project team.

Notifying Technical Services

Technical Services should be notified of all proposed works contracts.

6 Requirements in relation to TUPE

Where a contract award for services may result in Council or contractor staff being affected – for example, by possible redundancy, relocation or transfer to the successful tenderer – the advice of the Head of Shared Services (re pensions), Head of People & Change and the Assistant Chief Executive Legal & Democratic Services must be obtained before commencement of the tender process. Details must be included in the pre-tender report to members referred to in rule 7.

7 Pre-tender report

All contracts with a value of more than £174,000 and less than £500,000 must be reported to the appropriate Head of Service, and over £500,000 to the Member of CMT for approval to commence the tendering process unless an exception set out in 7(c) applies. The report must set out:

- (a) the likely total cost and budget provision
- (b) the appropriate European procurement route
- (c) the proposed tendering strategy and timetable
- (d) the project team
- (e) a summary of best value issues and any service improvement requirements
- (f) application of TUPE
- (g) project risk assessment.

Contracts within the terms of reference of the Pension Committee may be dealt with by that Committee.

Contracts for the procurement of gas, electricity and water supplies for Council buildings including schools may proceed without a formal pre-tender report with the approval of the Group Director, Finance & Commerce.

8 Tender process

General

All tender processes shall be conducted in accordance with the requirements of these Rules (including the procedure set out in the relevant Schedule), the Financial Procedure Rules, European procurement rules (if applicable), the Procurement Framework.

All tenders that come under the EU rules must be advertised via the European Journal electronically. This will be done by the Operational Procurement team on the Councils behalf.

Where there is the need to initially assess the capability of tenderers to undertake a proposed contract or the list of potential tenderers exceeds 8, the relevant Head of Service may issue a Pre-Qualification Questionnaire (PQQ) to assess which potential tenderers should be included/ excluded provided that such PQQs are assessed using fair, appropriate and consistent evaluation criteria and that the process is fully documented. Guidance is available on the intranet.

The Invitation to Tender (ITT) for all contracts over £100,000 shall include the following information:

- (a) a description of the services, supplies or works sought
- (b) the procurement timetable
- (c) rules for submitting tenders
- (d) pricing mechanism
- (e) the relevant terms and conditions of contract
- (f) the evaluation criteria including weightings
- (g) the Council's view on the applicability of TUPE
- (h) Any other information necessary to prepare tenders

The lists of contractors maintained by Constructionline shall be preferred for the formation of shortlists of potential tenderers for all construction contracts with a value of less than £4,340,000 for buildings and roads maintained by the Council unless otherwise agreed by the relevant Group Director and the Assistant Chief Executive, Legal & Democratic Services

Evaluation criteria

The award of all contracts shall be based on fair and appropriate evaluation criteria in accordance with the Procurement Framework and the European procurement rules (if applicable). Full and complete written records of the evaluation process must be maintained by the service

Weightings (price/quality) and detailed criteria and scoring mechanisms must be set out in the Invitation to Tender

Number of Tenders/Quotes

The minimum number of tenders or quotes to be sought shall be as set out in the relevant Schedule unless these Rules or the Assistant Chief Executive Legal & Democratic Services approves otherwise.

Award

The tender or quotation accepted shall be the one which represents the best value for money for the Council overall, taking account of price, quality of service, risk to the Council and other benefits, as set out in the evaluation criteria chosen for the tender and as described in the Procurement Framework .

For all contracts to which EU procurement rules apply all tenderers must be notified of:

- (a) The evaluation criteria
- (b) Their score using the criteria
- (c) The winning score
- (d) An explanation why the winning tender scored more highly than the tenderers one
- (e) The identity of the winner of the contract.

For all other contracts with a value in excess of £100,000 all bidders must be notified of:

- (a) Their score in the evaluation
- (b) The winning score.

9 Procedure for submission and opening of tenders

Submitting tenders

Every invitation to tender shall state that no tender will be considered unless it is returned in plain, sealed packaging which bears the word “tender” followed by the contract name, reference number, if applicable, and closing date and time. The instructions shall clearly indicate that there must be no name or mark indicating the tenderers identity.

Returning tenders

All tenders with a likely value of more than £100,000 must be returned to Internal Shared Services Town Hall Main Road Romford Essex RM1 3RX

Late tenders shall not be considered without the written approval of the Assistant Chief Executive Legal & Democratic Services which must set out the justification for the decision.

Opening tenders

Tenders shall be kept secure and unopened until formal opening.

All tenders for a particular contract shall be opened together at one time, in the presence of at least two members of staff not previously involved in the tender process. Where tenders are likely to have a value of more than £100,000, the two members of staff must consist of one representative of the Transactional Team Shared Services and one representative of the relevant Service and/or a representative of the operational procurement team.

The details of the tenders and the tenderers shall be recorded by the staff opening the tenders on the pro forma in the Procurement Framework at Appendix A. Copies shall be sent to (or retained by)

- (a) the relevant department
- (b) the Assistant Chief Executive Legal & Democratic Services
- (c) Internal Audit
- (d) Technical Services (construction contracts only)

10 Conduct of negotiations

All negotiations shall be conducted in accordance with European procurement rules, if applicable.

The Assistant Chief Executive Legal & Democratic Services and the Group Director, Finance & Commerce shall be advised of all contracts in excess of £174,000 that require negotiation before negotiations commence.

Negotiations shall be conducted by at least two senior members of staff, at least one of whom shall be either a Head of Service or a more senior officer. The relevant Member of CMT is responsible for the negotiations. If the value of the contract exceeds £1,000,000 then a senior member of the Assistant Chief Executive Legal & Democratic Services' staff should also be present at the negotiations.

Negotiations must be conducted, and full and proper records shall be kept, in accordance with the relevant section of the Procurement Framework

11 Awards in-house

Where there is an in-house team capable of performing the required services, the team may be invited to bid if such a bid is in accordance with the Procurement Strategy.

An award may be made to an in-house team after competition, provided that:

- (a) the in-house team has been evaluated as the most economically advantageous tender in accordance with the requirements set out in the Procurement Framework
- (b) the person making the award can demonstrate that the in-house team represents the best value in terms of quality and price.

12 Post Tender Reports

Pre-award report

The results of the evaluation process for all contracts with a value of more than £174,000 and up to £500,000 except for contracts falling within the category set out in 12(b) below, must be reported to the appropriate Head of Service and over £500, 000 and up to £5,000,000 to a Member of CMT for approval and award of the contract.

Contracts with a value of more than £5,000,000 and up to £10,000,000 except for contracts falling within the category set out in the paragraph below (Post-award notification), must be reported to an individual Cabinet Member for approval and award of the contract

Contracts with a value of more than £10,000,000 must be reported to the Leader or Cabinet for approval and award of contract, depending upon the powers delegated.

The report shall set out the details of all stages of the evaluation process and criteria, risk assessment and risk allocation, the results, and a recommendation as to the proposed award of the contract.

(b) Post-award notification

An EU notice must be placed if the contract was subject to EU advertising requirement.

Works contracts in respect of the Council's buildings and assets where the total contract value is between £174,000 and £4,340,000 are awarded by Heads of Service or more senior staff (as provided for in the constitution Part 3, Section 3)

Pension Committee

Contracts within the terms of reference of the Pension Committee may be dealt with by that Committee.

13 Council standard terms of contract

General

All Council contracts with a value in excess of £100,000 shall be on the Council approved standard terms and conditions for that type of contract unless:

- (a) the contract is let under an existing framework agreement which specifies the terms & conditions under which an individual contract can be let.
- (b) The Council's standard terms and conditions are not appropriate for the particular contract.
- (c) the Assistant Chief Executive Legal & Democratic Services approves otherwise.
- (d) All Council contracts where the Council approved standard terms and conditions are not appropriate **must** be awarded on the basis of a written specification of the Council's requirements on contract terms and conditions approved by the Assistant Chief Executive Legal & Democratic Services in advance.

Written requirements

Contracts above £100,000 shall include details of:

- (a) what is to be provided (description, quality and quantity where relevant) and when
- (b) payment provisions (amount and timing)
- (c) the Council's standard conditions in relation to the following matters:

- (i) the time scale within which the contract is to be performed
- (ii) the contract review period
- (iii) no sub-contracting or assignment without prior consent
- (iv) sub-contractors to be appointed in accordance with these rules
- (v) sub-contractors to be paid within 30 days
- (vi) the Council's insurance requirements
- (vii) the Council's health and safety requirements
- (viii) the Council's data protection and Freedom of Information requirements
- (ix) the Council's equalities requirements
- (x) a right of access to relevant documentation, data and records of the contractor for monitoring and audit purposes
- (xi) a right of termination for the Council
- (xii) a requirement at the discretion of the Council for security for performance – for example, a bond, guarantee or retention sum
- (xiii) quality assurance requirements and consequences
- (xiv) implementation
- (xv) performance monitoring requirements.
- (xvi) best value requirements
- (xvii) the Council's standard prevention of corruption clause
- (xviii) TUPE requirements.

Contracts for construction works

All Council contracts for construction works with a total value of more than £100,000 shall be awarded on the basis of a written specification of the Council's requirements and the current conditions of:

- (a) the relevant standard form of Joint Contracts Tribunal (JCT), or
- (b) the standard form of Institute of Civil Engineering (ICE) , or
- (c) the standard form of Project Partnering Contracts (PPC) 2000, OR
- (d) the relevant form of New Engineering Contracts (NEC), OR
- (e) the relevant framework agreement

whichever is appropriate or another standard form of contract approved by the Assistant Chief Executive, Legal & Democratic Services.

14 British or other applicable European standards

All contract specifications shall include reference to appropriate British or European standards where such standards are current and appropriate.

15 Early Authorisation Approval

In the event that there is a need for a contract to commence prior to the completion of the formal contract documentation then a Member of CMT after consultation with the Assistant Chief Executive Legal & Democratic Services may authorise the issuing of an Early Authorisation Approval to the contractor. The Early Authorisation Approval shall include the following information:

- (a) Work to be undertaken
- (b) Terms & conditions (this can be by reference to other documents)
- (c) Subject to completion of formal contract

16 Execution of contracts

Contracts over £100,000 to be sealed

Contracts with a total value of more than £100,000 will be executed under seal in accordance with Article 10.04 of the Constitution unless the Assistant Chief Executive Legal & Democratic Services approves otherwise. The Legal Document Execution Form must be duly completed by or on behalf of the relevant Head of Service or more senior staff prior to the contract being submitted for sealing.

Contracts under £100,000

Unless the Assistant Chief Executive Legal & Democratic Services approves otherwise, contracts with a total value of less than £100,000 will be executed by the signature of the duly authorised Head of Service or more senior staff as appropriate, in accordance with the functions delegated to staff under section 3 of Part 3 of this constitution.

Contracts with a total value of less than £100,000 may be executed under seal where the Head of Service or Member of CMT and the Assistant Chief Executive Legal & Democratic Services deems this appropriate: for example, where the Council may wish to enforce the contract for more than six years after its end.

Care & Consultancy Contracts

Contracts for the provision of personal social services to an individual (eg residential care) and educational placements may be signed by the

relevant approved officer (as formally designated by the Head of Service or more senior staff and lodged with the Assistant Chief Executive Legal & Democratic Services) provided that the annual value of the contract does not exceed £200,000. If it will exceed £200,000 then the contract must be signed by the Assistant Chief Executive Legal & Democratic Services

Contracts for consultancy services and specialist advice (other than those that form part of a larger contract or project) may be signed by the relevant Head of Service or more senior staff provided that the total value of the contract does not exceed £200,000. If it will exceed £200,000 then the contract must be signed by the Assistant Chief Executive Legal & Democratic Services

17 Records to be kept

Retaining relevant documents

The Member of CMT shall be responsible for ensuring that there is a secure system of filing and storing all tender process documentation.

All written records in relation to the award of contracts and the tender process, including supporting documentation, should be scanned as a PDF and saved to the relevant folder within the directorates area. Only the completed contract needs to be kept in hard copy. All other documents once scanned can be disposed of.

All written records shall be maintained as follows:

<i>all sealed contracts and contracts with a value over £100,000</i>	<i>twelve years after the end of the contract</i>
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The sealed original contract documents shall be retained by the Assistant Chief Executive Legal & Democratic Services in the Council’s deeds’ room for twelve years after end of the contract.

Retaining copies of contracts

Once executed the Council shall retain one original of the complete contract documents, and one copy of the complete contract document shall be provided to the contractor. Where the contract is under seal, one original copy of the contract documents shall be sent to/retained by the Assistant Chief Executive Legal & Democratic Services for storage in the Council’s deeds room and one copy shall be retained by the person awarding the contract, as well as one copy being provided to the contractor.

Documents to be retained

The complete original set of the contract documents shall be retained including the:

- (a) contract conditions
- (b) specification
- (c) evaluation criteria
- (d) invitation to tender
- (e) pricing schedule
- (f) contractor's tender submission
- (g) pre-tender correspondence which affects the specification, pricing schedule or contract conditions
- (h) post tender correspondence
- (i) award letter, and
- (j) documentation of all variations and extensions of the contract
- (k) Where an exception to the competition financial thresholds applies, the following documents shall also be retained:
 - (i) the Competition Financial Thresholds Exceptions Approval Form signed by a Member of CMT
 - (ii) the contract and correspondence with the contractor
 - (iii) any evidence of how value for money was obtained – for example, alternative written or oral quotes.
 - (iv) A complete check list of documents to be retained is included in the Procurement Framework at section E20. It is mandatory to retain all the documents listed if they formed part of the process.

18 **Prevention of corruption**

General standards of conduct

All persons involved in the award of contracts shall comply with Council guidance on conduct of staff [and with the Staff Code of Conduct when issued by the Secretary of State] and shall not invite or accept any gift or reward or inducement which could influence them in any way in relation to the award or monitoring of any Council contract. High standards of ethical conduct are mandatory. Staff shall take steps to ensure that their behaviour could not lead to accusations of corruption. Corrupt behaviour is a criminal offence and will lead to criminal investigation and if proven, dismissal and a criminal record.

This Council requires Members, employees and contractors working on its behalf to act with honesty and integrity at all times, when dealing with resources owned by the Council or those for which it is responsible. This includes the responsibility for ensuring that assets are safeguarded and

that procedures exist within areas of their responsibility to prevent and detect fraud.

Fraud is an ever-present threat to resources and hence must be of concern to everyone. The Council will rigorously enforce sanctions laid down in its "Disciplinary Procedures" and will seek prosecutions where necessary in order to deter fraudulent activity. The Council is unequivocal in its support of the Police and other external agencies fighting fraud and corruption within the public sector. We have already established arrangements for co-operation and joint working with outside bodies. In addition we actively foster relationships with external organisations for the purpose of introducing new initiatives to help combat fraud.

We recognise the important part our employees play in countering the damage that fraud can do if unchecked. We actively encourage the reporting of concerns about fraud and corruption and a "Confidential Reporting (Whistle Blowing) Policy" is available to address this.

All Council employees must comply with the anti-fraud and corruption policy.

Declaring an interest

Any employee who has a pecuniary or other interest in any actual or potential Council contract must declare it in writing to the relevant Member of CMT. All hospitality, gifts or other inducements received shall be recorded in the hospitality register held by the relevant Member of CMT.

19 Best value requirements

All persons awarding contracts for services shall ensure that they can demonstrate that they have complied with the legislative requirements for best value. In addition to the requirements for the report to Members set out in rule 12, the contract award report shall set out:

- (a) how the legal duty to challenge, consult, compare and compete has been met
- (b) how the contract award will meet the Council's statutory duty of economy, efficiency and effectiveness (i.e. best value)
- (c) how continuous improvements in service provision will be maintained and monitored and ongoing efficiencies will be achieved.

20 Council corporate contracts and framework contracts

Setting up corporate contracts

Members of CMT, with the agreement of the Group Director, Finance & Commerce and the Assistant Chief Executive Legal & Democratic

Services may set up corporate and/or framework contracts for goods services, supplies or works across the Council and other public sector bodies, eg stationery supplies. These shall be advertised and competitively tendered in accordance with the Council's competition and selection procedures set out in these rules and the Procurement Framework.

Where an appropriate corporate contract is in place this shall be used wherever appropriate. The Member of CMT responsible for the corporate contract shall issue guidance as to its use, after consultation with the Assistant Chief Executive Legal & Democratic Services and the Operational Procurement Team.

Reviewing corporate contracts (which are framework contracts)

Any corporate/framework contracts shall be reviewed regularly by the Operational Procurement Team and shall be re-advertised re-tendered at least once every four years.

21 Contract extensions and variations (All Contracts over £100K)

Variations (non-construction work)

Contract variations (i.e. alteration to the terms of the contract which do not alter the length of it) must comply with the following points:

- (a) *The nature of the variation has been approved by the Operational Procurement Team.***
- (b) The variation must be in writing and the document will be completed (ie signed or sealed) in the same manner as the original contract unless otherwise provided for within the original contract.
- (c) It must clearly set out which provisions in the original contract are being varied, the replacement provision and the date that the variation takes effect.
- (d) Variations which are to be met from existing budget provisions must be agreed by Heads of Service or more senior staff.
- (e) Variations which exceed existing budget provisions must have appropriate funding secured in conjunction with the financial framework.

Variations (construction work)

Contract variations to construction contracts which alter the detailed design, method of construction, materials used, extent of the works or the timing of the works are permissible provided that:

- (a) The variation is in writing and authorised in accordance with the variation provisions set out in the contract

- (b) It can either be met from existing budget provisions or, if additional funding is required, that authority for the increased budget is obtained first.

Extensions

Extensions to the duration of existing contracts are generally not permitted except where all of the conditions set out in column A below are met AND at least one of the conditions set out in column B is met:

Column A ALL of these conditions must be met	Column B AT LEAST one of these conditions must be met
Value for money can be demonstrated	One of the exceptions set out in rule 27 below applies
The extension is for the same or a lesser value and period than the original contract	The possibility of an extension was included in the invitation to tender documents
For an extension with a value in excess of £5,000,000, there is a report to Cabinet For an extension with a value in excess of £174,000 and under - £5,000,000 approval of an individual Cabinet member is required	Where applicable, the Assistant Chief Executive Legal & Democratic Services confirms in writing that one of the permissible grounds for extension under European procurement rules applies

The extension document will be completed (ie signed or sealed) in the same manner as the original contract except in the case of construction contracts where the extension will be authorised in accordance with the relevant provisions set out in the contract

22 Non-commercial considerations

Considerations to be excluded

Subject to the paragraph below (considerations which may be included), no part of the tender process, evaluation, contract award or contract or specification documents shall be based on:

- (a) the terms and conditions and composition of the contractor's workforce
- (b) whether subcontractors are self-employed
- (c) the contractor's involvement in irrelevant areas of government policy
- (d) the contractor or contractor's employees' involvement in industrial disputes

- (e) the contractor's business locations – for example, to buy local or buy British
- (f) any political, industrial or sectarian links or interest of the contractors, its directors or owners, or employees
- (g) the contractor's financial support (or lack of it) to any organisation which the Council does or does not support.

Considerations which may be included for contracts for services subject to best value legislation

Contracts for services which are subject to best value legislation may base any part of the tender process, evaluation, contract award or contract or specification documents on the:

- (a) terms and conditions and composition of the contractor's workforce, and/or
- (b) conduct of contractors or their workers in industrial disputes between them

provided that such matters are included either because:

- (a) TUPE applies, or
- (b) it is reasonably necessary or expedient to permit or facilitate compliance with the best value requirements of the Local Government Act 1999

23 Appointment of consultants

The appointment of consultants is a contract for services and is therefore covered by these Rules as well as subject to the Financial Procedure Rules and the Procurement Framework.

Consultants may be appointed only if the appropriate Member of CMT is satisfied that the tasks required cannot be carried out adequately in-house – for example, due to lack of internal resources or expertise, specialist knowledge, independence and urgency.

Staff must use the Council's terms and conditions for consultants contract which is available from Operational Procurement ISS before appointing the consultant. The Consultant's contract must include provisions identifying who (normally it should be the Council) owns the intellectual property rights to any documentation, report, design or other work produced by the consultant and, if the Council is not to be the owner of those rights, the licensing terms for the use of the rights.

A consultant who provides advice or expertise to the Council on the nature, scope, extent or terms of a project /another contract shall not be permitted to bid, either alone or with others, for that project/other contract and the

consultant's contract shall include provisions to ensure compliance with this Rule.

24 **Framework Contracts**

A framework contract is an 'umbrella' agreement for the supply of goods or services. It sets out the overall duration of the arrangement and the terms and conditions on which the goods or services will be purchased, but does not actually place any orders. A framework contract should not ordinarily last for more than four years, unless there are exceptional reasons why the four-year duration must be exceeded. A framework can have one or more buyers and one or more suppliers. All potential buyers must be clearly identified in the framework documents.

Once the framework contract is operative all subsequent purchases under the framework shall either not require further competition (if a single supplier) or, if there are two or more suppliers for those goods or services on the framework, follow the express framework provisions for choosing a supplier. If there are no such express provisions a mini-competition should be held amongst the relevant suppliers.

If the Council is setting up the framework, the framework contract shall be let in accordance with the requirements of these Rules using the procedure set out in Schedules D, E, F or G as appropriate.

Government Framework Contracts (eg Government Procurement Services GPS) and other public sector framework contracts.

Where the proposed contract

- (1) is one for which GPS or another public sector body on behalf of the public sector has undertaken a competitive tendering exercise which fulfils EU procurement requirements and
- (2) sets out the terms and conditions on which such a contract is to be let and where
- (3) the Council is seeking tenders only from those suppliers accredited to that framework tender and
- (4) is to use the agreed terms and conditions, and
- (5) the value of the goods or services to be procured exceeds £174,000 (or if works are being procured, the value of those works is likely to exceed £4,340,000) then the tender process shall be as set out in Schedule J.

Frameworks set up by bodies other than the Council or GPS the tender process shall be as set out in Schedule K.

25 **Electronic Business**

Purchases made using the Council's I-procurement system are effectively individual contracts entered into under the provisions of a framework agreement previously agreed between the Council and the supplier. Such purchases shall either not require further competition or, if there are 2 or more suppliers for those goods or services on the i-procurement system, the competition shall be by simple quotations by those suppliers on the price payable for the goods or services.

In the event of a Service wanting to use some other form of electronic business, eg e-auction, the procedure to be adopted must be agreed by the Operational Procurement Team ISS

No Purchase Order No Pay

All purchases made by staff MUST include an order number which will be generated through the i-procurement system so that payment can be made. If there is no Purchase Order, then the supplier will not be paid. All orders for goods or services, unless there are special reasons which must be agreed by the Operational Procurement Team, must go through the Council's i-procurement system.

26 **Exceptions**

General Exceptions to Rules

No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Assistant Chief Executive Legal & Democratic Services and the Group Director, Finance & Commerce

Exceptions to competitive requirements

Exceptions to the competition requirements set out in Schedules A to K may be made only if all relevant law is complied with e.g. European procurement and best value legislation and one of the following circumstances applies:

- (a) the contract falls within one of the exceptions listed in this Rule, and
the Competition Financial Thresholds Exceptions Form (set out in the Procurement Framework at section C2), is fully and properly completed and signed by the relevant Member of CMT, and
the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.

- (b) an individual Cabinet member has approved the waiving of the application of these rules, as permitted by Rule (a) above.
- (c) the contract is solely for the employment of agency staff or interim managers (but not consultants)
- (d) joint purchasing with or through another public body provided that the public body awarding the contract can demonstrate that the arrangements comply with European procurement, best value and other applicable legislation.
- (e) The instructing of counsel by the Assistant Chief Executive, Legal & Democratic Services
- (f) they are allowed by some other specific provision in these Rules

The exceptions are:

- (a) **Genuine emergency**
Unforeseen events likely to cause immediate danger to people or property such as bombing or flooding.
- (b) **Specialist services/supplies**
Available only from one supplier in the European Union – for example, specialist niche consultants or supplies.
- (c) **For reasons of compatibility**
With existing services/products – for example, equipment that needs parts from its own manufacturer.
- (d) **Urgency NOT of the Council's own making**
The urgency must be unforeseen – for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception under this exception.
- (e) **Exceptions permitted under European procurement rules**
Where the contract is subject to the full application of the European procurement rules and there are specific exceptions which shall be complied with.
- (f) **Best Interests of the Council**
Where it is in the best interests of the Council or the Borough for a provision in these Rules to be waived to enable a contract procurement to be rapidly progressed while still complying with European procurement rules.

Emergency Action

A Member of CMT personally may authorise a waiver of any of these Rules if they consider that the circumstances are such that such a waiver is necessary and desirable to further the aims of the Council or for the benefit of the residents of the borough. Such a waiver and the reasons for

it shall be fully documented and, if reasonably possible, before giving the authorisation the Member of CMT shall consult with the Group Director, Finance & Commerce and the Assistant Chief Executive, Legal & Democratic Services and may consult with the relevant Cabinet Member.

Grant Funded Expenditure

Where the Council receives grant funding and is named as the accountable body for the expenditure of monies. It should be noted that this expenditure should be conducted in line with these Contract Procedure Rules..

Small & Medium Sized Enterprises/Local Companies

Tendering opportunities thought especially suitable for SME's, Local companies or consortia of both should be flagged by staff during the advertising process. SME's and local companies are more likely to be used for quotations and these should be sought where possible through the P4London portal via the Operational Procurement Team.

Purchasing Cards

Purchasing cards are a method of payment for goods and services. This method should only be used when there is no other option available to the staff. Procurements should be going through the i-procurement system with the exception of travel, subsistence where staff are out on site and it is impractical to use the i-procurement system.

SCHEDULES

Schedule A - Procurement *under £ 25,000*

1. Advertising – none required
2. Quotes & Procurement award

<u>Value</u>	<u>Number of quotes</u>	<u>Procurement awarded by</u>
Less than £5000	One quote	Council staff member authorised by Cost Centre Manager
£5000 to £24,999	Two quotes	Council staff member authorised by Cost Centre Manager

3. Award criteria – normally solely price once quality threshold achieved

4. *Purchase order to be placed via the i-procurement system*

5. Retain documents – all documentation to be retained for 3 years or the life of the contract whichever is the longer
6. Also check compliance with Rules 19, 20 & 23

Schedule B - Procurement between £ 25,000 and £ 99,999

1. Advertising – none required
2. Quotes & Procurement award – 3 written quotes sought, procurement awarded by 3rd or 4th tier manager or staff member authorised by Head of Service (see Appendix A for the 7 i-procurement levels)
3. Award criteria – compliance with specification and price
4. Purchase order to be placed via the i-procurement system.
5. ***Invoice must be via i-supplier***
6. Retain documents – all documentation to be retained for 3 years after the end of the contract
7. Also check compliance with Rules 19, 20 & 23

Schedule C - Contracts between £ 100,000 and £174,000

1. Advertising – none required. Selection from existing approved list/existing contractors/Constructionline/
2. Process & contract award – Mini tender – one stage
 - (a) competitive tender against written specification of requirements
 - (b) minimum of three written tenders sought
 - (c) contract awarded by 3rd or 4th tier manager or staff member authorised by Head of Service and financial representative of Group Director, Finance & Commerce
3. Award criteria – compliance with the specification and price
4. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council's Standard Terms AND CONDITIONS of Purchase for Goods
 - (b) For services: the Council's Standard Terms and Conditions for Services
 - (c) Purchase order to be placed via the i-procurement system
 - (d) Invoice must be via i-supplier

Contract to be signed by the duly authorised Head of Service or Member of CMT as appropriate or staff member authorised by the Head of Service
5. Retain documents – all documentation to be retained for 6 years after the end of the contract
6. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule D - Contract between £174,000 and £5,000,000 which is not subject to European procurement legislation advertising requirements (i.e. Part B services, or works less than £4,340,000)

1. Pre tender Report – report to the appropriate Head of Service for up to £500,000 anything over this amount to be reported to CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A

minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract

3. Process – Full tender – 2 stages
 - (a) Selection of potential tenderers from those who express interest as a result of the initial advert
 - (b) competitive tender against written specification of requirements
 - (c) a minimum of 10 working days shall be allowed for tenders
 - (d) minimum of three written tenders sought
 - (e) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
5. Pre – award Report – there must be a report to an individual Member of CMT for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27
6. Contract award - contract awarded by Member of CMT
7. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
8. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
 - (b) For services: the Council's Standard Terms and Conditions for Services
 - (c) Purchase order to be placed via the i-procurement system

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
9. Retain documents – all documentation to be retained in accordance with Rule 17
10. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule E - Contract between £174,000 and £5,000,000 which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works above £4,348,350)

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process– Full EU advertised competitive tender process
 - (a) competitive tender against written specification of requirements
 - (b) a minimum of 40 calendar days shall be allowed for tenders
 - (c) minimum of three written tenders sought
 - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Member of CMT for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.
5. Contract award - contract awarded by Member of CMT
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
 - (b) For services: the Council's Standard Terms and Conditions for Services
 - (c) Purchase order to be placed via the i-procurement system
 - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule F - Contract between £5,000,000 and £10,000,000 which is not subject to European procurement legislation advertising requirements (i.e. Part B services)

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
3. Process – Full tender – 2 stages
 - (a) Selection of potential tenderers from those who express interest as a result of the initial advert
 - (b) competitive tender against written specification of requirements
 - (c) a minimum of 10 working days shall be allowed for tenders
 - (d) minimum of three written tenders sought
 - (e) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Cabinet Member for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27
5. Contract award - contract awarded by Cabinet Member approval
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
 - (b) For services: the Council's Standard Terms and Conditions for Services

- (c) Purchase order to be placed via the i-procurement system
- (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule G - Contract between £5,000,000 and £10,000,000 which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works)

1. Pre tender Report – report to the appropriate individual Member of CMT for approval unless an exception applies – see Rule 27
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process – Full EU advertised competitive tender process
 - (a) competitive tender against written specification of requirements
 - (b) a minimum of 40 calendar days shall be allowed for tenders
 - (c) minimum of three written tenders sought
 - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
4. Pre – award Report – there must be a report to an individual Cabinet Member for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.
5. Contract award - contract awarded by Cabinet Member approval
6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a

written specification of the Council's requirements and the standard terms and conditions listed below:

- (a) For supplies: the Council's Standard Terms and Conditions for Supplies
- (b) For services: the Council's Standard Terms and Conditions for Services
- (c) Purchase order to be placed via the i-procurement system
- (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

- 8. Retain documents – all documentation to be retained in accordance with Rule 17
- 9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule H - Contract above £10,000,000 which is not subject to European procurement legislation advertising requirements (i.e. Part B services)

- 1. Pre tender Report – report to individual Member of CMT for approval unless an exception applies
- 2. Advertising – it shall be advertised in either the local press, specialist trade press, or national press as appropriate to the contract. A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
- 3. Process – Full tender – 2 stages
 - (a) competitive tender against written specification of requirements
 - (b) a minimum of 15 working days shall be allowed for tenders**
 - (c) a minimum of 3 tenders should be sought**
 - (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
- 4. Pre – award Report – there must be a report to Cabinet for approval and award after the final evaluation of tenders by the evaluation team unless an exception applies.
- 5. Contract award - contract awarded by the Leader or Cabinet.

6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council's requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council's Standard Terms and Conditions for Supplies
 - (b) For services: the Council's Standard Terms and Conditions for Services
 - (c) Purchase order to be placed via the i-procurement system
 - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

8. Retain documents – all documentation to be retained in accordance with Rule 17
9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule I - Contract above £10,000,000 which is subject to European procurement legislation advertising requirements (i.e. contracts for supplies, EU Part A services and works)

1. Pre tender Report – report to individual Member of CMT
2. Advertising – it shall be advertised in the Official Journal of the European Community. A minimum of 37 calendar days shall be provided for expressions of interest in accordance with EU procurement legislation, except where the legislative requirements permit a shorter time scale. In addition there shall be at least 1 advertisement in either the specialist trade, local or national press, if appropriate to the contract.
3. Process– Full EU advertised competitive tender process
 - (a) competitive tender against written specification of requirements
 - (b) a minimum of 40 calendar days shall be allowed for tenders
 - (c) three tenders sought

- (d) contract assessed by a project team reporting to Head of Service and including appropriate specialists e.g. legal, finance, procurement, health and safety
- 4. Pre – award Report – there must be a report to Cabinet for approval pre-award after the final evaluation of tenders by the evaluation team unless an exception applies.
- 5. Contract award - contract awarded by the Leader or Cabinet
- 6. Award criteria – compliance with the evaluation criteria (primarily specification & price) agreed prior to the dispatch of tender documentation
- 7. Documentation - all such contracts (except construction works contracts and those covered by specific exceptions) shall have a written specification of the Council’s requirements and the standard terms and conditions listed below:
 - (a) For supplies: the Council’s Standard Terms and Conditions for Supplies
 - (b) For services: the Council’s Standard Terms and Conditions for Services
 - (c) Purchase order to be placed via the i-procurement system
 - (d) Invoice must be via i-supplier

Contract to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.

- 8. Retain documents – all documentation to be retained in accordance with Rule 17
- 9. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule J – Government Procurement Service Framework Contracts

- 1. Pre tender Report– report to the appropriate individual Member of CMT. If above the EU threshold
- 2. Advertising –it shall be notified to those suppliers accredited by the Government Procurement Service (GPS) as having been accepted as part of the GPS tender process A minimum of 10 working days shall be allowed for interested providers to express interest in tendering for the contract
- 3. Process & contract award – Full tender – two stages
 - (a) competitive tender against written specification of requirements

- (b) a minimum of 10 working days shall be allowed for tenders
 - (c) three tenders sought
 - (d) if below £173,934 contract awarded by Head of Service on report from 3rd or 4th tier manager or staff member authorised by Head of Service and financial representative of Member of CMT Finance & Commerce
 - (e) if between £174,000 and £5,000,000 contract awarded by an individual Member of CMT, if between £5,000,000 and £10,000,000 awarded by individual Cabinet member on a report from the relevant Head of Service
 - (f) if above £10,000,000 contract awarded by the Leader or Cabinet via a Pre-award Report
4. Award criteria – compliance with the evaluation criteria (usually set out in the framework documents) agreed prior to the dispatch of tender documentation
 5. Documentation - all such contracts shall have a written specification of the Council's requirements and the standard terms and conditions approved by the GPS for that particular contract
 6. Contracts over £100,000 to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
 7. Retain documents – all documentation to be retained for in accordance with Rule 17
 8. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

Schedule K - Consortium Arrangements (where LBH is not a member)

1. Pre-tender Report – report to individual Member of CMT for approval to use a consortium if above the EU threshold. Report to include details of the procurement process used by the consortium and confirmation that Havering's involvement will be within the terms of the consortium and will not breach European procurement requirements in addition to the standard requirements for such reports.
2. There should be a minimum of three suppliers to the consortium who can be invited to provide quotations for the goods or services
3. Award criteria - compliance with the evaluation criteria (primarily specification & price) either as set out in the consortium documentation or if none agreed prior to the dispatch of tender documentation
4. Pre-award Report – there must be a report to an individual Member of CMT if below £5,000,000, to an individual Cabinet Member (if

£5,000,000 or more but below £10,000,000) or to the Leader or Cabinet (£10,000,000 or more) for approval after the final evaluation of tenders by the evaluation team unless an exception applies – see Rule 27.

5. Documentation - all such contracts shall have a written specification of the Council's requirements and the standard terms and conditions of the Consortium for that particular contract
6. Contracts over £100,000 to be executed under seal in accordance with Article 10.04 of this constitution. The Legal Document Execution Form must be duly completed.
7. Retain documents – all documentation to be retained for in accordance with Rule 17
8. Also check compliance with Rules 3, 5, 8, 9, 10, 14, 18, 19, 20 & 23

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	STANDARDS OF MEMBERS' CONDUCT – Localism Act 2011: new regime
CMT Lead:	Ian Burns Acting Assistant Chief Executive 01708 432442
Report Author and contact details:	Ian Buckmaster Committee Administration & Member Support Manager ian.buckmaster@havering.gov.uk 01708 432431
Policy context:	The Localism Act 2012 introduces a new regime for the standards of Members' conduct
Financial summary:	There are no financial implications

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The Localism Act 2012 has introduced a new regime for adjudicating the standards of Members' conduct. There is no longer a national standards framework and there is no obligation to appoint a Standards Committee. There is, however, a requirement for a Members' Code of Conduct, alleged breaches of which must be formally dealt with, and if upheld, sanctions can be imposed.

This report invites the Committee's agreement to some initial matters relating to the management of the new process within the Council and to the

appointment of an “independent person”, required by the Act, who will be involved in dealing with the investigation of alleged breaches of standards. A further report will follow in due course in relation to the required Code of Conduct and other matters.

It should be noted that complaints made before the new system is fully implemented will be dealt with under transitional arrangements and so, for a short period, there is the possibility that both the old and the new systems will operate in parallel.

RECOMMENDATIONS

- 1 That the Committee **RECOMMEND** to Council that, with effect from the date on which section 26 of the Localism Act 2011 comes into force, save insofar as it is necessary for any outstanding complaint made before that section comes into force to be disposed of:
 - (a) The existing Standards Committee be abolished.
 - (b) Responsibility for standards matters under the new regime be delegated to the Governance Committee and that the Adjudication & Review Sub-Committee deal with the investigation and resolution of allegations of breaches of the Council’s Code of Conduct for Members.
 - (c) The functions of the Appointments Sub-Committee be extended to include the interview of applicants for appointment as the Independent Person for Standards under section 28(7) of the Act and making recommendations to the Council as to the appointment.
 - (d) The changes to the Constitution set out in the Appendix to this report be approved.
- 2 That the Committee **RECOMMEND** to Council that the terms of office of the Independent Members of the Committee due to retire at the forthcoming Annual Meeting of the Council be extended until it is abolished and all outstanding matters have been dealt with..
- 3 That, subject to the adoption by the Council of recommendation 1 above, the arrangements proposed in the report for the appointment of an Independent Person be approved.

REPORT DETAIL

- 1 The Localism Act 2011 replaces, virtually in its entirety, the current regime for maintaining Members' standards of conduct. The national regime, run by the Standards Board for England is abolished, as is the requirement for a local Standards Committee. The need for a Code of Conduct is retained (albeit in different terms to the current Code) and there is a requirement for allegations of breaches of that Code to be investigated and dealt with: the Council is, however, given discretion over much of the process, although there is a statutory requirement for the appointment of an Independent Person who has specific tasks to undertake in connection with dealing with such allegations.
- 2 This report addresses some preliminary issues; a further report will follow at the next meeting on detailed issues such as the new Code of Conduct.

Responsibility for the new regime

- 3 The Act repeals the requirement for a Standards Committee (and the associated need to appoint Independent Members to it), although under transitional provisions any complaint made before the date on which the new regime comes into force will continue to be dealt with under the current regime. The current Standards Committee cannot be fully abolished, therefore, until any outstanding issues have been dealt with.
- 4 Two of the existing Independent Persons are due to retire at the forthcoming Annual Meeting. It is possible, however, that their services will be required beyond then to deal with any incomplete cases under the current regime. Since it would be senseless to recruit new Independent Members for at most a few weeks, it is suggested that their terms of office be extended until the Committee is abolished and all outstanding matters have been dealt with.
- 5 The amount of policy work required for standards matters is not expected in future to be as onerous as under the current regime and, therefore, it is suggested that responsibility for standards matters at Member level should pass to this Committee. That would not preclude the Council from appointing a Standards Champion, nor the Leader of the Council from assigning to a Cabinet Member executive authority for dealing with standards issues.
- 6 It would, however, be impracticable for the Governance Committee to deal with the investigation of individual allegations and so it is suggested that the Adjudication & Review Sub-Committee, which reports to this Committee, deal with the investigation and resolution of complaints about Members' conduct, directly or through its Hearings Panels. The Sub-Committee already deals with complaints about service matters and the additional work would be consistent with that. The precise approach to its work on standards matters will be the subject of further report in due course.

- 7 The Act transfers the role of the current Standards Committee in the initial handling of allegations of breach of the Code to the Monitoring Officer.

Independent Person

- 8 The Act requires the appointment of an Independent Person:
- “(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and**
 - (b) whose views may be sought—**
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),**
 - (ii) by a member, or co-opted member, of the authority if that person’s behaviour is the subject of an allegation...”**
- 9 Members, co-optees (including the existing Independent Members of the Standards Committee) and officers, and those who have been such within the past five years, and their relatives and close friends are precluded from appointment as the Independent Person.
- 10 The Independent Person can be appointed only after a recruitment process involving an advertisement inviting applications for appointment and approval of the appointment by a majority of Members at full Council.
- 11 Although it is not necessary for an appointment of Independent Person to have been made by the time the Act’s provisions come into force (expected to be 1 April), any avoidable delay in making an appointment could compromise the Council’s position and, accordingly, it is suggested that responsibility for the recruitment process be delegated to the Appointments Sub-Committee (who would make a recommendation as to the appointment to Council as the final stage in the process). The Monitoring Officer will arrange to advertise the post and, once applications have been received, assessed and short-listed as appropriate, the Sub-Committee would conduct the interviews and make a recommendation.
- 12 The Committee is invited to recommend to the Council that the Sub-Committee’s functions be extended to include the appointment process for the Independent Person.

Code of Conduct

- 13 Section 28 of the Act requires the adoption of a Code of Conduct. That Code must be:
- “... when viewed as a whole, consistent with the following principles—**
 - (a) selflessness;**
 - (b) integrity;**
 - (c) objectivity;**

- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.”

- 14 No central government guidance is expected about the content of the Code, other than as set out in the Act, as above. One or more model Codes are likely to be prepared by organisations such as the Local Government Association or London Councils and such advice will be considered when received.
- 15 This will require the adoption by the Council of a new Code to replace its existing Code. It is expected to be possible to put forward recommendations for consideration in the further report to follow at the next meeting.

Changes to the Constitution

- 15 The new regime requires adjustments to the Constitution. The suggested changes are set out in the Appendix to this report.

IMPLICATIONS AND RISKS

Financial Implications and Risks

There are no significant or specific financial implications or risks arising from this report; indeed, some savings can be anticipated through the reduction in number of the independent persons' allowance payable for work undertaken in connection with standards matters and the less onerous investigation procedures.

The cost of allowances and investigations will continue to be met from existing budget provision.

Equalities and Social Inclusion Implications and Risks

No implications or risks have been identified. The maintenance of high standards of conduct by Members is in the interest of all sections of the community.

Environmental Implications and Risks

There are no implications or risks for the environment.

Legal Implications and Risks

The Localism Act obliges the Council to adopt a Code of Conduct and to take specified measures to ensure compliance with it.

Failure to carry out the duties imposed by the Act would risk challenges by way or judicial review and/or the Local Government Ombudsman; and could also expose the Council to a risk of decisions being challenged and over-turned.

Human Resources Implication and Risks

There are no implications or risks for Human Resources.

BACKGROUND PAPERS

There are no background papers

CHANGES TO THE CONSTITUTION

Part 1: Summary of the Constitution

Section 3 **amend** second paragraph to read:

Councillors have to comply with a code of conduct to ensure high standards in the way they undertake their duties.

Section 6 **omit** reference to Standards Committee

Section 8 in sub-paragraph (k) **replace** “Standards Committee” by “Monitoring Officer”

Part 2: The Articles of the Constitution

Article 3, section 3.0.1(c) **amend** to read “the Monitoring Officer if they consider that a Member has acted in breach of the Code of Conduct”

Article 9, section 9.08 **amend** reference to the Standards Committee to read

- the Adjudication & Review Sub-Committee when it is conducting an investigation or hearing;

Part 3: Responsibility for Functions

Section 1.2, Table of Functions: Committees

Governance Committee

under “Appointments and dismissals” – **omit** reference to interviewing and appointing candidates for appointment as Independent Person for the Standards Committee

add new sub-heading “Members’ conduct” and **insert** below it

General

- To promote and maintain high standards of conduct by the members and co-opted members of the authority
- To assist members and co-opted members of the authority to observe the authority’s code of conduct
- Through the Standards Sub-Committee, to hear, determine and report upon any allegation of breach of the code of conduct, including the application of any permitted sanction

Members’ code of conduct

- To advise the authority on the adoption or revision of a code of conduct

Guidelines for members in dealing with staff

- To advise the authority on the adoption or revision of the Guidelines on members dealing with staff

Protocol on probity in planning

- To advise the authority on the adoption or revision of the Protocol on Probity in Planning

Whistleblowing Policy and Procedure

To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet

Standards Committee - **Delete** the whole entry

Section 1.2, Table of Functions: Sub-Committees

Standards – **Delete** existing entry

Appointments Sub-Committee – Add new bullet point “To make recommendations to Council about the appointment of Independent Persons for Standards matters”

Adjudication & Review Sub-Committee - Add new section “Members’ conduct - To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanction, if any, to be applied in consequence of a finding that the Code has been breached”

Hearings Panels - Add new section “Members’ conduct - To deal with complaints about breaches by Members of the Code of Conduct”

Section 3 Functions delegated to staff

In (aa)Committee Administration and Member Support Manager **amend** the words beginning at line 4 to read “Adjudication and Review Committee and Licensing Committee: including but not limited to”

Section 6 Proper officer functions: Functions of Statutory Officers

Amend 2 Functions of the Monitoring Officer, section (c) to read:

To conduct investigations as directed by the Adjudication & Review Sub-Committee (or its Hearings Panel) into alleged breaches by members of the code of conduct and to report upon them to the Sub-Committee. This function will also be carried out by Deputy Monitoring Officers.

Part 4: Rules of procedure

ACCESS TO INFORMATION PROCEDURE RULES

In rule 1, **delete** “, and the Standards Committee (England) Regulations 2008”

In the Appendix:

Amend the italicised heading above section 3 to read:

The provisions of this legislation are modified in their application to meetings of the Cabinet as follows:

Delete the whole of section 4

COMMITTEE PROCEDURE RULES

In rule 7(c), **amend** second paragraph to read:

This rule shall not apply to meetings of Hearings Panels, the Licensing Sub-Committee or the Standards Sub-Committee, or where the rules of natural justice, human rights and compliance with the Members’ Code of Conduct or similar legal principles prevent a Member from attending.

COUNCIL PROCEDURE RULES

In rule 1, part 2(i) **delete** “, the Standards Committee”

In rule 2(h) **delete after** “and from the Member Champion for Standards”, the words “in respect of the Standards Committee”

Note: recommendations for changes in the following protocols will follow when proposals for the new Code of Conduct are submitted:

Protocol on gifts and hospitality

Protocol on member/officer relations

Protocol on probity in planning matters

Staff code of conduct

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	JOINT MEETINGS OF OVERVIEW & SCRUTINY COMMITTEES – Chairing arrangements
CMT Lead:	Ian Burns, Acting Assistant Chief Executive
Report Author and contact details:	Ian Buckmaster, Committee Administration & Member Support Manager Tel: 2431; ian.buckmaster@havering.gov.uk
Policy context:	Establishing specific arrangements for chairing joint meetings of Overview & Scrutiny Committees.
Financial summary:	Nothing specific
Has an Equality Impact Assessment (EIA) been carried out?	N/A

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

Occasionally it is necessary to arrange for a joint meeting of all Overview & Scrutiny Committees. In recent years, there have generally been two such meetings annually, to scrutinise the Council's budget proposals.

It would provide for a better managed approach if the Chairmen of all the Overview & Scrutiny Committees should agree in advance of the meeting which of their number should take the chair at the Joint Meeting.

RECOMMENDATION

That the Committee **RECOMMEND** to Council that the Committee Procedure Rules be amended as follows:

Amend CPR 5(g) to read:

- (i) Subject to (ii) following, where two more Committees meet jointly, the chair shall be taken by whichever of the Chairmen of those Committees is appointed by the Committees so to act.
- (ii) Where a joint meeting of all Overview & Scrutiny Committees is to be held, the chair shall be taken by whichever of the Chairmen of those Committees is nominated in advance by the Chairmen of all of those Committees.

REPORT DETAIL

1. From time to time it is necessary to arrange for a joint meeting of all Overview & Scrutiny Committees. In recent years, there have generally been two such meetings annually, to scrutinise the Council's budget proposals.
2. Customarily, the chair at such meetings has been taken by the Chairman of an Overview & Scrutiny Committee, nominated in advance of the meeting.
3. At the joint meeting held in January 2012, however, there was a challenge to the particular Chairman who had been nominated, which required to be settled by a vote (which confirmed that Chairman in the chair for that meeting).
4. Given the confusion that arose, it is suggested that the Council's Committee Procedure Rules be amended to provide a clear process for selecting the Chairman of such joint meetings.
5. For legal reasons, the joint meeting must be chaired by a Member who is an existing Member of an Overview & Scrutiny Committee, and clearly it is logical that one of the Overview & Scrutiny Committee Chairmen should perform the task.
6. It is proposed therefore that the Chairmen of all Overview & Scrutiny Committees should agree in advance of the meeting which of their number should take the chair at the Joint Meeting. The selected Chairman would be shown on the agenda paper.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications or risks.

Legal implications and risks:

There are no specific financial implications or risks.

Human Resources Implications and risks:

There are no apparent implications or risks.

Equalities implications and risks:

There are no apparent implications or risks.

BACKGROUND PAPERS

There are no background papers.

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GOVERNANCE COMMITTEE

14 March 2012

REPORT

Subject Heading:	Appointment of Local Authority Governors to Schools, Pupil Referral Units and Academies
CMT Lead:	Sue Butterworth, Group Director, Children's Services
Report Author and contact details:	Maureen Smith Maureen.smith@havering.gov.uk 01708 433665
Policy context:	The need to put in place a procedure for the removal of LA appointed school governors.
Financial summary:	There are none associated with this report

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The Committee is requested to agree a procedure for the removal of a School Governor from a governing body where the need to do so arises.

RECOMMENDATIONS

That the proposed procedure be **noted** and **approved**.

REPORT DETAIL

1. The LA Governor Appointment Panel deals with the appointment of LA governors after considering applications against set criteria and personal references.
2. LA appointed governors may be removed from office by the person who appointed them (Guide to the Law for School Governors Chapter 2 paragraph 27). The Guide only stipulates that the appointing person (Body) must give written notice to the clerk to the governing body and the governor in question, of the governor's removal. The removal of any LA governor is only considered as a last resort, after all reasonable steps have been taken to resolve issues.
3. There are no set procedures or criteria to guide the appointing body. Given this, the following guiding principles are proposed, to be applied by the LA Governor Appointment Panel should it be necessary to consider the removal of an LA appointed governor.
 - (a) The LA Governor Appointment Panel will consider the removal of an LA governor if they are requested to do so by:
 - i. any member of the governing body (including the Headteacher, where the Headteacher is a governor)or
 - ii. the Group Director Children's Services

Such a request should only be made after discussions have been held with the LA governor regarding the issues which are of cause of concern and an opportunity has been given for the LA governor to respond. The request should clearly state:

- the reason for the request
 - the actions taken to try to resolve the issue(s).
- (b) The LA Governor Appointment Panel will agree to remove an LA governor if it can be demonstrated that:
 - All reasonable attempts have been made to resolve the issuesand
 - The LA governor is failing to make any positive contribution to the work of the governing body in its three areas of responsibility:
 - Setting the strategic direction of the school
 - Acting as a critical friend
 - Ensuring accountabilityor

- The work of the GB will be impeded by the LA governor remaining as a governor

or

- The LA governor has behaved in a way which has brought or could bring the LA into disrepute

or

- Any other substantial reason.

4. Any LA governor recommended for removal will have the right to make representation to the LA Governor Appointment Panel stating reasons why they feel they should continue as an LA governor.
5. An appeal against the decision of the LA Governor Appointment Panel may be made to a Hearings Panel of the Adjudication and Review Sub-Committee.

IMPLICATIONS AND RISKS

Financial implications and risks:

None are apparent

Legal implications and risks:

None are apparent

Human Resources implications and risks:

None are apparent

Equalities implications and risks:

None are apparent

BACKGROUND PAPERS

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	Appointment to outside bodies and other organisations 2012 - trustees of Poyntz Charity
CMT Lead:	Ian Burns, Acting Assistant Chief Executive – Legal and Democratic Services
Report Author and contact details:	Jacqui Barr, Committee Administration, 01708 432439 jacqui.barr@havering.gov.uk
Policy context:	Not applicable
Financial summary:	There are no financial implications
Has an Equality Impact Assessment (EIA) been carried out?	Not applicable

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

- Ensuring a clean, safe and green borough
- Championing education and learning for all
- Providing economic, social and cultural activity in thriving towns and villages
- Valuing and enhancing the lives of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

The Council appoints three trustees to this charity. The current trustees' appointment will expire in March 2012. The Committee is asked to re-appoint Councillor June Alexander and a local resident, Mr David Livermore and confirm the appointment of the Reverend George Baisley as trustees.

RECOMMENDATIONS

That Councillor June Alexander, David Livermore and the Reverend Baisley be appointed trustees of the Charities of Richard Poyntz and others.

REPORT DETAIL

1. This is a small local charity, administering benefits for the poor, including some almshouses in North Ockendon. The Council appoints three of the trustees. The term of office of the current trustees will expire in March 2012. Trustees can be Members, but it is not a requirement of the scheme of appointment.
2. The charity has asked the Council to re-appoint Councillor June Alexander and a local resident, Mr David Livermore. Councillor Alexander has been a trustee since 2003 and Mr Livermore was appointed in 2007.
3. Under the scheme of appointment, the Parish Priest of St Mary Magdalene's, North Ockenden (currently, Reverend George Baisley) is one of the representative trustees of the charity.
4. The Committee is therefore requested to appoint Councillor June Alexander, Mr David Livermore and the Reverend George Baisley as trustees.

IMPLICATIONS AND RISKS

Human resources implications and risks

No implications or risks for the human resources arise from this report.

Equalities implications and risks

No implications or risks for the environment arise from this report

Financial implications and risks

No financial implications or risks arise from this report.

The Council has no financial commitment to, or responsibility for, the Charity.

Legal implications and risks

No legal implications or risks arise from this report.

The Council is required by the Charity's Scheme (it governing document) to make the appointments.

BACKGROUND PAPERS

The Charity's Scheme of Appointment

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**GOVERNANCE
COMMITTEE**

REPORT

14 March 2012

Subject Heading:	LOCALISM ACT – repeal of statutory petitions procedure and future arrangements for handling petitions
CMT Lead:	Ian Burns Acting Assistant Chief Executive 01708 432431 ian.burns@havering.gov.uk
Report Author and contact details:	Ian Buckmaster Committee Administration & Member Support Manager 01708 432446 ian.buckmaster@havering.gov.uk
Policy context:	New arrangements for dealing with petitions following repeal of legislation requiring specific steps to be taken
Has an Equality Impact Assessment (EIA) been carried out?	No.
Financial summary:	There are no direct resource 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

The Localism Act 2011, among other things, has repealed the requirement for a statutory petitions scheme and mandatory ePetitions facility.

This report addresses the consequences of that repeal and invites approval of future means for handling petitions.

RECOMMENDATIONS

- 1 That repeal of the legislation requiring the Council to adopt a Petitions Scheme be noted but that the Council retain an ePetitions facility.
- 2 That the Petitions Procedure set out in the Appendix to this report be approved for dealing with any petition, whether submitted on paper or as an ePetition.
- 3 That it be **RECOMMENDED TO THE COUNCIL** that:
 - (i) Rule 23 of the Council Procedure Rules be amended as follows:
 - (a) Omit the number 23.1 from in front of the opening paragraph
 - (b) Delete paragraphs 23.2 and 23.3 (which relate to the holding of debates in response to petitions having 3,500 or more signatories)
 - (ii) Rule 15 of the Committee Procedure Rules (which relates to the consideration by Overview & Scrutiny Committees of petitions having 2,500 or more signatories) be deleted and all subsequent paragraphs renumbered accordingly.
 - (iii) In the Overview & Scrutiny Procedure Rules:
 - (a) Sub-paragraphs (g) and (h) be deleted from Rule 2 (Role of OSCs: dealing with petitions)
 - (b) Sub-paragraph (e) be deleted from Rule 3 (Specific functions of OSCs: responding to petitions)
 - (c) Sub-paragraphs (vi) and (vii) be deleted from Rule 20 (Procedure at OSC meetings: considering petitions)

REPORT DETAIL

- 1 Members will recall that legislation passed in 2009 required that local authorities adopt a Petitions Scheme and establish on their websites a facility to enable people who wished to do so to submit and sign up to petitions electronically. The Council complied with those requirements.

- 2 The Localism Act 2011 has repealed the former requirements in their entirety.
- 3 It is, however, suggested that there are advantages to be gained from voluntarily retaining aspects of the former requirements in order to facilitate dealing with petitions.

Petitions procedure

- 4 The former statutory Petitions Scheme was helpful in that it established clear procedures for handling petitions. Members will be aware that petitions may formally be presented at Council: this is a time-honoured practice that was unaffected by the former statutory requirements. In addition, petitions are often presented to the Mayor or the Leader of the Council, or received by staff. Petitions are a well-recognised means of enabling the public to draw particular issues of concern to the attention of the Council.
- 5 There are some instances where statutory procedures are triggered by petitions, such as changing governance arrangements to an elected Mayor-led executive or in relation to Council Tax increases. These are unaffected by the Localism Act – indeed, that Act has added to the number of statutory petition arrangements.
- 6 It is clearly useful for there to be a set procedure for handling petitions, in order to ensure that there is a consistent and orderly approach to them. With that in mind, a draft Petitions Procedure is now submitted, for the Committee's consideration.
- 7 The draft Procedure is modelled on the former Petitions Scheme but omits the statutory elements of that scheme. In particular, it omits entirely the provisions of the former Scheme that would have required petitions passing certain thresholds of signatory numbers to be debated by the relevant Overview & Scrutiny Committee (OSC) or the Council.
- 8 **It should be noted that these omissions do not prevent Members (individually, or through Groups) from proposing that the subject matter of a petition be debated at a Council or OSC meetings. Such debates can be initiated (as they always have been) using the appropriate Council or OSC procedures.**
- 9 The Committee is invited to approve the draft Procedure set out in Appendix 1 to this report.

ePetitions

- 10 The former legislation required that each local authority set up on its website an ePetitions facility. The Government made a financial contribution to the cost of so doing which, in the event, substantially

exceed the cost incurred by the Council in setting one up. The current ePetitions facility is provided by the Council's webcasting contractor.

- 11 To date, very little use has been made of the ePetitions facility, though it is understood that similar facilities offered by some other local authorities and central government (such as that for 10 Downing Street) are well-used. Appendix 2 to this report sets out the findings of a brief survey of other local authorities. But lack of use up to now does not imply that the facility will necessarily never be used.
- 12 The cost of the initial installation of the facility was met by the government and there are effectively no on-going maintenance costs as the current contract with *Public-i* includes the facility free of charge, as part of the overall webcasting package. When the current contract expires, it will be open to the Council either to renew that part of the contract with *Public-i* relating to the facility if webcasting continues, or to use in its place the similar facility offered by *Modern.gov*, the provider of the Council's Committee Management System. Again, the provision of that facility would be free of charge as it is an integral part of the overall *Modern.gov* System.
- 13 Since, whichever provider is used, the facility is effectively available at no cost, it is suggested that there is no need to withdraw it.

Procedure rules

- 14 Repeal of the statutory requirements in relation to petitions and ePetitions means that it is no longer necessary to make specific provision in the Council, Committee and Overview & Scrutiny Procedure Rules for dealing with petitions, and the Committee is invited therefore to recommend to the Council that they be dispensed with.
- 15 It should be noted that the deletion of these provisions will not prevent Members from:
 - (a) Formally presenting petitions at Council meetings
 - (b) Submitting motions relating to the subject matter of petitions
 - (c) Requesting that the relevant Overview & Scrutiny Committee consider the subject matter of petitions

Financial implications and risks

There are no implications or risks. No additional cost is incurred by maintaining the existing facility within the webcasting contract, nor would there be a cost should the Council decide to use instead the similar facility available within the Committee Management System (other than any initial, and

minimal, staff costs for the actual setting up and user training, which would be met from within existing budgets).

Legal implications and risks

There are none.

The former statutory requirements are repealed and the Council is free to deal with petitions as it wishes.

Any risk that a petition might contain defamatory or other inappropriate content is avoided by close scrutiny of the terms of any petition submitted and its rejection if found unacceptable.

Equalities implications and risks

There are no direct implications or risks.

The existence of a Petitions Procedure will assist individuals and groups to make known their views in a convenient manner.

The lack of an ePetitions system would disadvantage vulnerable people, particularly those who have mobility disabilities or are housebound, who might want to initiate a petition but who would not be able to do so in more traditional ways such as calling from door to door or canvassing support in a public place.

PETITION PROCEDURE

The Council recognises that petitions enable people to voice their concerns.

What is a petition?

The Council treats as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, there must be at least 10 signatories or petitioners before we treat it as a petition.

What should a petition contain?

A petition should include –

- (a) A clear statement of the petitioners' concerns and what they want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another public or local authority, the petition organiser will be asked whether they would like the petition to be redirected to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, it will be returned to the petition organiser with an explanation for that decision
- (b) The name and contact details of the "petition-organiser" or someone to whom any correspondence about the petition should be sent. Contact details may be either a postal address or an email address;
- (c) The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. The addresses of petitioners are important to enable the Council, for example, to assess the degree of local support or opposition to a planning application, but this is not essential.
- (d) If the petition is being submitted in response to consultation on a specific matter, the matter which it relates should be identified, so as to ensure that it is considered along with original matter.

Who should you send a petition to?

Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

Otherwise, please address petitions to –
Committee Administration & Member Support Manager
London Borough of Havering
Havering Town Hall
Main Road
Romford
RM1 3BD

Or to petitions@havering.gov.uk

Your petition will be acknowledged to the petition organiser and entered on the Council's petitions website (<http://www.havering.gov.uk/petitions>). The website will be regularly up-dated with information on the progress of the petition.

Types of Petition

There are three types of petition, as set out below. How we deal with a petition depends on which type of petition is submitted –

(a) **Ordinary Petitions**

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible misconduct by a Councillor will be taken as complaints arising under the Localism Act 2011 rather than considered under this Petitions Procedure.

(b) **Consultation Petitions**

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

(c) **Statutory Petitions**

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where a petition is submitted under such a specific statute, it will be reported to the next available relevant meeting, in accordance with the statutory requirements.

The Petitions Website

The Council maintains a petitions website at <http://www.havering.gov.uk/petitions>.

When a petition is received, within 5 working days Member Support Manager will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), each relevant Ward Councillor will be notified of its receipt at the same time as an acknowledgment of the petition is sent to the petition organiser.

What happens when a petition is received?

Whenever a petition is received –

- (a) Within 2 working days of receipt, Member Support staff will acknowledge receipt to the petition organiser.
- (b) Wherever possible, Member Support staff may be able to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. Where this is done, Member Support staff will ask the petition organiser whether s/he considers that the matter is resolved.
- (c) If the matter has not been resolved to the satisfaction of the petition organiser, Member Support staff will refer the petition to the Chairman of the relevant Overview & Scrutiny Committee for consideration as to whether the matter should be referred to the Committee for attention.
- (d) Within 5 working days of receipt of a petition, Member Support staff will open a new public file for the petition on the Council's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.
- (e) At each stage of the consideration of the petition, within 5 working days of any decision, Member Support staff will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

What happens to an Ordinary Petition?

Member Support staff will arrange for each Ordinary petition to be referred to the relevant Head of Service for attention, action and reply.

What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision.

Where the petition relates to a matter which is within the delegated power of an officer, s/he may decide not to exercise those delegated powers but to refer the matter to the relevant Cabinet Member for decision.

Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, it will be dealt with in accordance with the relevant statutory requirements.

Will the Council debate a petition?

Petitions will not normally be debated by the Council.

It will, however, be open to Members of the Council to initiate a debate using the Council's normal debating procedures.

Petitions raised and submitted electronically (“ePetitions”)

The Council's website contains a dedicated area that enables petitions to be raised and submitted electronically. Such petitions are referred to as ePetitions.

An ePetition may be raised by going to the Council's website at www.havering.gov.uk/petitions and following the guidance given there.

Any ePetition raised on the website will be assigned a closing date. Once the closing date is reached, no further signatures may be added to it and its processing in accordance with this Petition Scheme will begin.

ePetitions will be treated in exactly the same manner as petitions submitted using more traditional methods. An ePetition may be submitted in place of, or in addition to, a petition on paper (but any individual may sign only an ePetition or a paper petition, not both).

It will be necessary for those signing a petition electronically to confirm that they are qualified to do so, by providing a postal address in Havering where they live, work or study.

All ePetitions raised on the Council's website will be moderated to ensure that they comply with the requirements of this Petition Scheme. The Council reserves the right to refuse to place on the website any ePetition that does not comply with the Scheme.

LONDON AUTHORITIES

Local Authority	How Many Petitions on Website?	What Action has been Taken?
Barking & Dagenham	None available to view	http://barking-dagenham.limehouse.co.uk/portal/petitions
Croydon	8 (since February 2011)	https://secure.croydon.gov.uk/petition/entity/CCaCcvADdqziAKRsEWAgZcY?searchreq=60 The Council publish the petition, a list of signatories and decision on-line
Ealing	16 (since February 2011)	http://ealing-consult.limehouse.co.uk/portal/petitions ? Lists details of petitions http://www.ealing.gov.uk/info/200627/committees/1090/petition_scheme/5 Advises residents of the procedure for dealing with petitions
Greenwich	0	N/A
Hammersmith & Fulham	8 (since September 2010)	http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Committee_reports_minutes_and_agendas/Forward_plan/150333_Petitions_Received.asp The Council publish the petition and details of the decision that has been taken
Harrow	1 (since July 2011)	http://www.harrow.gov.uk/downloads/file/10689/petition_letter Council publish decision
Kensington & Chelsea	0	N/A
Kingston	40 (since April 2009)	http://epetition.kingston.public-i.tv/epetition_core/community/inactivepetitions Council publish petition, list of signatories and decision
Newham	6 accepted and 1 rejected (since October 2011)	http://mgov.newham.gov.uk/mgEPetitionDisplay.aspx?ID=16&RPID=9589892&HPID=9589892 Council publish summary of petition, signatories and decision

Governance Committee, 14 March 2012

Local Authority	How Many Petitions on Website?	What Action has been Taken?
Redbridge	None available to view	http://www2.redbridge.gov.uk/cms/the_council/about_the_council/e-petitions_and_petitions.aspx
Richmond	6 accepted and 6 rejected (since June 2011)	http://www.richmond.gov.uk/home/council_government_and_democracy/petitions/received_petitions.htm?mgl=mgEPetitionDisplay.aspx&ID=65&RPID=10820015&HPID=10820015 Publish petition, signatories and responses.
Tower Hamlets	0	N/A
Waltham Forest	4 (since January 2011)	http://www1.walthamforest.gov.uk/moderngov/mgEPetitionDisplay.aspx?ID=35&RPID=1953598&HPID=1953598 Council publish summary of petition, signatories and decision
Westminster	38 accepted and 6 rejected (since July 2010)	http://petitions.westminster.gov.uk/LibraryClosure/ Council publish summary of petition, signatories and decision (where available)

Page 107

AUTHORITIES OUTSIDE LONDON

Bristol City Council	81 (since January 2010)	http://epetitions.bristol.gov.uk/epetition_core/community/activepetitions Council publish summary of petition, signatories and decision (where available)
Northampton Borough Council	5 (since January 2011)	http://www.northamptonboroughcouncil.com/councillors/mgEPetitionListDisplay.aspx?XXR=0&VM=2&DR=21%2f12%2f2011-18%2f01%2f2012&ACT=Later
Stockport Metropolitan Borough Council	None available to view	http://stockport.moderngov.co.uk/mgEPetitionListDisplay.aspx?XXR=0&VM=2&DR=16%2f02%2f2011-16%2f03%2f2011&ACT=Earlier
Staffordshire County Council	3 (since January 2011)	http://moderngov.staffordshire.gov.uk/mgEPetitionListDisplay.aspx?XXR=0&VM=2&DR=28%2f09%2f2011-26%2f10%2f2011&ACT=Later Council publish summary of petition, signatories and decision (where available)

Governance Committee, 14 March 2012

Local Authority	How Many Petitions on Website?	What Action has been Taken?
Coventry City Council	14 (since February 2011)	http://epetitions.coventry.gov.uk/closed-or-rejected-epetitions/closed-epetitions/save-our-childrens'-centres-and-nurseries-for-all/ Council publish summary of petition, signatories and decision (where available)
Local Authorities Outside of London	How Many Petitions on Website?	What Action has been Taken?
Tamworth Borough Council	None available to view	http://tamworth.moderngov.co.uk/mgEPetitionListDisplay.aspx?XXR=0&VM=2&DR=08%2f06%2f2011-06%2f07%2f2011&ACT=Earlier
Bradford City Council	5 (since January 2011)	http://epetition.bradford.public-i.tv/epetition_core/community/activepetitions Council publish summary of petition, signatories and decision (where available)
Oxford City Council	3 (since January 2011)	http://mycouncil.oxford.gov.uk/mgEPetitionDisplay.aspx?ID=14&RPID=204692&HPID=204692 Council publish summary of petition, signatories and decision (where available)
Wirral Borough Council	4 (since January 2011)	http://democracy.wirral.gov.uk/mgEPetitionDisplay.aspx?ID=50000016&RPID=1000059952&HPID=1000059952 Council publish summary of petition, signatories and decision (where available)
Brighton & Hove City Council	61 (since January 2011)	http://present.brighton-hove.gov.uk/mgePetitionListDisplay.aspx?bcr=1 Council publish summary of petition, signatories and decision (where available)

GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	MONITORING OFFICER NO 10 AMENDMENTS TO THE CONSTITUTION
Report Author and contact details:	IAN BURNS 01708 432442
Policy context:	Monitoring Officer Amendments to the Constitution
Financial summary:	Not applicable

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

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 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.

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

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:

These changes are purely procedural and have no specific financial implications

Legal implications and risks:

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks:

None

Equalities implications and risks:

None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 10

Date 13th February 2012

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 reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.5	65-79	<p>Alteration in the reporting structure within the Scheme of Delegation with effect from 24 October 2011.</p> <p>The Group Director of Social Care and Learning will be split between the statutory post of Group Director of Adults & Health and the statutory post of Group Director Children's Services until further notice. The post of Head of Schools for the Future has been abolished.</p> <p>Paragraphs 3.5.1 (a)[less reference to "Statutory Director of Children Services"], (b)-(f), (h), (j) [less reference to "and the local education authority"], (k), (m) & (n) to be allocated to the Group Director Adults & Health.</p> <p>Paragraphs 3.5.1 (a) [less reference to "Statutory Director of Adult Services"], (d)-(j) and (l) to be allocated to the Group Director Children's Services.</p> <p>Paragraphs 3.5.5 (a)-(d) be allocated to the Head of Learning and Achievement.</p>	Organisational Change

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GOVERNANCE COMMITTEE

REPORT

14 March 2012

Subject Heading:	MONITORING OFFICER NO 11 AMENDMENTS TO THE CONSTITUTION
Report Author and contact details:	IAN BURNS 01708 432442
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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

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 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.

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

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:

These changes are purely procedural and have no specific financial implications

Legal implications and risks:

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks:

None

Equalities implications and risks:

None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 11

Date 20th February 2012

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 reference	Substance of amendment / amended wording	Reason for amendment
Part 3 Section 3.7.3	97	Move paragraph Part 3 S3.7.3 (g) To grant car loans to eligible staff from the Head of Financial & Procurement to Part 3 S3.7.2 Head of Shared Services as new paragraph (j) To grant car and season ticket loans to eligible staff.	Reorganisation

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