



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm

Wednesday
1 July 2015

Town Hall,
Main Road,
Romford

Members 13: Quorum 5

COUNCILLORS:

**Conservative
(5)**

Joshua Chapman (Chairman)
Melvin Wallace (Vice-Chair)
Roger Ramsey
Damian White
Osman Dervish
Meg Davis

**Residents'
(3)**

Ray Morgon
Barbara Matthews
Barry Mugglestone

**East Havering
Residents'
(2)**

Clarence Barrett
Darren Wise

UKIP

(1)

Lawrence Webb

Independent Residents

(1)

Jeffrey Tucker

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

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

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in any item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 10)

To approve as a correct record the minutes of the Committee held on 28 May 2015 and to authorise the Chairman to sign them.

5 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES (Pages 11 - 14)

6 OUTSIDE BODY APPOINTMENTS (Pages 15 - 18)

Andrew Beesley
Committee Administration
Manager

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
28 May 2015 (7.30 - 7.45pm)**

Present:

COUNCILLORS

Conservative Group Joshua Chapman (Chairman), Osman Dervish,
Roger Ramsey, Melvin Wallace and Damian White

Residents' Group Barbara Matthews and +Stephanie Nunn

**East Havering
Residents' Group** Clarence Barrett (Vice-Chair) and Darren Wise

UKIP Group Lawrence Webb and Ian de Wulverton

**Independent Residents
Group**

Apologies were received for the absence of Councillors Barry Mugglestone and Ray Morgon.

+Substitute Members: Stephanie Nunn (for Ray Morgon).

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

There were no disclosures of pecuniary interest.

Decisions were taken without division unless otherwise stated.

39 MINUTES

The minutes of the meeting held on 30 April 2015 were agreed as a true record and signed by the Chairman.

40 MONITORING OFFICER NO 05 AMENDMENTS TO THE CONSTITUTION

The Committee was invited to consider a report concerning amendments made by the Monitoring Officer to the Constitution.

Following consideration the Committee **NOTED** the report.

41 **APPOINTMENTS TO OTHER ORGANISATIONS, 2015/16**

The Committee was invited to make recommendations to the various outside bodies to which it was affiliated. Where appropriate, each Group was invited to nominate a representative for the various positions.

With the exception of one appointment, all appointments were made without division and whilst the Committee deferred the appointment to one or two of the bodies, all other positions were filled and those Members appointed are shown on the appendix to this Minute.

Councillor Clarence Barrett was proposed for the position of Non-Executive Member of the Local Government Association General Assembly replacing Councillor Ray Morgon.

The vote to appoint Councillor Clarence Barrett instead of Councillor Barry Mugglestone to the position of Non-Executive Member of the Local Government Association General Assembly was carried by 7 votes to 2 with 2 abstentions.

The Committee:

- 1 (a) determined appointments to the organisations referred to in this minute for the period until the meeting that deals with appointments for the municipal year, 2016/17 (or such other period as may be relevant in any specific case).
(b) **RECOMMENDED** to the Leader that the appointment be made.
- 2 Gave authority that, where the Council's representative (or any deputy or alternative representative where applicable) was unable to attend a particular meeting and the constitutional arrangements of the body in question so permitted, that representative may mandate the Chair of the meeting to exercise a proxy vote.
- 3 Noted that the Council's voting rights at the General Assembly of the Local Government Association be exercised by Councillor Roger Ramsey (4 votes) and Councillor Clarence Barrett (1 vote) (or their respective nominees in the event either was unable to vote in person).

Chairman

APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2015/16

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

Appointments to other organisations, 2015/16

Grants Committee

Representative (1): Cabinet Member for Culture & Community Engagement

Deputy (up to 4): 1. Cabinet Member for Regulatory Services and Community Safety 2. Cabinet Member for Housing

Greater London Employment Forum

Representative (1): Cabinet Member for Regulatory Services and Community Safety

Deputy Representative (1): Cabinet Member for Culture & Community Engagement

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-1	Councillor Wendy Brice Thompson	
Age Concern : Havering (Havering Old People's Welfare Association Council) - 2	Councillor June Alexander and Councillor Viddy Persaud	
Coopers Company & Coborn Educational Foundation	Councillor Linda Van den Hende	
Damyns Hall Aerodrome Joint Consultative Committee-2	Councillor Linda Van den Hende and Councillor David Durant	
Essex Wildlife Trust (Bedfords Park Management Committee)	Councillor Ray Best	
Fostering Panel-1	Councillor Gillian Ford	
Governor Panel - 3	Cabinet Member for Children & Learning, Councillor Gillian Ford One vacancy	<i>Vacancy as of 1.4.15, following resignation of Cllr Webb</i>
Havering Arts Council - 5	Cabinet Member for Culture & Community Engagement, Councillor Joshua Chapman, Councillor Jody Ganly Councillor Linda Hawthorn and Councillor Alex Donald	

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Association for People with Disabilities - 2	Councillor Nic Dodin and Councillor Philippa Crowder	
Havering Bands and Majorettes Association- Executive Committee - 3	Councillor Osman Dervish, Councillor Reg Whitney and Councillor Darren Wise	
Havering & Brentwood Bereavement Service - 1	Councillor Julie Wilkes	
Havering Chamber of Commerce and Industry	Councillor Osman Dervish	
Havering Children's Trust	Cabinet Member for Children & Learning	
Havering Community Safety Partnership – 2	Cabinet Member for Regulatory Services and Community Safety and the Chief Executive	
Havering Joint Forum - 6	Leader of the Council, Deputy Leader of the Council, Leader of the Opposition Group, Councillor Osman Dervish, Councillor Linda Van den Hende and Councillor Lawrence Webb.	

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Sports Council - 5	Cabinet Member for Culture & Community Engagement, Councillor Joshua Chapman, Councillor Jody Ganly, Councillor Linda Hawthorn and Councillor Philip Hyde	
Havering Sixth Form College - 2	Cabinet Member for Children & Learning and Councillor Wendy Brice Thompson (till September 2016)	
Havering Theatre Trust - 3	Councillor Philippa Crowder Councillor Gillian Ford and Councillor Patricia Rumble	Cllr Crowder's appointment agreed at Governance on 9.9.14
Hornchurch Housing Trust (Nomination Trustees) - 6	Ms Pamela Freer and Councillor John Wood (until February 2019) Mr Eric Munday and Mr Ted Eden (until February 2017) Mr Ivor Cameron and Mrs Peggy Munday (until February 2018)	Ms Freer and Cllr Wood's appointments agreed at Governance on 11.3.15

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Joint O&S East London Solutions	Councillor Frederick Thompson, Deputies: Councillor Julie Wilkes, Councillor Keith Roberts and Councillor Ian de Wulverton	
Local Government Association General Assembly - 4	Leader of the Council, Leader of the Opposition Councillor Michael White and Councillor Clarence Barrett	
London Home & Water Safety Council -1	Cabinet Member for the Environment	
London Road Safety Council - 2	Cabinet Member for the Environment and Councillor John Mylod	
London Youth Games-1	Cabinet Member for Culture & Community Engagement	
Lucas Children’s Play Charity Nominative Trustees – 2	Cabinet Member for Children & Learning and Councillor Linda Hawthorn (appointed till November 2015)	

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
North East London NHS Foundation Trust – 1	Head of Adult Services	
Orchard Village Neighbourhood Management Board - 4	Cabinet Member for Housing, Cabinet Member for Environment, Councillor Jeffrey Tucker and Councillor Graham Williamson	
Poyntz (a.k.a. Richard Poyntry's) and other charities	Councillor June Alexander(until March 2016) Mr David Livermore (until March 2016) and Rev. George Baisley (until March 2016)	
Relate North East - 2	Councillor Wendy Brice-Thompson and Councillor Jody Ganly	
Reserve Forces & Cadets Association -1	Councillor Barry Mugglestone	
Romford Town Centre Partnership	Leader of the Council, Chief Executive and Deputy Leader of the Council (Deputy)	
<u>Romford Combined Charity Nominative Trustees</u> – 2	Councillor Melvin Wallace (until 25.10.15) Councillor Joshua Chapman (until 3.11.16) and Councillor Wendy Brice Thompson and Councillor Dilip Patel (until 3.11.18)	
Safer Neighbourhood Board	Cabinet Member for Regulatory Services and Community Safety	

Appointments to other Organisations 2015/2016

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Second Chance Theatre for the People -1	Councillor Darren Wise	
Standing Advisory Council for Religious Education (SACRE) - 5	Councillor Joshua Chapman , Councillor Jason Frost, Councillor Gillian Ford, Councillor Dilip Patel and Councillor June Alexander	
Tenant Management Organisations - 3	BETRA (Gooshays) – Councillor David Johnson DELTA (Squirrels Heath)- Councillor Damian White PETRA (St Andrews’) – Councillor John Mylod	
Upminster Windmill Preservation Trust – 1	Councillor Linda Hawthorn	
Veolia ES Cleanaway Havering Riverside Trust - 1	Cabinet Member for the Environment	

GOVERNANCE COMMITTEE
DATE

Subject Heading:

**Changes to delegated powers –
Regulatory Services**

CMT Lead:

Andrew Blake-Herbert – Group Director
Communities and Resources

Report Author and contact details:

Patrick Keyes – Head of Regulatory
Services x2721

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

The described changes to delegated
powers would have no material financial
implications.

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

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Following a review the Head of Regulatory Services has identified one area of operational activity – power to deal with deliberate concealment of planning breaches which would benefit materially from changes to delegated powers to enable more effective and efficient service delivery. Due to a change in legislation a change to the wording of power to enter into S106 obligations is also recommended.

RECOMMENDATIONS

That the Committee recommend to Council that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Head of Regulatory Services.

- 1) New Section 3.6.6(cc) to read:

"To apply to the magistrates court for a Planning Enforcement Order in accordance with Sections 171BA to 171BC of the Town and Country Planning Act 1990."

- 2) Section 3.6.6(b) (vi) be altered to:

"carry out residential development where the number of additional dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to pay a contribution to mitigate the impact of the development on infrastructure, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services."

REPORT DETAIL

As part of on-going reviews of operational efficiency the Head of Regulatory Services has identified an enforcement related activity which would materially benefit from changes to delegated powers. The intended outcome is more efficient and effective service delivery as explained in the rationale described below. In addition a change to the existing delegated power to determine planning applications for up to two additional dwellings is proposed, reflecting a change in legislation.

1. **Power to Apply for Planning Enforcement Order**

1a) ***Existing Position***

Sections 171BA of the Town and Country Planning Act 1990 was introduced by the Localism Act 2011. This gives the local planning authority power to apply to the Magistrates' Court for a "Planning Enforcement Order" and to take enforcement action under said order. An application can be made in the circumstances where the local planning authority has evidence that a breach of planning control has been deliberately concealed in an attempt to avoid enforcement action and to render the development lawful by passage of time. A Planning Enforcement Order will allow the Council to take planning enforcement action i.e. issue an enforcement notice or planning contravention notice, within a year of the date of the Order even though the usual period for taking enforcement action has expired.

Currently there are no delegated powers for the Head of Regulatory Services to apply to the magistrates court for an order.

1b) ***Proposed Change***

It is proposed to delegate power to the Head of Regulatory Services to enable planning enforcement orders to be obtained from the magistrates court.

1c) ***Rationale for Changes***

Delegated powers already exist for the Head of Regulatory Services to serve enforcement notices. The Localism Act 2011 included powers to deal with cases where breaches of planning control were deliberately concealed. The Council would need to demonstrate to a magistrate that this is the case. It is not therefore considered necessary to involve Members in a decision as to whether the breach has been concealed or not as this is more of a legal judgement. It is therefore requested that this additional power be added to the delegated powers in the constitution.

2. **Power to Determine Applications for up to 2 new dwellings**

2a) ***Existing Provisions***

Section 3.6.6(b)(vi) states:

(b) "To approve any application for development throughout the borough including the Green Belt in accordance with the current development plan and other material legislation and which proposes to:"....

"(vi) erect residential development where the number of dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to paying the Council's Infrastructure Tariffs, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services. "

2b) ***Proposed Change***

It is proposed that delegated powers are clarified so that firstly it is clear that it applies to conversions, not just new build and secondly that it applies where the increase in the number of dwellings proposed does not exceed two. Further changes are required so that there is no longer a reference to tariff reflecting changes in the Community Infrastructure Levy Regulations 2010 that came into effect in April 2015.

2c) ***Rationale for Changes***

The current wording of the existing power refers to proposals to "erect" residential development. Taken literally, this would exclude quite a number of minor residential proposals that are received that involve limited or no new physical development, most commonly flat conversions or change of use of premises to residential use. Where these involve two or fewer dwellings, the

issues and impacts are likely to be similar to proposals for new development and therefore it is recommended that the definition be widened to include all development. Furthermore, there are often proposals where the number of dwellings proposed is more than two, but the overall increase in total dwelling numbers is less than two. Again, it is considered that the planning issues would be very similar to a two dwelling new build proposal and it is recommended that the wording be changed to reflect this.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure. There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions. Where appropriate, contributions would still be sought for new residential development where there was an impact on particular infrastructure – therefore it is recommended that the wording of the power be changed to reflect that a tariff based contribution would no longer be sought.

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

BACKGROUND PAPERS



GOVERNANCE COMMITTEE 1 July 2015

Subject Heading:

**APPOINTMENTS TO OTHER
ORGANISATIONS, 2015/16**

CMT Lead:

Andrew Blake- Herbert

Group Director of Communities and
Resources
01708 432201

Report Author and contact details:

Jacqui Barr

Research & Information Officer,
Committee Administration
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01708 432439

Policy context:

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

Financial summary:

There are no significant financial
implications.

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

Havering will be clean and its environment will be cared for
People will be safe, in their homes and in the community
Residents will be proud to live in Havering

SUMMARY

The Committee is asked to consider the following three outside body appointments and make or note as appropriate.

RECOMMENDATIONS

That the Committee:

1. In respect of the IWMS Committee **note** the position.
2. In respect of the Second Chance Theatre for the People **note** the position.
3. In respect of the Governor Panel, and **consider and appoint** to the current vacancy

REPORT DETAIL

1. IWMS Contract Liaison Committee

- 1.1 This Committee was set up by the East London Waste Authority for the purposes of negotiating the 25 year contract between ELWA and Shanks. The contract between the two organisations has been in operation since 2002 and the IWMS Committee no longer meets. ELWA has indicated that new arrangements will be made when negotiating the renewal of the contract and therefore no longer require appointment to be made to the IWMS Committee.

2. Second Chance Theatre for the People

- 2.1 Second Chance Theatre for the People was a Community Arts Group for mature people that was based in Fairkytes Arts Centre. The group is no longer active and it has not been possible to make contact with the Co-ordinator. Should circumstances change, a further report will be made to the Committee, but at present, a representative is not required.

3. Vacancies

- 3.1 At the annual meeting of the Governance Committee on May 28th 2015, it was agreed to leave the vacancy on the Governor Panel in abeyance until such time as a replacement for Councillor Lawrence Webb could be found. Councillor Webb resigned his position on 1st April 2015 owing to other commitments which prevented him from attending meetings.

The Committee is asked to consider the current vacancy on the Governor Panel.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

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

Legal, Finance and Environmental Implications and Risks

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

BACKGROUND PAPERS

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

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