



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

8.00 pm
Please note time

Thursday
10 September 2015

Town Hall,
Main Road,
Romford

Members 13: Quorum 5

COUNCILLORS:

Conservative
(6)

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

Residents'
(3)

Ray Morgon
Barbara Matthews
Barry Mugglestone

East Haverling 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 - 4)

To approve as a correct record the minutes of the Committee held on 1 July 2015, and to authorise the Chairman to sign them.

5 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES (Pages 5 - 10)

6 ADMINISTRATION OF THE ROMFORD COMBINED CHARITY (Pages 11 - 14)

7 APPOINTMENTS TO OUTSIDE BODIES AND OTHER ORGANISATIONS (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
1 July 2015 (7.30 - 7.50 pm)**

Present:

COUNCILLORS

Conservative Group	Joshua Chapman (Chairman), Melvin Wallace (Vice-Chair), Damian White, Meg Davis and +Steven Kelly
Residents' Group	Barry Mugglestone and +Jody Ganly
East Havering Residents' Group	Darren Wise
UKIP Group	Lawrence Webb
Independent Residents Group	+Michael Deon Burton

Apologies for absence were received from councillors Roger Ramsey, Clarence Barrett and Ray Morgon (on other Council business), Osman Dervish, and Jeffrey Tucker.

Councillors Steven Kelly, Jody Ganly and Michael Deon Burton substituted for Councillors Roger Ramsey, Ray Morgon and Jeffrey Tucker respectively.

The Chairman, reminded those present of the procedure to follow should a need arise to evacuate the building.

There were no disclosures of pecuniary interest

Decisions were taken without division unless otherwise stated.

1 MINUTES

The minutes of the meeting held on 28 May 2015 were agreed as a true record and signed by the Chairman.

2 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES

A decision on this report was deferred until the next meeting.

3 **OUTSIDE BODY APPOINTMENTS**

The report before the Committee stated that the IWMS Contract Liaison Committee, set up by the east London Waste Authority, no longer met and that there was no longer a need to appoint representatives to it.

Likewise, the Second Chance Theatre for the People that had been based at Fairkytes Arts Centre was also no longer active and that it had not been possible to make contact with the co-ordinator to discuss its current position or its future. Members were informed that if there were to be a change in circumstances, they would be advised.

Members were reminded that there had been no appointment to the Governor Panel at its last meeting but that Councillor Julie Wilkes had now been nominated to fill that position. The Committee was asked to approve that nomination or choose another.

The Committee:

1. **Noted** the position In respect of the IWMS Committee.
2. **Noted** the position in respect of the Second Chance Theatre for the People.
3. **Appointed** Councillor Julie Wilkes to the current vacancy on the Governor Panel

4 **ONESOURCE DELEGATIONS**

Members were reminded that upon the establishment of the oneSource Joint Committee and the implementation of joint services, both Councils had delegated similar functions to the Joint Committee. These separate delegations had been reviewed and brought together into a single scheme of delegation suitable for approval by both Councils. The joint scheme of delegation would make it easier for both Councils - and for the Joint Committee - to appreciate the precise extent of what had been delegated and what had been retained.

The Committee **Recommended** to Cabinet and Council that the functions listed in Appendix 3 to the report be delegated to the oneSource Joint Committee

5 **PROCEDURAL RULES AMENDMENTS**

The Committee was reminded In light of recent events the Committee was invited to consider proposed amendments to the procedure rules for the scope of motions submitted for consideration at meetings of Full Council.

In drafting the proposed revised wording, account had been taken of the existing provision within the Council's Constitution and that of all other

London Boroughs (except for Enfield and the City which had not been available at time of reporting).

The Committee **recommended to Council:**

1. That Council Procedure Rule 11.4 of the Council's Constitution be revised to read as follows:

11.4 Scope

- (a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.*
 - (b) The Monitoring Officer may reject a Motion if it:
 - i. is not about a matter for which the local authority has a responsibility or which affects the borough;*
 - ii. is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive;*
 - iii. is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;*
 - iv. requires the disclosure of confidential or exempt information;*
 - v. seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints.**
 - c). Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.*
 - (d) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.*
2. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposed changes be agreed by Council.

6 MO REPORT NR 6

The Committee was informed that the Council was now obliged to appoint a Director of Public Health. This was a Chief Officer appointment, but because it was a joint appointment with the health service providers, was currently not provided for in the Council's Constitution.

In order that the Constitution should accurately reflect the current legal position, the amendment before the Committee was to establish an Advisory Appointments Committee which would incorporate representatives of the various health providers and Government monitors.

The Committee **noted** the amendment.

Chairman

GOVERNANCE COMMITTEE

10 September 2015

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

On 1st July, the committee deferred decision on this item, in particular the proposed change to Section 3.6.6 (b) (vi) for clarification on development in the Green Belt. In addition it is further proposed to change Section 3.6.6 (u) in relation to Certificates of Lawful Development for existing development. 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.”

- 3) Section 3.6.6(u) be altered to:

“To issue Certificates of Lawfulness for existing and proposed development and use”

REPORT DETAIL

Background

The last report to this committee was deferred for clarification on the proposed changes in relation to the Green Belt. In terms of clarification, no changes in relation to the decision level in regard to Green Belt development is proposed. The current wording in the Constitution states “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.....”. Reference to the Green Belt is qualified by having to be in accordance with the current development plan. Therefore any development proposed in the Green Belt can only be decided at delegated level if it accords with the development plan – any inappropriate development in the Green Belt would need to be reported to the Regulatory Services Committee if recommended for approval.

A further change to the constitution is requested in relation to Certificate of Lawfulness. The previous report is reproduced below with addition of Section 3.

Report

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.

3. **Power to Determine Applications for Certificates of Lawfulness**

2a) ***Existing Provisions***

Section 3.6.6(u) states:

(u) To issue (a) Certificates of Lawfulness for proposed development and use; and (b) Certificates of Lawfulness for existing development and use after consultation with the Director of Legal & Governance.

2b) ***Proposed Change***

It is proposed that reference to consult with the Director of Legal & Governance in relation to Certificates for existing development be removed.

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

The requirement to consult with Legal on all applications for certificate of existing use applications adds to unnecessary delay where in many cases the applications are straightforward and not complex involving an assessment of the facts and reference to legislation. Where necessary, for example where case law is relied on or the site has a particularly complex history, legal advice will be sought before issuing a certificate.

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

None

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GOVERNANCE COMMITTEE

10 September 2015

Subject Heading:

**ADMINISTRATION OF ROMFORD
COMBINED CHARITY**

CMT Lead:

Isobel Cattermole, Interim Director for
Children, Adults & Housing

Report Author and contact details:

Andy Beesley, Committee Administration
& (Interim) Member Services Manager,
01708 4324317
andrew.beesley@onesource.co.uk

Policy context:

None applicable

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	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

The report before Members seeks agreement to return duties for the administration of the Romford Combined Charity from HAVCO back to Havering Council.

RECOMMENDATION

That the Council assume administrative responsibility for the Romford Combined Charity following the withdrawal of service by HAVCO.

REPORT DETAIL

1. The Romford Combined Charity is a small, local charity which makes grants for the relief of poverty etc. It has seven Trustees: one *ex officio* - the Vicar of St Edward's CofE Church, Romford (who chairs the Trustees); four nominative - appointed for four year terms by the Council; and two co-optees - who are appointed for five year terms by the other five Trustees.
2. Since 2012 administrative arrangements for the Charity have been overseen by HAVCO. Prior to this Council staff undertook the role in the course of their normal duties however Members at that time considered that Council resources could no longer be spared for this activity, hence its transfer to HAVCO who offered its services.
3. Unfortunately, in July 2015 HAVCO gave notice that due to financial pressures it was no longer in a position to continue this arrangement and at present the Charity is operating without any administrative support.
4. A trustee of the Charity has approached the Council to enquire as to whether it would be in a position to step in and succeed HAVCO.
5. An assessment of the level of input required for the role has been undertaken by staff in Legal & Governance and it is considered that the work could be absorbed using existing resources. Indications are that the Charity meets on average only twice a year to review its accounts and consider any applications for use of its funds. If it were to transpire that the volume of work required to support the administration of the Charity was greater than initially anticipated then a review of the arrangement would be undertaken.
6. It should be noted that prior to HAVCO's tenure, the Romford Combined Charity made enquiries of other charitable organisations as to whether they would be willing to administer the Charity. Those enquiries were initially unsuccessful with HAVCO being the only organisation willing to take over the responsibility.

IMPLICATIONS AND RISKS

Human resources implications and risks

The administration of the Charity amounts to 2 meetings per year. It is considered that the required resource to meet this demand can be absorbed by existing resources within Legal & Governance.

Financial implications and risks

There are some costs associated with the production of relevant paperwork for the meetings of the Charity. The associated costs will however be minimal and can be absorbed using existing budgets. Should the volume of work required to support the administration of the Charity be greater than initially anticipated then a review of the arrangement would be undertaken.

Legal implications and risks

As a registered Charity the Board of trustees will need to ensure compliance with its governance procedures by meeting on a periodic basis to review its accounts and consider requests by applicants for use of emergency funds. There are no other immediate legal implications or risks at this point.

BACKGROUND PAPERS

The Charity's deed of trust.

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GOVERNANCE COMMITTEE

10 September 2015

Subject Heading:

**APPOINTMENTS TO OUTSIDE BODIES
AND OTHER ORGANISATIONS**

CMT Lead:

Andrew Blake Herbert
Group Director Communities and
Resources
01708 432201

Report Author and contact details:

Jacqui Barr
Research & Information Officer,
Committee Administration
jacqui.barr@havering.gov.uk
01708 432439

Policy context:

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

Financial summary:

There are no significant financial
implications.

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

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

SUMMARY

The Committee is asked to consider the following two outside body appointments and make or confirm nominations as appropriate.

A vacancy has occurred on the Hornchurch Housing Trust following the resignation of Mr Ted Eden.

There is also a vacancy on Tapestry (formerly Age Concern), following the resignation of Councillor Viddy Persaud.

RECOMMENDATIONS

That:

1. In respect of the **Hornchurch Housing Trust**, the Committee **either**:
 - a. **Appoints Mr David Williams** as Trustee to the Hornchurch Housing Trust for the term of office expiring in February 2017 (Mr Williams is nominated by the Hornchurch Housing Trust)
 - or**
 - b. **Appoints Councillor John Mylod** as Trustee to the Hornchurch Housing Trust for the term of office expiring in February 2017. (Councillor Mylod is nominated by the Residents' Group)
 - Or**
 - c. **Appoints Councillor Carol Smith** as Trustee to the Hornchurch Housing Trust for the term of office expiring in February 2017. (Councillor Smith is nominated by the Conservative Group)

That:

2. In respect of **Tapestry**, the Committees **agrees** to **appoint Councillor Wendy Brice Thompson** to serve as the Council's representative on its board.

DETAILS

1. **The Hornchurch Housing Trust**

The Council appoints a number of nominative trustees to the Trust for four year terms of office expiring in sequence over each four year period.

Mr Ted Eden has resigned from the Trust and a vacancy has arisen for the term of office expiring in February 2017.

Three nominations have been received for this vacancy.

Hornchurch Housing Trust has nominated Mr David Williams, a former Trustee with long association to Hornchurch Housing Trust. The Resident's group has nominated Councillor John Mylod, one of the St Andrew's Ward Councillors and the Administration has nominated Councillor Carol Smith, one of the Hylands Ward Councillors.

2. Tapestry

Tapestry (formerly Age Concern) is one of the largest charities in the Borough working to promote and assist the welfare of older people

Governance Committee appoints two Members to the Panel on an annual basis and in May 2015, appointed the Councillor June Alexander and Councillor Viddy Persaud to serve as the Council's representatives for this municipal year.

On 7th August 2015, Councillor Persaud resigned from Tapestry as the timing of the Board meetings meant she was unable to attend. It is proposed that Councillor Wendy Brice-Thompson, Cabinet Member for Adult Social Services and Health should replace Councillor Persaud on the Tapestry Board with immediate effect.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

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

Legal, Finance and Environmental Implications and Risks

These appointments are administrative and have no direct legal, financial or environmental implications or risks.

BACKGROUND PAPERS

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

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