



Haverling

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm

Wednesday
9 March 2016

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 INTERESTS

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

Members may still disclose any 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 13 January 2016 and to authorise the Chairman to sign them.

5 RESPONSIBILITY FOR SCRUTINY OF ISSUES RELATING TO THE CHILDREN AND FAMILIES ACT 2014 (Pages 5 - 8)

6 REVIEW OF THE OPERATION OF THE HIGHWAY ADVISORY COMMITTEE (Pages 9 - 16)

7 APPOINTMENTS TO ROMFORD TOWN MANAGEMENT PARTNERSHIP (Pages 17 - 20)

8 INDEMNITIES FOR MEMBERS AND OFFICERS (Pages 21 - 24)

9 TERMS OF REFERENCE OF GOVERNANCE COMMITTEE AND DELEGATION OF AUTHORITY FROM COUNCIL (Pages 25 - 28)

10 APPOINTMENTS TO OTHER ORGANISATIONS, 2015/16 (Pages 29 - 32)

Andrew Beesley
Committee Administration
Manager

This page is intentionally left blank

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
13 January 2016 (7.30 - 8.20 pm)**

Present:

COUNCILLORS

Conservative Group	Joshua Chapman (Chairman), Melvin Wallace (Vice-Chair), Roger Ramsey, Damian White, Meg Davis and Osman Dervish
Residents' Group	Ray Morgon, June +Alexander and +Stephanie Nunn
East Havering Residents' Group	Clarence Barrett and Darren Wise
UKIP Group	Lawrence Webb
Independent Residents Group	+David Durant

Apologies were received for the absence of Councillors Barry Mugglestone, Barbara Matthews and Jeffrey Tucker.

+Substitute Members: Stephanie Nunn, June Alexander and David Durant (for Barry Mugglestone, Barbara Matthews and Jeffrey Tucker respectively).

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.

16 MINUTES

The minutes of the meeting held on 11 November 2015 were agreed as a true record and signed by the Chairman.

17 THE RECRUITMENT & SELECTION PROCESS FOR THE APPOINTMENT OF A NEW CHIEF EXECUTIVE AND REVIEW OF THE SALARY ATTACHED TO THE POST

The Committee was invited to consider a report containing details about the arrangements for advertising and appointing to the post of Chief Executive and also inviting the Committee to review the salary attached to the post.

The Director of Human Resources and Organisational Development reminded Members of the procedure to be followed to ensure a smooth

transition between the retirement of the current incumbent and her successor to the post of Chief Executive. She outlined the process – from advertising the post nationally to the appointment and then explained the reasoning behind the remuneration options before them.

The Committee was then addressed by the Leader who reinforced the views expressed by the Director of HR concerning the need to ensure the appointment of a person of the right calibre and that this would come with a high price simply because there was a limited supply of people who had the requisite experience and talent and the remuneration packages being offered by other London boroughs were either similar or higher than the range being proposed for Havering.

After discussion, Members were in agreement that it would be most appropriate to recommend a salary range – between £163,920 and £170,000. The Committee noted that the lowest point was below the average Chief Officer pay level whilst the higher limit – whilst still lower than some boroughs – was closer to the average.

The Committee was clear, however, that remuneration would be determined strictly on experience with consideration to be given to whether the successful candidate was already a Chief Officer or was progressing from a Director level.

A Member continued to raise concerns about the necessity of ensuring that pay ratios were maintained and after further discussion the report's recommendations were put to the vote.

In favour of the motion to accept the recommendations as outlined in the report:

Councillors: Joshua Chapman, Roger Ramsey, Melvin Wallace, Damian White, Meg Davis, Osman Dervish, Clarence Barrett, Ray Morgon, Stephanie Nunn, Darren Wise, June Alexander and Lawrence Webb

There were no votes against the motion

Councillor David Durant abstained

The motion was **CARRIED** by twelve votes to none.

The Committee accordingly:

1. **Determined** that the salary to be applied to this post should be in the range £163,920 and £170,000,
2. **Noted** that the post would be advertised externally;
3. **Noted** the indicative timetable for the recruitment process;
4. **Noted** the executive recruitment consultants to be appointed; and
5. **Noted** that the detailed arrangements for the recruitment and selection process would be handled by the oneSource Director of HR & OD, in consultation with the Leader of the Council.

18 **SEALING OF COUNCIL DOCUMENTS AND DELEGATION TO LEGAL OFFICERS**

The report before the Committee proposed a number of minor refinements to the Constitution in respect of the procedure in relation to the sealing of Council legal documents and the delegation of legal powers to legal officers and it invited Members to recommend to Council a change in the arrangements in relation to this procedure in order to enable a more efficient management of the respective legal processes.

The Interim Deputy Director Legal and Governance explained that the current process – which involved the Mayor or the Deputy Mayor to affix the seal and add their signatures to these legal documents – was now anachronistic. She supported this assertion by referring to a survey she had just conducted which showed that none of the 14 responding London boroughs involved their Mayor or the Mayor's deputy in this process.

In addition, with the Council's legal services now having been transferred to oneSource which was located in Stratford (the better to serve both Newham and Havering), the process was even more costly and time-consuming and those parties waiting for signed and sealed contracts, were becoming frustrated with the delays the Havering system currently contained.

The Committee was assured by both the Leader and Councillor Melvin Wallace (both former mayors) that the task of signing and sealing these contracts – which in themselves only represented a small proportion of the contracts being signed on a daily basis by legal officers – was in itself time-consuming and added nothing to the legal process, especially as most of the documents for sealing were land transfers or of a complex nature and so the formality of adding the seal and their signature had only an historic significance.

The Interim Deputy Director added that this might be an appropriate time to increase the minimum sum involved from the current £100,000 – which had been in place for a long time – to a more realistic amount: £150,000. It was noted that the report contained a typographic error in the first recommendation relating to the proposed minimum value of the contract and this was amended by the Committee. The revised figure could be reviewed after a suitable period and was still modest in comparison to a number of other London boroughs.

A Member raised concerns about the removal of elected Members from the process and after further discussion the report's recommendations were put to the vote.

In favour of the motion to accept the recommendations as outlined in the report:

Councillors: Joshua Chapman, Roger Ramsey, Melvin Wallace, Damian White, Meg Davis, Osman Dervish, Clarence Barrett, Ray Morgon, Stephanie Nunn, Darren Wise, June Alexander and Lawrence Webb

There were no votes against the motion

Councillor David Durant abstained

The motion was **CARRIED** by twelve votes to none.

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

1. The second paragraph of Article 10.4 of the Constitution be amended to read:

“Contracts must be made under the common seal of the Council in accordance with rule 16 of the Contract Procedure Rules. Contracts under £150,000 may, in most circumstances, be signed by the Chief Executive or the appropriate Group Director, Director of Legal and Governance or Head of Service in accordance with the Contracts Procedure Rules set out in Part 4.

2. The monetary threshold for the sealing of contracts as set out in rule 16 of the Contract Procedure Rules be raised to £150,000.

3. Article 10.5 of the Constitution be amended to read

“The common seal of the Council may be affixed to any document on the authority of any either of the Chief Executive, a Group Director, the Director of Legal and Governance, the Deputy Director of Legal and Governance, a Principal or Senior Lawyer.

“The seal shall be attested by that individual and an entry of every sealing of a document shall be made and consecutively numbered in a register to be provided for the purpose and shall be signed by the person who has attested the seal.”

19 **MONITORING OFFICER NO 06 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.

20 **MONITORING OFFICER NO 07 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.

Chairman



GOVERNANCE COMMITTEE

9 March 2016

Subject Heading:

**Responsibility for Scrutiny of Issues
Relating to the Children and Families
Act 2014**

CMT Lead:

Daniel Fenwick, Director of Legal and
Governance

Daniel.fenwick@onesource.co.uk

01708 432714

Report Author and contact details:

Anthony Clements, Principal Committee
Officer, 01708 433065

Anthony.clements@onesource.co.uk

Policy context:

The Monitoring Officer is authorised to
propose changes to the Constitution as
from time to time seem appropriate

Financial summary:

No 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 type="checkbox"/>

SUMMARY

The report proposes a minor change to the Constitution to make it clear that responsibility for scrutiny of issues related to the Children and Families Act 2014 is solely that of the Children and Learning Overview & Scrutiny Sub-Committee.

RECOMMENDATIONS

The **Committee recommends to Council** that:

The table section of the table in Part 3, section 1.4 of the Constitution dealing with the areas of responsibility of the Children & Learning Overview and Scrutiny Sub-Committee be amended so that the following text is added to the areas of responsibility of the Sub-Committee:

Issues relating to the Children and Families Act 2014

REPORT DETAIL

- 1 The Children and Families Act 2014 introduced statutory responsibilities for Councils to provide continuing care services, if required, from the ages of 0-25 years. This was with the aim of helping with issues arising as children requiring care support of any kind transitioned between children's and adult services.
- 2 In view of this, all such Council services across this age range are the responsibility in Havering of Children's Services. In order to provide greater clarity for Members and assist with officer workloads etc, it is recommended that the Constitution be amended to reflect this with a specific responsibility to scrutinise issues relating to the Children and Families Act being the responsibility of the Children and Learning rather than the Individuals Overview and Scrutiny Sub-Committee.

Reasons for the proposed changes:

The proposed amendment to the Constitution will allow more focused briefing of Members on issues raised by the Act and also reduce workloads of officers involved in this work.

Other options considered:

Leaving matters as they are would cause confusion amongst Members and potentially the public as regards who has responsibility for scrutinising these areas and also potentially cause duplication and increased officer workload in terms of having to brief two Sub-Committees on similar issues.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

The proposed change seeks to reflect current legislation and clarify where scrutiny of issues raised by the Children and Families Act sits within the Council's scrutiny function.

Human Resources implications and risks:

There are no direct HR implications, or risks to the Council or its workforce, that can be identified from the contents of this report or the recommendation made.

Equalities implications and risks:

None although a clearer responsibility for scrutiny of these areas is likely to be of assistance to Havering residents.

BACKGROUND PAPERS

None.

This page is intentionally left blank



GOVERNANCE COMMITTEE

9 MARCH 2016

Subject Heading:

Review of the Operation of the Highway Advisory Committee

Cabinet Member:

Robert Benham

CMT Lead:

Andrew Blake-Herbert,
Deputy Chief Executive, Communities and Resources

Report Author and contact details:

David Pritchard 01708433123
david.pritchard@havering.gov.uk

Policy context:

The decision constitutes a change to the Constitution with the objective of streamlining certain processes relating to Traffic Management Orders

Financial summary:

Cost Neutral

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 Highway Advisory Committee currently reviews the vast majority traffic management proposals which often results in these proposals being considered multiple times by this Committee. It is proposed in this report to streamline the involvement of the Committee in minor traffic management changes while maintaining a targeted and local representation on consideration of all traffic management proposals.

RECOMMENDATIONS

That the Committee:

1. **Approve** the amendments to the Constitution contained within this report which will permit changes to the range and scope of the Highways Advisory Committee, and
2. **Authorise** additional delegated powers to the Head of Service in approving and progressing relatively minor changes in regard to traffic management orders.

REPORT DETAIL

1. The Highways Advisory Committee (HAC) was created several years ago to provide a forum for the consideration of highway and traffic schemes, in particular representations for objections to detailed proposals and then advise the Cabinet Member with responsibility for making the final decision (currently the member for Community Engagement). This followed the demise of area committees
2. Some decision making relating to traffic orders has been delegated to the appropriate Head of Service with the support and agreement of the Cabinet Member.

The current terms of reference of the Committee are:

- To approve local highway management schemes in principle for public consultation.
- To authorise minor alterations to traffic management orders to enable implementation of approved proposals or continuation of traffic management schemes.
- To amend or suspend any experimental traffic management order.
- To authorise the creation, amendment and removal of disabled persons parking bays, footway parking bays and at any time waiting restrictions at bends and road junctions.
- To exercise all powers and duties under the Highways Act 1980 that is not delegated to the Leader or a Cabinet Member.
- To authorise the issue of temporary traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.

Proposed Changes to HAC

3. A review of the working of the Committee has been undertaken to consider streamlining the process. Currently the Council receives a substantial number of proposals from the public for traffic schemes, usually waiting restrictions and/or parking bays to overcome a recognised local issue. The proposals will have received a brief assessment from staff before being presented to the Committee for consideration, where a substantial majority are rejected. Proposals that are accepted are then designed in detail and re-presented to the Committee for approval and authorisation to conduct the formal consultation.
4. Irrespective of whether there are any objections, the results of the formal consultation are reported back to the Committee. There are circumstances where the Committee, having approved a proposal will, following its consultation request unilateral changes. This necessitates a fresh round of formal consultation with a further final report back to Committee.
5. Once the Committee is satisfied, the proposal is reported to the Cabinet Member for final consideration and decision. Traffic schemes are an 'executive' matter which can only be formally determined by Cabinet, a Cabinet Member or an officer under delegated powers.
6. As can be seen, it is possible for a traffic proposal to be presented to what is an advisory committee at least three times before a formal decision is made. The proposals that are presented are often localised and have a limited geographical impact.
7. It is suggested that this level of member oversight is excessive resulting in a substantial amount of staff time is being deployed to assess schemes and draft Committee papers for proposals that have a relatively minor impact or little or no likelihood of proceeding.
8. The role of the Committee is recognised in being an important forum for the public consideration of representations on major proposals; it is however proposed that the role and function of the Committee should be streamlined whilst maintaining the effective consideration of major traffic schemes.
9. The following proposals are put forward concerning the use of HAC. These processes are explored in more detail in appendices A and B :-
 - (a) That criterion is agreed whereby proposals will not be put to HAC unless the scheme meets that criterion. Schemes may still be deferred to HAC at the request of the Lead Member or the affected Ward Councillor.
 - (b) Proposals will be investigated and outline proposals circulated using the existing Calbrief system. This will alert ward councillors of an impending issue.
 - (c) This report to HAC is to obtain approval to formally advertise large schemes that conform to the criterion. It is also intended that where no objections are received the order be made without further reference to HAC. This should prevent unnecessary repetitions of reports to schemes.

- (d) That greater flexibility is given through delegated powers, enabling a more comprehensive view of amendments and proposals to traffic management issues.
- (e) That through these delegated powers any traffic management scheme that does not reach the agreed threshold will be dealt with, subject to the caveat in 10(a) through the delegation procedure.
- (f) A review of schemes presented to HAC since the beginning of the 2015 has shown that:
 - A total of 64 schemes have been presented to HAC,
 - 15 are, due to their cost, extent or sensitivity would have still been submitted to HAC,
 - 49 would be eligible for resolution through delegated authority. These need only be presented to HAC at the specific request of the Ward Councillor, the Lead Member of the Head of Service.
- (g) It is proposed that only traffic management issues that involve traffic orders meeting the criteria below will be automatically presented to HAC
 - an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions
 - implementing new paid for parking, or
 - implementing new permit parking.
- (h) Those officers within StreetCare collate individual requests and prepare monthly batches of proposed changes. These are audited for suitability by management and are then reported as part of a monthly delegated powers report for authorisation to formally advertise.
- (i) The objective is to; where applicable reduce the need to use HAC therefore saving HAC involvement for issues that have a more strategic traffic management effect on residents and businesses.
- (j) These measures **will not reduce the local democratic input** as local ward members will be included in all Delegated Authority approvals being sought. If a local member feels that any particular issue were better raised at HAC then they would be able to make this request as part of the delegated authority process.
- (k) That the traffic schemes which are fully delegated to the Head of StreetCare be extended to include all variations of restriction together with new traffic orders that fit within the criteria agreed in this report.
- (l) Where schemes fall outside the scope for delegated authorisation initial investigations and design will be carried and where necessary any informal consultations conducted before a report is submitted to HAC for consideration prior to authorisation to advertise.
- (m) In cases relating to schemes that would automatically be reviewed, HAC will only be consulted following any initial consultations and the preparation of a draft design.

- (n) Again as for the delegated issues, once approved by HAC unless specifically requested by the Head of Service or a councillor, these proposals will be formally advertised and if there are no objections then made without any further delay.
- (o) That paragraph (a) of the Committee Procedure Rules for the Committees is amended to "*The Highway Advisory Committee will consider representations on all traffic management orders schemes not subject to officer delegation*", and that item 15 (a) be amended to read
- "*(a) The Highway Advisory Committee will consider any proposals for a material parking change where*
 - i) *an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions*
 - ii) *a schemes proposes implementing new paid for parking, or*
 - iii) *a scheme proposes implementing new permit parking.*
- (p) That changes are also made to Pages 39 to the constitution relating to delegated functions to the Highway Advisory Committee
- Functions of the Highway Advisory Committee*
- a) *To advise the Council's Executive on local highway and traffic management schemes that fall within the remit of item 15 to this Constitution*
 - b) *To consider representations made as a consequence of the public consultation of a proposed scheme to which item 15 (a) applies.*
 - c) *To make recommendations to the Cabinet Member for Community Engagement for the implementation of proposed schemes to which item 15 (a) applies.*

Proposed Changes to Legal Services

10. Legal Services currently operate as a final check regarding the translation of schemes objectives into the Traffic Order and Notice formats. They also carry out checks on whether the correct authorities have been obtained through the Executive Decision Form and any minutes from HAC.
11. There is no case being made for such checks not being carried out, however it is proposed that these checks be conducted within StreetCare and approval to proceed be granted by the Head of Service through the Executive Decision Report. By doing this the Council will make additional time savings with the checks being carried out by Senior Engineers and Managers who will have a more detailed knowledge of each schemes content.
12. Proof checks can be dealt with between the Traffic Order writing source (TMO Services for now) and the designer ahead of the details being issued to either Communications or the publications directly.

Likely savings

13. Under the current process the introduction of even the most minor amendment (not being a double yellow line at a junction) can take as long as **33 weeks from start to finish**. This includes minor bay and other restrictions that do not fall within the limited scope of existing delegated powers.
14. Under the proposal it can be seen that the time taken between the initiation of a scheme and its implementation on site can be significantly reduced whilst expanding the scope of this more streamlined process.
15. By adopting a monthly approval procedure as outlined in Appendix B there will be easy gains in that rather than proceeding with an unstructured series of consultations, resulting in many different consultation exercises and adverts there will be generally 12 monthly amendments per year.
16. This will have the effect of streamlining report writing and structuring the consultation and implementation programme such that all stakeholders will be aware of the timetable and be able to pass this information on.
17. With the proposals outlined in this report it is intended that up to 30 days can be removed from the process involved in minor schemes
18. It is proposed that the Committee should continue to be consulted on regarding schemes that have a strategic implication as outlined in this report.
19. If the proposed changes to the Legal Services process are adopted further time savings of up to 2 weeks can also be gained by StreetCare self-approving the documentation relating to schemes from the Executive Decision authority to formally consult to the Order being made.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications

Legal implications and risks:

Through the proposed changes to the signing and sealing procedure Legal Services will have a much reduced role in the Traffic Order process. Approvals to go ahead and advertise and ensure that all appropriate authorities have been received will instead become the duty of the StreetCare Head of Service.

Human Resources implications and risks:

There are no direct human resource implications

Equalities implications and risks:

There are no direct Equalities implications arising from this report. However, officers and Members, including those with delegated powers are reminded that when considering proposals/requests, consulting on proposed schemes and making decisions they must have “due regard” to the Public Sector Equality Duty and the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity, and
- Foster good community relations

in relation to people who share a relevant protected characteristic and persons who do not share it.

Officers and decision makers must carefully consider any issues / concerns raised on Equality and Diversity grounds and proactively explore relevant alternative solutions prior to making a final decision. If after considering the potential/likely equality implications decision-makers conclude that the decision is justifiable and decide to go ahead with the implementation of the proposal, officers must ensure that the effects of the scheme are effectively monitored and any disproportionate impact on protected groups is escalated and addressed.

Where infrastructure is provided or substantially upgraded, e.g. where there is some visual impact from required signing and lining works, reasonable adjustments should be made to reduce temporary disruptions and improve long-term accessibility for individuals and groups with protected characteristics (mainly, but not limited to disabled people, children and young people, older people). This will assist the Council in meeting its duty to consider reasonable adjustments under the Equality Act 2010.

BACKGROUND PAPERS

None

This page is intentionally left blank

GOVERNANCE COMMITTEE

9 March 2016

Subject Heading:

Appointments to Romford Town Management Partnership

CMT Lead:

Andrew Blake Herbert
Group Director Communities and Resources
01708 432201

Report Author and contact details:

David Sklair
Romford Growth Manager
David.Sklair@havering.gov.uk

Policy context:

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

Financial summary:

There are no significant financial implications of the appointments

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 appointments to the newly established Romford Town Management Partnership and confirm appointments as appropriate.

RECOMMENDATIONS

That the Committee appoints the following individuals to the Romford Town Management Partnership:

- Councillor Robert Benham
- Councillor Osman Dervish

- Business Development Manager – Economic Development
- Community Safety Team Leader – Community Safety
- Market Manager – Romford Market

REPORT DETAIL

1. The Romford Town Centre Partnership (RTCP) consists of 32 partners. It has been in existence for over 10 years. The group is broadly balanced between private sector members and public sector Members and is supported by a range of council officers.
2. The private sector members represent the five shopping centres: the Liberty, the Brewery, the Mercury, the Quadrant and the Romford Shopping Hall. The Landlords of each centre are also invited to attend.
3. The group is unincorporated although does have terms of reference. It meets quarterly and is chaired on rotation. The core purpose of the group is to act as a discussion forum to facilitate the sharing of information between the core town centre retail drivers and the council.
4. Following a workshop of the Romford Town Centre Partnership in June 2015, the RTCP agreed that:
 - a new structure was required to progress the management of the town centre.
 - its membership needed to include businesses from every sector and become a business-led organisation that can act as both as an independent responsible body and a vehicle for the delivery of projects.
5. The RTCP agreed to change its name to the “*Romford Town Management Partnership*” (RTMP) to reflect this.
6. The new RTMP will harness the combined power of the public and private sector to improve Romford town centre and stimulate prosperity in Romford. The RTMP is structured to more closely relate to the business needs of the Town Centre, and be the engine behind the development of a Business Improvement District for Romford.
7. The Partnership consists of a Board with the following representation:

5 x Shopping Centre Representatives	1 x Romford Market
2 x National Retailers	1 x Police,
3 x Independent Retailers	1 x Community Safety
2 x Night Economy businesses	1 x Economic Development
1 x Leisure/hospitality	2 x Member representation
2 x professional services	
1 x office quarter representation	

8. The RTMP was formally established in September 2015 as a successor to the RTCP.

IMPLICATIONS AND RISKS

Financial implications and risks:

These appointments are administrative and have no direct costs associated with them. However there will be a time commitment which will need to be managed. If the appointee is then elected to the Executive Management Group the time commitments could become more significant.

Legal implications and risks:

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

Human Resources implications and risks:

These appointments will require attendance at meetings of the Partnership which are to be held every 6 weeks. This is an increase in the frequency of the RTCP which were held quarterly.

Equalities implications and risks:

The revised Partnership is more business focussed to reflect the need to have a business led partnership behind the development of a Business Improvement District. As well as the national retailers on the Partnership, 3 independent retailers will be on the Board to ensure it reflects the range of businesses within the town centre.

The appointment of Members to the Partnership is to maintain a wider democratic overview of the work of the Partnership.

BACKGROUND PAPERS

Terms of Reference of the Romford Town Management Partnership

This page is intentionally left blank

GOVERNANCE COMMITTEE 9 March 2016

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

Indemnities for Members and Officers

Andrew Blake-Herbert, Deputy Chief
Executive Communities & Resources

Andrew Beesley
Committee Administration & (Interim)
Member Services Manager
01708 432437
andrew.beesley@onesource.co.uk

Council Constitution.

There are no additional costs associated
with this report

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

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

SUMMARY

A review of the Council's current constitution and policies has failed to identify whether the Council determined to extend member and officer indemnities under the powers granted under the Local Authorities (Indemnities for Members and Officers) Order 2004. This report proposes to confirm the 2004 Order and extended the powers of the Authority to give indemnities to members and officers in respect of liabilities arising during the course of their duties.

RECOMMENDATIONS

That the Committee:

Confirm the Local Authorities (Indemnities for Members and Officers) Order 2004 and extend the powers of the Authority to give indemnities to members and officers in respect of liabilities arising during the course of their duties

REPORT DETAIL

1. Under Section 265 of the Public Health Act 1875 (the Act), councillors and local authority officers, when acting in the course of their duties and in good faith, have statutory immunity and are not personally liable for the actions they take. The Act provides for an indemnity in relation to potential liabilities and also costs.
2. Section 111(1) of the Local Government Act 1972 provides ancillary powers to local authorities that may permit them to indemnify members and officers in relation to particular decisions or acts if to do so would facilitate; or is incidental, or conducive, to the discharge of a function of the authority.
3. The Local Authorities (Indemnities for Members and Officers) Order 2004 gives a specific power for authorities to grant indemnities and/or take out insurance to cover the potential liability of councillors and officers in a wider range of circumstances than under the 1875 Act. Each local authority has the discretion to decide whether to use the powers, and to decide the extent of such indemnities and insurance.
4. A review of the Council's current constitution and policies has failed to identify whether the Council determined to extend member and officer indemnities under the powers granted under the Local Authorities (Indemnities for Members and Officers) Order 2004. There has however been confirmation that the council's insurance policy provides cover for members in respect of liabilities arising during the course of their duties.
5. Prior to the 2004 Order, doubt existed about the extent to which authorities could provide indemnities in two main areas: Firstly where individuals incur personal liability for their actions on outside bodies to which they have been appointed by the authority and secondly the scope to provide indemnities for actions where an officer or member acts beyond their powers ("ultra vires") or negligently.
6. In relation to officers, councils have always been able to indemnify officers and take out insurance cover where an officer acts within his or her powers for the council, in order to protect the council in the event of

an officer's actions or inactions giving rise to a claim. The 2004 Order allows councils to indemnify officers where they have acted outside the powers of the authority but reasonably believe that the action was within the powers at the time they were taken, or where they are acting on outside bodies for the council.

7. Given the wide range of council activities, the complexity of issues councillors and officers' face, and the demands made on their time, it is considered appropriate for the Council to confirm an indemnity where a councillor/officer inadvertently acts outside the powers given whilst believing he/she is acting in the interests of the Council or other body.
8. An indemnity can be granted to cover *“any act or omission by the member or officer which is authorised by the council, or forms part of, or arises from any powers conferred or duties placed, as a consequence of a function being exercised by the member or officer at the request of, or with the approval of, or for the purposes of the council”*.
9. The power extends to circumstances where the member or officer is acting in a capacity other than as member or officer. This covers the situation where a member or officer is acting as a director or trustee or Council representative on an outside body in connection with his or her role with the Council.
10. No indemnity can be granted to any member or officer in relation to “outside” work, which is unconnected with the work of the Council. It would not therefore cover any member or officer acting in a private capacity. It would cover situations where as a result of designation by the Council, an individual has specific statutory powers or responsibilities e.g. the Monitoring Officer, or the Returning Officer and nominated deputies.
11. There is a power to provide an indemnity where the action or inaction complained of is outside the powers of the Council itself or outside the powers or authority of the member or officer concerned. It also covers cases in which a member or officer makes a statement that certain steps have been taken or requirements fulfilled but it later becomes clear that this is not the case.
12. However, an indemnity in these circumstances is limited to cases in which the person indemnified reasonably believed they were acting within their powers, or reasonably believed that the statement was true.
13. For both councillors and officers, the 2004 Order restricts the provision of indemnities so that they cannot cover any finding of criminal liability or liability arising from fraud, deliberate wrongdoing, or the cost of pursuing a defamation claim. In such cases any costs incurred under an indemnity would normally have to be repaid to the Council or insurer.

IMPLICATIONS AND RISKS

Financial implications or risks

Member and officer indemnity is already covered under the Council's existing indemnities insurance policies.

Legal implications and risks

Without confirmation of the 2004 Order, officers and members' could be personally liable for costs or expenses, despite the fact that they were carrying out the work at the request of (or with approval) of the council and were acting in good faith.

Human resource implications and risks

There are no immediate human resource implications and risks arising from this report.

Background papers

None



GOVERNANCE COMMITTEE

9 March 2016

Subject Heading:

Terms of Reference of Governance Committee and delegation of Authority from Council

CMT Lead:

Jane West, Managing Director oneSource

Report Author and contact details:

Julian Sivill, Strategic HR Partner (Transformation). Ext 3763, julian.sivill@onesource.co.uk

Policy context:

Proposal to recommend Council to delegate authority to Governance Committee

Financial summary:

These changes are purely procedural and have no specific financial implications

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

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

SUMMARY

The report anticipates the need for the Council to reach a decision on changes to staff terms and conditions of service in the autumn and recommends that Council should be asked to delegate authority to make the decision to this Committee and amend its terms of reference accordingly.

RECOMMENDATIONS

That the Committee:

1. **Recommend to Council**, at its meeting on 30 March 2016 that it delegate authority to the Governance Committee to approve proposals which arise from the review of employee terms and conditions and make an amendment to its terms of reference to enable this.

2. **Note** that the proposals relating to employee terms and conditions are currently being developed and will be subject to consultation with all Council staff and the recognised trades unions.

REPORT DETAIL

1. The Council is undertaking a review of the terms and conditions of service of all of its staff. The purpose of the review is to identify and replace those existing terms and conditions that are inconsistent, outdated, potentially unfair or do not assist the delivery of services. As well as creating a set of terms and conditions that are more fitted to the Council's business needs it is also intended that the review should create savings as part of the Council's budget strategy. This review has been underway for over a year and it is anticipated that formal consultation with staff and recognised trade unions will commence in May. The Chief Executive has authority to approve the proposals that will be subject to consultation but not to approve the implementation of those proposals or any variation upon them that might result from consultation. Depending on the outcome of the consultative process it is anticipated that the Council will need to decide whether or not to implement the changes sometime in the autumn.
2. Under section 112 of the Local Government Act 1972 this function is a non-executive function which is reserved in part to Council (e.g. for Head of Paid Service), with delegation already in place in relation to the Governance Committee and Appointments Committee for Deputy Chief Executives and Heads of Service and with a general delegation to Head of Paid service and other senior staff for all staff under Head of Service. The Constitution is silent on the appropriate forum where such a decision would normally fall within the officer delegation but given its wide-ranging and sensitive nature is more appropriate for member consideration. In the absence of such a delegation, the matter would inevitably go to full Council.
3. It is proposed, therefore, to recommend to Council that formal decisions in relation to Council-wide changes to terms and conditions of service should also be delegated to the Governance Committee and the terms of reference of the Governance Committee be amended to read:

To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees.
4. Although a formal decision on the final proposals arising from the review is not anticipated to be required before the autumn, the review process is currently underway and will involve formal consultation with staff and trade unions from May onwards. It may be necessary to seek formal authority for actions in relation to this review before the autumn and it would be valuable to have a forum in which the relevant councillors can be informed about

progress and developments. Therefore, it is proposed that the Council meeting on 30 March 2016 should be recommended to approve delegation of authority to the Governance Committee.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications or risks arising directly from this report.

Legal implications and risks:

The authority to determine terms and conditions of service for its employees is set out within the report and is a non-executive function. The report seeks to put in place a sensible solution to ensure decision making is carried out at the appropriate level within the organisation.

Human Resources implications and risks:

The report relates to the authority to take a decision on a major review of employee terms and conditions but has, of itself, no direct bearing on human resources.

Equalities implications and risks:

The report has no direct equalities or social implications nor is an Equalities Assessment required. It should be noted that the review of terms and conditions referred to in the report might potentially have equalities implications and will be subject to an independent equalities assessment before being presented to this Committee for a decision.

BACKGROUND PAPERS

None

This page is intentionally left blank



GOVERNANCE COMMITTEE

9 March 2016

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
jacqui.barr@onesource.co.uk
01708 432439

Policy context:

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

Financial summary:

There are no significant financial implications.

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

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

SUMMARY

The Council makes appointments to a large number of other organisations, some statutory, others voluntary.

Since the new executive governance arrangements came into force, responsibility for making some appointments has passed from this Committee to the Leader of the Council but the Constitution provides that in the case of non-executive appointments, it is for this Committee to make decisions

RECOMMENDATIONS

That the Committee:

1. In respect of the Havering Sixth Form College, **nominate Councillor Wendy Brice-Thompson** to be a Governor of the Havering Sixth Form College.
2. In respect of the Poyntz Charity, consider the **re-appointment of Councillor June Alexander, Mr David Livermore and the Reverend Michael Sparrow** until March 2020.

REPORT DETAIL

1. HAVERING SIXTH FORM COLLEGE:

- 1.1 The Council makes two nominations to the Governing Body of Havering Sixth Form College, who are appointed by the College's Search committee for four year terms of office.
- 1.2 The current appointees are Councillor Meg Davis and Councillor Wendy Brice-Thompson. Councillor Brice-Thompson's term of office will expire in September 2016. Councillor Brice-Thompson is eligible for re-appointment and wishes to continue as a Governor of the Sixth Form College. The College have also indicated that they would very much like Councillor Brice-Thompson to remain on the Governing Body, but if she is to be replaced, it should be noted that an appointee need not be a Member of the Council.

2. THE POYNTZ TRUST (Richard Poyntz's and Other Charities, North Ockenden):

- 2.1 This small, local charity was established in the 1930's to administer benefits for the poor, including some alms houses in North Ockendon (Remembrance Cottages). The Council appoints three of the trustees for a term of four years: one as owner of Stubbers, the others in accordance with the charity's trust deed. Two further trustees are co-opted by the three appointed trustees. The term of office of the current trustees will expire in March 2016. Trustees can be Members of the Council, but it is not a requirement of the scheme of appointment.
- 2.2 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. Both have indicated that they wish to be re-appointed.

- 2.3** Under the scheme of appointment, the Parish Priest of St Mary Magdalene's, North Ockenden (currently the Reverend Michael Sparrow) is one of the representative trustees of the charity.

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.

Members who sit on outside bodies will need to consider whether (a) they are required to register their interests with the Council and, where appropriate, declare the interests at meetings and (b) seek advice when they are potentially involved in Council decisions that may affect the outside body. As there is no remuneration for the appointments, they are very unlikely to be discloseable pecuniary interests. Trustee status means that the trustee must always act in the best interests of the trust. The Monitoring Officer is available to provide advice as and when necessary.

BACKGROUND PAPERS

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

This page is intentionally left blank