



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 29 June 2016</b>	<b>Town Hall, Main Road, Romford</b>
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Members 13: Quorum 5

### COUNCILLORS:

#### **Conservative Group**

**( 5 )**

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

#### **Residents' Group**

**( 3 )**

Ray Morgon  
Barbara Matthews  
Barry Mugglestone

#### **East Havering Residents' Group** **( 2 )**

Clarence Barrett  
Darren Wise

#### **UKIP Group**

**( 1 )**

Lawrence Webb

#### **Independent Residents' Group** **( 1 )**

David Durant

#### **Labour Group**

**( 1 )**

Keith Darvill

**For information about the meeting please contact:**  
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## **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 - 18)

To approve as a correct record the minutes of the meeting held on 26 May 2016, and to authorise the Chairman to sign them.

### **5 AMENDMENTS TO MEMBERSHIP OF HEALTH AND WELLBEING BOARD AND ASSOCIATED CHANGES TO THE COUNCIL'S CONSTITUTION** (Pages 19 - 22)

### **6 TERMS AND CONDITIONS REVIEW - PROGRESS REPORT** (Pages 23 - 26)

### **7 MONITORING OFFICER NO 09 AMENDMENTS TO THE CONSTITUTION** (Pages 27 - 30)

**Andrew Beesley**  
**Committee Administration**  
**Manager**

**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Committee Room 3A - Town Hall  
26 May 2016 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Meg Davis (Chairman), Melvin Wallace (Vice-Chair), Osman Dervish, Roger Ramsey and Damian White
<b>Residents' Group</b>	Ray Morgon, Barbara Matthews and Barry Mugglestone
<b>East Havering Residents' Group</b>	Clarence Barrett and Darren Wise
<b>UKIP Group</b>	Lawrence Webb
<b>Independent Residents Group</b>	David Durant
<b>Labour Group</b>	Keith Darvill

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

**1 DISCLOSURE OF INTEREST**

Councillor Keith Darvill disclosed an interest in item 7, Appointments to Other Organisations as he was the Chairman of Governors of the Havering Sixth Form College.

**2 MINUTES**

The minutes of the meeting held on 9 March 2016 were agreed as a correct record and signed by the Chairman.

**3 CONTRACT PROCEDURE RULES AND PROCUREMENT STRATEGY**

Officers had submitted a report seeking the Governance's Committee's approval to a revised set of Contract Procedure Rules and an updated Procurement Strategy. The current Contract procedure Rules had been agreed in 2012 and so were overdue for revision whilst the Procurement Strategy had been agreed in 2011 and had expired in 2014. In introducing

the report officers apologised that the wrong Glossary of terms had been appended to the Contract Procedure Rules.

The recent changes in the European Union thresholds and the introduction of the Public Contract Regulations in 2015 had also been reflected in the revised documents.

Officers maintained that the new Contract procedure Rules and procurement Strategy would achieve significant savings through improved procurement management. Collaboration was at the very heart of this as officers had sought to maximise the efficiencies identified through oneSource and through work with other councils and public bodies.

Officers had highlighted the following key areas of change.

- Procurement Strategy
  - **Value for money;** through efficient contracts that deliver high quality goods and services at a competitive price;
  - Using the Council's purchasing power to boost Havering's economy and long term economic sustainability, through maximising the opportunities for local businesses to provide services and helping ensure that where possible contractors actively seek to employ and train local residents;
  - **Community benefit;** to ensure opportunities for local economic, social and environmental benefits are achieved through our contracts to meet local resident's priorities. The specification for our contracts can play a key part in helping to ensure contractors are fully contributing to delivering our vision for Havering;
  - **Innovation and partnerships;** to ensure in the right circumstances joint working can deliver efficient, cost effective, risk-sharing solutions and new and better models of service delivery. We are working to develop different ways of providing and buying goods and services so that we can continue to improve value for money while not reducing quality. Local authorities often contain many different departments or business units which have their own purchasing challenges. It can be difficult to ensure that all buyers purchase the best products and procure them at the best price. In the retail sector, innovators like Amazon, set up digital marketplaces that help buyers to access catalogues of products. In these systems, suppliers openly compete against each other in a controlled environment, which was why we are pioneers in helping to develop such a solution and integrating it into other local authorities.

(b) Contract Procedure Rules

- The introduction of e-tendering (CPR 2)
- Introduction of the pilot Checkpoint process for all procurements above EU Threshold (CPR 8)
- The publication of opportunities on Contracts Finder (CPR 9.10)
- An increased emphasis on e-auctions to secure additional savings (CPR 9.11 – 9.12)
- The use of *Constructionline* (CPR 13), collaborations and joint commercial enterprise and public sector spin-outs (CPR 23)
- The introduction of the Social Value Act 2012 (CPR 15)
- 70:30 cost:quality considerations in awarding contracts (CPR 18.4)
- An increased focus on Contract Management (CPR 21)
- The introduction of European 'State Aid' Rules (CPR 26)
- The introduction of the Public Contracts Regulations 2015

Changes had been made to the CPRs and Procurement Strategy to ensure compliance with the Public Contract Regulations 2015 and with the new EU Thresholds for Supply, Services and Works.

Officers had pointed to the savings made by the London Borough of Newham through the use of e-auctions. £4.5m of savings had been delivered in the past year.

In answer to questions from the Committee officers ran through the contract monitoring procedure to give the committee an assurance that best practice was followed. It was explained that under EU rules Councils could not carry out pre-contract checks for contract below £164k. Officers still carried out due diligence checks to protect the Council.

The Committee had questioned the change from 60:40 split to 70:30 split on cost:quality seeking an assurance that the Council would still receive the quality it desired in services and goods provided. Officers gave an assurance that quality would not drop as we would only get bids from suppliers who wish to deliver the level of quality desired.

Officers advised that at Newham the Checkpoint system was used very effectively and once fully introduced in Havering the full benefits would become available. In Newham it allowed members to check on the level of savings produced by new contracts.

Concerns were raised about the Council's inability to control the use of sub-Contractors. Officers had explained by good and strong contract management the problems previously experienced could be eliminated.

The Committee questioned why paragraph 1.6 had not been updated to take account of the Governance Committee's decisions of 13 January 2016. The Chairman called for a vote on whether to accept the recommendations

of the report as amended.

In favour of the motion to accept the recommendations:

Councillors Meg Davis, Melvin Wallace, Roger Ramsey, Damian White, Osman Dervish, Clarence Barrett, Darren Wise and Keith Darvill

Against the motion: Councillor David Durant

Abstained: Councillors Ray Morgon, Barbara Matthews, Barry Mugglestone and Lawrence Webb

The motion was CARRIED by eight votes to one with four abstentions.

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

1. The Contract Procedure Rules set out in Appendix A to the report and amended to take account of the Committee's amendment's, be adopted with immediate effect and authorise the Monitoring Officer to make any such changes as may be necessary to the Council Constitution;
2. The Procurement Strategy set out in Appendix B to the report be accepted.

#### **4 EXCLUSION OF PRIOR APPROVALS FROM COUNCILLOR CALL-IN PROCESS**

The Committee had received a report regarding the manner in which prior approval submissions were dealt with. Unlike planning application there was a strict deadline for the determination of prior approval applications and the default position was that if a decision was not given within the deadline the application would be approved regardless of the Council's intended decision.

Planning legislation currently allowed for various prior approval submissions to be made. In Havering the following were the most common:

- a) Larger Home Extensions (42 days, 6 weeks) – 285 received in previous year;
- b) Certain changes of use (56 days, 8 weeks) – 35 received in previous year;
- c) Demolition of buildings (28 days, 4 weeks) – 7 received in previous week;
- d) Telecommunications development (56 days, 8 weeks) – 34 received in previous year.

Committee Procedure Rule 13e of the Council's Constitution set out the framework and circumstances under which a Councillor could call-in an application for determination at the Regulatory Services Committee. Constitutionally a Councillor was able to call-in any application.

Given the restricted time scales and the consequences of failure to make a decision officers had historically declined councillors requests to call-in prior approval applications. This was because it would be very difficult to thoroughly consider a submission, prepare a report and present it to Committee, which meets every three weeks within the restricted timetables. The only exception was if an applicant formally agreed to extend the time period as permitted by paragraph 7 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

A councillor had recently tried to call-in a prior approval application for a telecommunications installation and had queried the constitutional basis for their request being declined. Officers were seeking a decision from the Committee to formalise current practice.

The Committee had asked if prior approval applications were included on the list of planning applications circulated weekly. Officers advised that prior approval applications were not currently included on the list.

The Committee had concerns that officers had been operating this system without member approval. These actions were preventing councillors of the opportunity to represent local residents concerns. However, councillors still had the opportunity to make representations to the planning officer dealing with the application.

The Committee did not wish to place the Council's reputation at risk by seeing a number of prior approval application receiving approval by default because of delays but wished to ensure that the Council were following best practice.

The Chairman called for a vote on whether to accept the recommendations set out in the report as amended.

In favour of the motion to accept the recommendations

Councillors: Meg Davis, Melvin Wallace, Roger Ramsey, Damian White, Osman Dervish, Clarence Barrett, Darren Wise and Keith Darvill

Against the motion: Councillors Ray Morgon, Barbara Matthews, Barry Mugglestone, David Durant and Lawrence Webb

The motion was CARRIED by eight votes to five.

The Committee **agreed** to authorise officers to decline requests for call-in of prior approval applications by councillors for two months to allow officers to submit a further report provided that all prior approval applications were included on the weekly list of planning applications circulated to councillors. The further report will include information on the practice followed by other councils in dealing with prior approval applications and advice from the Planning Advisory Service. It should also include a step by step procedure for the way all four of the types of prior approval applications are processed.

The opportunity should be taken to review the council's processes for considering planning applications given the number of occasions councillors have been advised by residents that they have not been notified of a planning application.

## 5 **APPOINTMENTS TO OTHER ORGANISATIONS, 2016/17**

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, all other positions were filled and those Members appointed are shown on the appendix to this Minute.

The Chairman called for a vote on whether Councillor Clarence Barrett or Councillor David Durant should represent the Council at the Annual Assembly of the Local Government Information Unit.

In favour of Councillor Barrett:

Councillors: Meg Davis, Melvin Wallace, Roger Ramsey, Damian White, Osman Dervish, Clarence Barrett, Darren Wise and Keith Darvill

In favour of Councillor Durant:

Councillors David Durant and Lawrence Webb

Councillors Ray Morgan, Barbara Matthews and Barry Mugglestone abstained.

Councillor Clarence Barrett was appointed as the Council's representative to attend the Annual Assembly of the Local Government Information Unit.

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 appointments 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).

6      **MONITORING OFFICER NO 08 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.

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**Chairman**

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## APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2016/17

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
<b>CEME (Centre for Engineering &amp; Manufacturing Excellence) - 1</b>	Tom Dobrashian – Head of Economic Development	
<b>East London Waste Authority - 2</b>	Councillor Steven Kelly and Cabinet Member for Environment	
<b>East London Waste Authority Board (officer)</b>	Steve Moore- Head of Streetcare (Interim)	
<b>East and South East London Transport Partnership</b>	Leader of the Council	
<b>Greater London Enterprise Limited -1</b>	Leader of the Council	
<b>IESE Ltd</b>	Councillor Michael White	
<b>London Councils</b> (Leaders' Committee)	Representative (1): Leader of the Council Deputy: (1) Deputy Leader of the Council	

**Appointments to other organisations, 2016/17**

Transport & Environment Committee

Representative (1): Deputy Cabinet Member assisting Cabinet Member for Environment, Regulatory Services and Community Safety

Deputies (up to 4): 1. Cabinet Member for Environment, Regulatory Services and Community Safety 2. Cabinet Member for Culture & Community Engagement

Grants Committee

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

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

Pensions CIV (Sectorial Joint Committee)

Representative (1): Chairman of Pensions Committee

Deputy (up to 2): Cabinet Member for Financial Management, Transformation and IT Client Side

Greater London Employment Forum

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

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

Appointments to other organisations, 2016/17  
**London Riverside (BID) Ltd**

Representative (1): Leader of the Council

Appointed  
through a Non-  
Key Decision  
16/41 on April  
21 2016

**Thames Gateway Strategic Group**

Leader of the Council and Cabinet Member for Environment,  
Regulatory Services and Community Safety

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ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-1	<b>Councillor Wendy Brice Thompson</b>	
Tapestry (formerly Age Concern : Havering ) - 2	<b>Councillor June Alexander and Councillor Wendy Brice-Thompson</b>	
Coopers Company & Coborn Educational Foundation	<b>Councillor Linda Van den Hende</b>	
Damyns Hall Aerodrome Joint Consultative Committee-2	<b>Councillor Linda Van den Hende and Councillor David Durant</b>	
Essex Wildlife Trust (Bedfords Park Management Committee)	<b>Councillor Ray Best</b>	
Fostering Panel-1	<b>Councillor Gillian Ford</b>	
Governor Panel - 3	<b>Cabinet Member for Children &amp; Learning, Councillor Gillian Ford Councillor Julie Wilkes</b>	
Havering Arts Council - 5	<b>Cabinet Member for Culture &amp; Community Engagement, Councillor Joshua Chapman, Councillor John Mylod Councillor Linda Hawthorn and Councillor Alex Donald</b>	

# Appointments to other Organisations 2016/2017

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Association for People with Disabilities - 2	<b>Councillor Barbara Matthews and Councillor Philippa Crowder</b>	
Havering Bands and Majorettes Association- Executive Committee - 3	<b>Councillor Osman Dervish, Councillor Reg Whitney and Councillor Darren Wise</b>	
Havering & Brentwood Bereavement Service - 1	<b>Councillor Julie Wilkes</b>	
Havering Chamber of Commerce and Industry	<b>Councillor Jason Frost</b>	
Havering Children's Trust	<b>Cabinet Member for Children &amp; Learning</b>	
Havering Community Safety Partnership – 2	<b>Cabinet Member for Environment, Regulatory Services and Community Safety and the Chief Executive</b>	
Havering Joint Forum - 6	<b>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.</b>	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Sports Council - 5	<b>Cabinet Member for Culture &amp; Community Engagement, Councillor Joshua Chapman, Councillor Jody Ganly, Councillor Linda Hawthorn and Councillor Lawrence Webb</b>	
Havering Sixth Form College - 2	<b>Cabinet Member for Children &amp; Learning and Councillor Wendy Brice Thompson (till September 2016)</b>	
Havering Theatre Trust - 3	<b>Councillor Damian White Councillor Gillian Ford and Councillor Patricia Rumble</b>	
Hornchurch Housing Trust (Nomination Trustees) - 6	<b>Ms Pamela Freer and Councillor John Wood (until February 2019) Mr Eric Munday and Councillor Carol Smith (until February 2017) Mr Ivor Cameron and Mrs Peggy Munday (until February 2018)</b>	Ms Freer and Cllr Wood's appointments agreed at Governance on 11.3.15  Cllr Smith's appointment agreed at Governance On 10.09.15

# Appointments to other Organisations 2016/2017

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Joint O&S East London Solutions	<b>Councillor Frederick Thompson, Deputies: Councillor Julie Wilkes, Councillor Keith Roberts and Councillor Ian de Wulverton</b>	This organisation is no longer in operation as of May 2016.
Local Government Association General Assembly - 4	<b>Leader of the Council, Leader of the Opposition Councillor Michael White and Councillor Clarence Barrett</b>	
Local Government Information Unit	<b>Councillor Clarence Barrett</b>	
London Home & Water Safety Council -1	<b>Cabinet Member for Environment, Regulatory Services and Community Safety</b>	
London Road Safety Council - 2	<b>Deputy Cabinet Member assisting Cabinet Member for Environment, Regulatory Services and Community Safety and Councillor John Mylod</b>	
London Youth Games-1	<b>Cabinet Member for Culture &amp; Community Engagement</b>	
Lucas Children's Play Charity Nominative Trustees – 2	<b>Cabinet Member for Children &amp; Learning and Councillor Gillian Ford (appointed till November 2019)</b>	Agreed at Governance on 11.11.15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
North East London NHS Foundation Trust – 1	<b>Head of Adult Services</b>	
Orchard Village Neighbourhood Management Board - 4	<b>Cabinet Member for Housing, Deputy Cabinet Member assisting Cabinet Member for Environment, Regulatory Services and Community Safety Councillor Jeffrey Tucker and Councillor Graham Williamson</b>	
Poyntz (a.k.a. Richard Poyntz's) and other charities	<b>Councillor June Alexander(until March 2020) Mr David Livermore (until March 2020) and Rev. Michael Sparrow (until March 2020)</b>	Appointed by Governance on 9 March 2016
Relate North East - 2	<b>Councillor Wendy Brice-Thompson and Councillor Jody Ganly</b>	
Reserve Forces & Cadets Association -1	<b>Councillor Barry Mugglestone</b>	
Romford Town Management Partnership	<b>Councillor Robert Benham Councillor Osman Dervish</b>	Appointed by Governance on 9 March 2016
<u>Romford Combined Charity Nominative Trustees</u> – 2	<b>Councillor Joshua Chapman (until 3.11.16) and Councillor Wendy Brice Thompson and Councillor Dilip Patel (until 3.11.18) Councillor Melvin Wallace (until 3.11.19)</b>	Cllr Wallace's appointment agreed by Governance on 9 March 2016
Safer Neighbourhood Board	<b>Cabinet Member for Environment Regulatory Services and Community Safety</b>	

Appointments to other Organisations 2016/2017

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Standing Advisory Council for Religious Education (SACRE) - 5	<b>Councillor Joshua Chapman , Councillor Jason Frost, Councillor Gillian Ford, Councillor Dilip Patel and Councillor Stephanie Nunn</b>	
Tenant Management Organisations - 3	<b>BETRA (Gooshays) – Councillor David Johnson DELTA (Squirrels Heath)- Councillor Damian White PETRA (St Andrews’) – Councillor John Mylod</b>	
Upminster Windmill Preservation Trust – 1	<b>Councillor Linda Hawthorn</b>	
Veolia ES Cleanaway Havering Riverside Trust - 1	<b>Councillor Robert Benham</b>	

## GOVERNANCE COMMITTEE

29 June 2016

**Subject Heading:**

**Amendments to Membership of Health and Wellbeing Board and associated changes to the Council's Constitution**

**CMT Lead:**

**Daniel Fenwick**, Director of Legal and Governance

[Daniel.fenwick@onesource.co.uk](mailto:Daniel.fenwick@onesource.co.uk)

01708 432714

**Report Author and contact details:**

Anthony Clements, Principal Committee Officer, 01708 433065

[Anthony.clements@onesource.co.uk](mailto: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  
People will be safe, in their homes and in the community  
Residents will be proud to live in Havering

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### SUMMARY

The report proposes some minor changes to the Constitution to reflect the revised membership of the Health and Wellbeing Board following a recent revision of the Board's terms of reference.

### RECOMMENDATIONS

That the Committee **recommends to Council** that:

1. The section of the table in the Appendix to Article 12 of the Constitution dealing with the Number of Members and any special requirements for the Health and wellbeing Board be amended to read as follows:

Four Councillors

Four Council Officers (Chief Executive, Director of Public Health, Director, Adult Services and Director, Children's Services)

Four representatives of Havering Clinical Commissioning Group

One member from Barking, Havering and Redbridge University Hospitals' NHS Trust (BHRUT)

One member from North East London NHS Foundation Trust (NELFT)

One member from NHS England

One member from Healthwatch Havering

2. Paragraph 16 (a) of the Committee Procedure Rules of the Constitution be amended to read as follows:

Quorum for Board meetings shall be nine members.

<b>REPORT DETAIL</b>
----------------------

The Health and Wellbeing Board has recently undertaken a review of its terms of reference. The review, led by the Acting Director of Public Health, concluded that it would be beneficial to now include on the Board one representative from each of Barking, Havering and Redbridge University Hospitals' Trust and North East London NHS Foundation Trust. This would considerably assist the Board's work by allowing direct input to discussions from providers as well as commissioners. Given the amended and increased proposed membership of the Board, it is also recommended that the quorum figure for the Board be adjusted accordingly. This report therefore seeks approval from the Committee to recommend to Council that the appropriate changes are made to the Constitution.

**Reasons for the proposed changes:**

The proposed amendments to the Constitution will enable the changes to membership of the Health and Wellbeing Board suggested by the recent review of the Board's terms of reference.

**Other options considered:**

Not amending the Constitution as outlined above would mean it would not be possible to have formal representation from providers on the Health and Wellbeing Board and would be contrary recent changes agreed by the Board to its terms of reference.

<b>IMPLICATIONS AND RISKS</b>
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**Financial implications and risks:**

There will be no financial implications for the Council of the proposed additional membership of the Health and Wellbeing Board.

**Legal implications and risks:**

The report proposes some minor changes to the Constitution that reflect a proposed change in membership of the Health and Wellbeing Board.

The Health and Social Care Act 2012 provides for the membership of the Board and includes the provision that it can include “such other persons, or representatives of such other persons, as the local authority thinks appropriate.”

Accordingly there is minimal legal risk in adopting these proposals.

**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 the proposed revised membership of the Health and Wellbeing Board is hoped to have a positive impact on health and social care services for all Havering residents.

<b>BACKGROUND PAPERS</b>
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None.

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## GOVERNANCE COMMITTEE

29 JUNE 2016

**Subject Heading:**

**Terms and Conditions Review –  
Progress Report**

**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:**

Update Committee Members on progress  
of the review.

**Financial summary:**

The content of the report relates to  
information and procedure and  
has 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 that the Committee will be asked to make a decision on changes to staff terms and conditions of service in the autumn and updates the Committee on the progress of the review.

**RECOMMENDATIONS**

That the Committee receive the report, notes its contents and records any comments for the guidance of officers conducting the review and the consultation with staff and trade unions.

<b>REPORT DETAIL</b>
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1. The Council is undertaking a review of the terms and conditions of service 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. 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.
2. Under section 112 of the Local Government Act 1972 this function is a non-executive function and, 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. For that reason, the Council, on 30<sup>th</sup> March 2016, delegated to the Governance Committee formal decisions in relation to Council wide changes to terms and conditions of service and amended the terms of reference of the Committee accordingly.
3. A formal decision on the final proposals arising from the review is not anticipated to be required before the autumn and possibly later. The review process has been underway for over a year and informal consultation with trade unions has recently begun prior to formal consultation with both staff and trade unions, now anticipated to start in September. It may be necessary to seek formal authority for actions in relation to this review before the final decisions about its outcome and it is important that the Committee is informed about progress and developments as the review progresses.
4. The Terms and Conditions Review applies to the vast majority of employees including corporate staff and support staff in in Community and Voluntary Controlled schools. The proposed new grading arrangements will not apply to some specialised staff but changes to allowances will potentially apply to all. The proposed changes will not require a withdrawal from existing National Agreements nor from the application of the Outer London Pay Spine which forms part of the London Agreement.
5. It is proposed to adopt more modern and relevant Job Evaluation Schemes, a revised grading structure whereby 33 grades are reduced to 18 each of 5 salary points and progression within the scale being subject to performance criteria. It is also proposed to reduce the value of most allowances e.g. overtime and enhancement rates.
6. Corporate managers and head teachers have been consulted on the proposals and informed of their anticipated impact. The recognised trade

unions have also been advised of the overall proposals, albeit in less detail so far, and have expressed concerns about some of them and how they will impact upon their members.

7. As a result of this feedback (especially from schools) some aspects of the grading structure have been revised and some of the proposals in relation to allowances are now being re-modelled.
8. Because of these changes it has been decided not to commence formal consultation before the summer holidays but instead to reschedule for a September launch. The time over the summer will be used to continue to informally consult with trade unions to identify any further issues which might be amended prior to formal consultation. Further consultation with Headteachers and Governing Bodies of Schools will also continue to ensure that all the issues specifically relevant to Schools have been identified and addressed as far as possible.
9. Further progress will be reported to future meetings of the Governance Committee prior to a full report setting out the conclusions of the review with final proposals for the Committee to consider.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:** There are no financial implications or risks arising directly from this report.

**Legal implications and risks:** There are no legal implications or risks arising directly from this report.

**Human Resources implications and risks:** The report relates to 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**

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## GOVERNANCE COMMITTEE

29 JUNE 2016

**Subject Heading:**

**MONITORING OFFICER NO 09  
AMENDMENTS TO THE  
CONSTITUTION**

**Report Author and contact details:**

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Governance & Monitoring Officer  
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Tel: 01708 432714

**Policy context:**

Monitoring Officer Amendments to the  
Constitution

**Financial summary:**

These changes are purely procedural and  
have no specific financial implications

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

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

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

### RECOMMENDATIONS

That:

The detailed changes to be made to the Constitution attached as Appendix B to this report be noted.

**REPORT DETAIL**

1. The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.
2. The amendments pick up legislative changes, a change in title following a restructure and typographical errors.
3. The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

**IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

**Financial implications and risks: None**

**Legal implications and risks:**

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution in given situations and these amendments are pursuant to and in accordance with those powers. There are no legal implications arising from this report.

**Human Resources implications and risks: None**

**Equalities implications and risks: None**

**BACKGROUND PAPERS**

**None**

## **SUBJECT: AMENDMENTS TO CONSTITUTION**

**Notification No. 9**

**Date 31<sup>st</sup> May 2016**

### **Notification of amendments to the constitution**

#### **Amendments made by the Monitoring Officer**

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

<b>Part and article/ section</b>	<b>Page ref</b>	<b>Substance of amendment / amended wording</b>	<b>Reason for amendment</b>
Part 3, Responsibility for Functions, Appendix A		<b>Trading Standards</b> Add the following <b>Enactment</b> : Criminal Justices Act 1988	Need to be authorised for under-age knife sale offences

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