



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 31 August 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:**  
**Grant Soderberg tel: 01708 433091**  
**e-mail: [grant.soderberg@onesource.co.uk](mailto:grant.soderberg@onesource.co.uk)**

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

### **2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

(If any) - receive

### **3 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 29 May 2016 and to authorise the Chairman to sign them.

### **5 EXCLUSION OF PRIOR APPROVALS FROM COUNCILLOR CALL-IN PROCESS** (Pages 5 - 16)

### **6 COUNCILLOR CAR PARKING - REFERRAL FOLLOWING FULL COUNCIL MOTION** (Pages 17 - 22)

### **7 MONITORING OFFICER NO 10 AMENDMENTS TO THE CONSTITUTION** (Pages 23 - 26)

### **8 TERMS AND CONDITIONS REVIEW - PROGRESS REPORT** (Pages 27 - 36)

*PLEASE NOTE: This report contains an EXEMPT appendix*

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

**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Town Hall, Main Road, Romford  
29 June 2016 (7.30 - 8.05 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Meg Davis (Chairman), Roger Ramsey, Damian White, +Robby Misir and +Michael White
<b>Residents' Group</b>	Ray Morgon, Barbara Matthews and +Jody Ganly
<b>East Havering Residents' Group</b>	Clarence Barrett and +Gillian Ford
<b>UKIP Group</b>	Lawrence Webb
<b>Labour Group</b>	Keith Darvill

Apologies were received for the absence of Councillors Melvin Wallace, Osman Dervish, Barry Mugglestone, Darren Wise and David Durant.

+Substitute Members: Michael White, Robbie Misir, Jody Ganly, Gillian Ford (for Melvin Wallace, Osman Dervish, Barry Mugglestone, and Darren Wise respectively).

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

There were no disclosures of interest.

Decisions were taken without division unless otherwise stated.

The Chairman opened the meeting by welcoming Kathryn Robinson who was the new Deputy Legal and Governance Director oneSource and Monitoring Officer for Havering. The Committee thanked Anne Brown who had fulfilled this function as an Interim for her support and guidance over the past months.

## **7 MINUTES**

The minutes of the meeting held on 26 May 2016 were agreed as a true record and signed by the Chairman.

## 8 **AMENDMENTS TO MEMBERSHIP OF HEALTH AND WELLBEING BOARD AND ASSOCIATED CHANGES TO THE COUNCIL'S CONSTITUTION**

The Committee was invited to consider a report proposing 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.

Members discussed whether the revised mix was appropriate as it contained service providers, but on being persuaded that the Board was not a commissioning body and that it worked in a collegiate manner,

The Committee unanimously agreed to:

### **Recommend 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.*

## 9 **TERMS AND CONDITIONS REVIEW - PROGRESS REPORT**

The report before the Committee anticipated that the Committee would be asked to make a decision on changes to staff terms and conditions of service in the autumn and updated the Committee on the progress of the review..

Various Members raised queries about the anticipated delay in completing the review which was now being postulated as culminating in spring 2017. There was concern that Members might find themselves marginalised if time-tables were squeezed during the next few months and sought reassurance that they would receive a further report before consultation

commenced. The Strategic HR Partner (Transformation) sought to allay those concerns by reassuring the Committee that a further report would be provided either in time for the next scheduled meeting or, if this was not practical, an informal briefing would be arranged.

With this assurance, the Committee **NOTED** the report.

10 **MONITORING OFFICER NO 09 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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# Havering

LONDON BOROUGH

## GOVERNANCE COMMITTEE

31 August 2016

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<b>Subject Heading:</b>	<b>Exclusion of Prior Approvals from Councillor Call-In Process</b>
<b>CMT Lead:</b>	Steve Moore, Interim Group Director, Neighbourhoods
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Manager <a href="mailto:helen.oakerbee@haverling.gov.uk">helen.oakerbee@haverling.gov.uk</a> 01708 432800
<b>Policy context:</b>	Council's Constitution
<b>Financial summary:</b>	None

### 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	[X]
Residents will be proud to live in Havering	[X]

### SUMMARY

Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions. This report sets out the current approach to handling requests from Councillors to call in these applications to Regulatory Services Committee for determination.

This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow. This detail is set out in the report below. The original report is appended.

<b>RECOMMENDATIONS</b>
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That the Governance Committee:

1. **Confirms** the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant.

If the Committee confirms the proposal above:

2. To **refer the proposal to Council** for ratification and, in the interim, the proposal will take effect.

<b>REPORT DETAIL</b>
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1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. Planning legislation currently allows for various prior approval submissions to be made. The list below identifies those submissions likely to be received by the Council. The timescale quoted in brackets is the period the Council has to make, and for the applicant to be in receipt of, its decision:
  - a. Larger Home Extensions (42 days, 6 weeks)
  - b. Certain changes of use (56 days, 8 weeks)
  - c. Certain temporary uses of building or land (56 days, 8 weeks)
  - d. Certain agricultural development (28 days, 4 weeks)
  - e. Forestry developments (28 days, 4 weeks)
  - f. Click and collect facilities (56 days, 8 weeks)
  - g. Demolition of buildings (28 days, 4 weeks)
  - h. Installation or alteration of solar equipment on non-domestic premises (56 days, 8 weeks)
  - i. Telecommunications development (56 days, 8 weeks)
3. In each case, if the applicant does not receive the Council's written notice of decision within the timescales stated, then the Council's decision



automatically defaults to an approval irrespective of what the Council's decision would have been.

4. This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow.
5. All 32 London Boroughs were asked how they approach prior approval decision making and whether these types of submissions are reported to their equivalent Regulatory Services Committee. A response was received from 23 Boroughs, details of which are set out in the table below:

<b>London Borough</b>	<b>Approach</b>
Barking & Dagenham	Delegated powers primarily, however if there are 5 or more objections and the likely recommendation is approval, the agreement of the Chair and Deputy Chair of the Planning Committee is needed
Bexley	Delegated powers only
Bromley	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this.
Camden	Delegated powers only
City of London	Delegated powers only
Croydon	Delegated powers only
Ealing	Delegated powers only
Greenwich	Delegated powers only
Hammersmith & Fulham	Delegated powers only
Harrow	Delegated powers only
Hounslow	Delegated powers only
Islington	Delegated powers only
Kensington & Chelsea	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this. Receive few prior approvals
Kingston	Delegated powers only
Lewisham	Delegated powers only
London Legacy Development Corporation	Delegated powers only
Merton	Development powers only
Newham	Delegated powers only
Redbridge	Delegated powers only
Richmond	Larger home extensions via delegated powers. Delegated powers primarily for all other types of prior approval although Members retain the right to call-in to committee. Fortnightly committees

	facilitate this
Tower Hamlets	Delegated powers only
Wandsworth	Delegated powers primarily although 1 prior approval was called into committee after it received 700 objections.
Westminster	Delegated powers primarily, although for controversial scheme Members can ask for them to go to committee

6. Most of the London Boroughs who responded confirmed that the decisions are taken via delegated powers. Where a call-in ability exists, those Boroughs mainly have fortnightly meetings which enable reports to be taken within the prescribed timescales described at paragraph 2 above.
7. With regards to notifying Members about these submissions, the Planning Team currently produce a Weekly List which sets out all the planning applications received during the preceding week by ward. The Weekly List is published each Tuesday and is currently emailed to all Ward Councillors and published online via the Council's website. It is proposed that the scope of the Weekly List is expanded to include all prior approvals.
8. The Committee also asked for confirmation of the process involved for each of the prior approval types the Council commonly receives. The Council receives four main types of prior approval submissions: Larger Home Extensions, certain Changes of Use (primarily office to residential), Demolitions and Telecommunications Development. The process involved with each submission is set out below:

**Larger Home Extensions (42 days, 6 weeks)**

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (Y prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter and neighbours are notified. Neighbours have a 21 day period to make comments
- If no comments are received during the 21 day period, then no further assessment is undertaken and confirmation of prior approval not being required is issued to the applicant in writing
- If comments are received, a case officer is assigned. The case officer visits the application site to assess the impact of the proposal upon neighbouring amenity
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required)
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Application within 42 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be completed on or before 30 March 2019 and the development must notify the Council of the completion in writing, as soon as reasonably practicable after completion

- The Council receives no fee for these submissions
- During 2015-16, the Council determined 254 prior approvals for larger home extensions (this does not include submissions withdrawn prior to determination)

**Changes of Use (56 days, 8 weeks)**

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (J prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter
- Neighbours and consultees are notified. Both have a 21 day period to make comments
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). Depending upon the type of change of use proposed, the Officer Report can only assess certain planning matters. For example, for an office to residential prior approval (the type the Council receives most of), the report will review the transport and highways impacts of the development, noise impact, contamination and flooding risks on the site
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be commenced within 3 years starting with the date prior approval was given
- The Council receives £80 for each submission
- During 2015-16, the Council determined 24 prior approvals for changes of use (this does not include submissions withdrawn prior to determination)

**Demolitions (28 days, 4 weeks)**

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (F prefix) and validation check is carried out to make sure that the application is complete
- Applicant must display a site notice by site display on or near to the land on which the building to be demolished is sited. The notice must be displayed for 21 days
- Applicant is sent acknowledgement letter
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). This solely focusses on the method for demolition
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 28 days of receipt (Day 1 is the day after the application is received)
- If approved, the demolition must be completed within 5 years starting with the date prior approval was given

- The Council receives £80 for each submission
- During 2015-16, the Council determined 5 prior approvals for demolition (this does not include submissions withdrawn prior to determination)

**Telecommunications Development (56 days, 8 weeks)**

- Application can be submitted via the Planning Portal, by post or email
  - Application number is allocated (M prefix) and validation check is carried out to make sure that the application is complete
  - Applicant is sent acknowledgement letter
  - Neighbours and consultees are notified. Both have a 21 day period to make comments
  - An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). The assessment can only focus upon the siting and appearance of the installation
  - The recommendation is reviewed by a Team Leader or Manager and signed off
  - The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day the application has been received)
  - If approved, the development must be commenced within 5 years starting with the date prior approval was given
  - The Council receives £385 for each submission
  - During 2015-16, the Council determined 30 prior approvals for telecommunications development (this does not include submissions withdrawn prior to determination)
9. The original report presented to Governance Committee on 26 May 2016 is appended.

<b>IMPLICATIONS AND RISKS</b>
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**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.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution and will be presented to Full Council to make the final decision on whether to accept the proposal.

**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.

<b>BACKGROUND PAPERS</b>
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None

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<b>Subject Heading:</b>	<b>Exclusion of Prior Approvals from Councillor Call-In Process</b>
<b>CMT Lead:</b>	<b>Andrew Blake-Herbert</b> , Group Director, Communities and Resources
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Manager <a href="mailto:helen.oakerbee@havering.gov.uk">helen.oakerbee@havering.gov.uk</a> 01708 432800
<b>Policy context:</b>	Council's Constitution
<b>Financial summary:</b>	None

**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	[X]
Residents will be proud to live in Havering	[X]

<b>SUMMARY</b>
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Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions. This report sets out the current approach to handling requests from Councillors to call in these applications to Regulatory Services Committee for determination.

<b>RECOMMENDATIONS</b>
------------------------

That:

1. The Committee confirms the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought from the applicant.
2. If the Committee confirms the proposal above then the proposal will take effect in the interim until the matter is put before Full Council.

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

1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. Planning legislation currently allows for various prior approval submissions to be made. The list below identifies those submissions likely to be received by the Council. The timescale quoted in brackets is the period the Council has to make, and for the applicant to be in receipt of, its decision:
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  - f. Click and collect facilities (56 days, 8 weeks)
  - g. Demolition of buildings (28 days, 4 weeks)
  - h. Installation or alteration of solar equipment on non-domestic premises (56 days, 8 weeks)
  - i. Telecommunications development (56 days, 8 weeks)
3. In each case, if the applicant does not receive the Council's written notice of decision within the timescales stated, then the Council's decision



automatically defaults to an approval irrespective of what the Council's decision would have been.

4. Committee Procedure Rule 13(e) of the Council's Constitution sets out the framework and circumstances under which a Councillor can call-in an application for determination at the Regulatory Services Committee. Constitutionally, a Councillor is able to call-in any application.
5. Given the consequences of decision making on prior approval submissions outside of timescales identified in paragraph 2, requests to call-in a prior approval submission by a councillor (as per the call-in process) have historically been declined by officers. This is because it can be very difficult to thoroughly consider a submission, prepare a report and present it to a committee meeting (which occurs every three weeks) within the timescales prescribed to enable the subsequent decision to be dispatched and received by the applicant. This is particularly challenging for those prior approval submissions which require determination within 28 or 42 days (4 or 6 weeks) of receipt.
6. As a result of a recent councillor query as to the constitutional basis for declining a request to call-in a prior approval submission (in that case, a proposal for a telecommunications installation), this report has been prepared to seek formal confirmation from the Governance Committee that the approach employed by officers to-date should continue and that prior approval submissions cannot be called-in to committee for decision.
7. The only exception to this arrangement would be in instances where the applicant has agreed to formally extend the time period available to make a decision, as permitted by Paragraph 7 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). In such cases, the applicant has to expressly agree in writing to an extension of time. Securing such an extension would enable the associated prior approval to be reported to the Regulatory Services Committee. Where there is no agreement however, the Council has to make its decision within the prescribed timescales identified so as to prevent a default approval.

### **IMPLICATIONS AND RISKS**

#### **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.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution and will be presented to Full Council to make the final decision on whether to accept the proposal.

**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.

<b>BACKGROUND PAPERS</b>
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None

## GOVERNANCE COMMITTEE

31 AUGUST 2016

<b>Subject Heading:</b>	<b>Councillor Car Parking - Referral following full Council motion</b>
<b>CMT Lead:</b>	<b>Jane West MD oneSource</b>
<b>Report Author and contact details:</b>	Mark Butler, Director of Asset Management Services oneSource 01708 432947 <a href="mailto:Mark.butler@onesource.co.uk">Mark.butler@onesource.co.uk</a>
<b>Policy context:</b>	Staff and Councillor Parking Policy
<b>Financial summary:</b>	There are no financial implications resulting from 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	X
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input type="checkbox"/>

### SUMMARY

At its meeting on 13 July, Council resolved that: *This Council, in recognising that when the charges for staff car parking were introduced they also applied to councillors who did not wish to impose on staff charges which they were unwilling to accept themselves, wishes this principle to continue and requests Governance Committee to review the implementation of the current scheme in order to ascertain whether any practical adjustments are appropriate*

In accordance with this, the following report is submitted to the Governance Committee for Members to consider how best to implement Council's expressed wishes.

<b>RECOMMENDATIONS</b>
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That the Governance Committee:

1. Agree any recommendations for amendments to the existing policy and refer them to the appropriate officer for executive decision

<b>REPORT DETAIL</b>
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At the meeting of full Council on 13<sup>th</sup> July 2016, Councillors considered a motion on behalf of the Independent Residents' Group to make minor amendments to the existing arrangements for Councillor car parking at Havering Town Hall.

Council agreed the proposed revision subject to an Amendment by the Conservative Group to request that Governance Committee review the implementation of the current scheme in order to ascertain whether any practical adjustments are appropriate.

### **Background**

1. The current Staff Parking Policy was adopted in April 2011, withdrawing general free parking for staff and enabling employees to purchase a permit to park within the Town Hall, Como Street and Angel Way car parks for a sum of £30 per month, or £300 per annum if purchased in advance.
2. As a result of consultation with Cabinet Members at that time it was agreed the same principles should apply to Councillors using the Town Hall car park, broadly such that:
  - Free parking within the Members' Car Park would continue to be available for attendance at formal meetings (generally evening meetings but including some specific day-time meetings)
  - Councillors requiring extended day-time parking on the Town Hall site could purchase a permit on the same terms as Council staff (i.e. of £30 per month, or £300 per annum if purchased in advance.
3. These broad principles were refined for operational purposes into the existing policy:

### **Current Councillor Parking Policy**

*Parking for councillors is free in the following circumstances:*

- *Attendance at formal meetings during the day (e.g Licencing Committee, School Appeals) – 'formal' is defined as those meetings supported by the Democratic Services*

- *Attending daytime briefings or meetings at the invitation of the Leader of the Council*
- *All evening meetings (using their ID pass to access the CMT/Members car park after 5.00pm or the adjacent public pay and display bays which are free after 6.00pm)*

*Beyond the circumstances above, paid parking is available as follows:*

- *Councillors who need to attend the Town Hall on a daily basis can purchase a permit at a reduced rate. Payment can be deducted at source from Members' Allowances. Paying the full monthly/annual amount will also entitle permit holders to use any of the allocated staff car parks on weekdays and Saturdays (excludes Angel Way Multi-storey on a Saturday) - a windscreen permit will be provided.*
- *Alternatively, for more occasional parking not involving formal meetings, councillors can purchase a Pay and Display ticket from the public machine near the entrance to the Town Hall.*

*Subject to available space, access to the CMT/Member car park before 5.00pm can be obtained by 'buzzing' Reception from the entrance barrier but Councillors are asked to ensure that a valid permit (pre-paid or pay & display) is on display when required.*

#### **Operational issues and Proposals**

4. Generally speaking, the current arrangements work successfully without any day to day issues.
5. 5 councillors currently pay for their parking permit, enabling them to park within the Members car park throughout the day.
6. The only operational issue appears to arise from the practice of requesting those councillors without a permit to 'buzz' Reception when requiring access to the Members car park during the day i.e. before 5pm, beyond which point the barrier raises automatically when the Councillors access card is presented at the entrance..
7. This practice was incorporated into the original arrangements in order to protect councillors from any potential allegation that the benefit of free parking was being used for any activities outside of Council business. It is evident on occasions that individual councillors query/challenge the need to demonstrate to reception staff that they are attending the Town Hall for Council business.
8. The proposal submitted in the motion to Council by the Independent Residents' Group seeks to qualify the existing policy by adding to the current policy statement as follows:

*Subject to available space, access to the CMT/Member car park before 5.00pm can be obtained by 'buzzing' Reception from the entrance barrier **stating that they are engaged upon bona-Fide Council business** Councillors are asked to ensure that a valid permit (pre-paid or pay & display) is on display when required.*

9. If Members wish to dispense with the need to confirm attendance on Council business for day-time parking, it is suggested that an easier method of achieving this would be to adjust the settings on the access control to the Members car park such that the barrier raises at any time of the day to allow access to councillors.
10. The question has also been posed as to why the policy differentiates meetings supported by Democratic Services, rather than apply free parking to councillors attending any Council meeting. These limitations were applied to recognise that some Councillors (primarily Cabinet Members) were proposing to pay for their parking permit and if the availability of free parking for councillors were more ubiquitous, it would undermine the purpose/need to pay for a permit.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

There are no financial implications posed by the proposals within this report, other than the use of existing staff/Members' time. Should the working group propose changes which are ultimately adopted this may have a minor impact on the level of car parking income received by the Council.

### **Legal implications and risks:**

The determination of parking policy for members is a policy matter for the Council to determine and it has a wide discretion, which is likely to enable any of the proposed options. Members receive a basic allowance under the Members Allowance Scheme (established under the Local Authorities Members Allowances Regulations 2003) and this is intended to cover the expenses of carrying out the activities of a councillor and special responsibility allowances are paid to certain members carrying out additional duties – which may include additional attendance at meetings.

It would be reasonable to consider these allowances includes parking charges and some authorities' schemes make provision for travel and parking expenses, especially out of borough travel, but it is not required to view parking expenses as included in the basic allowance.

If parking is provided as an additional free benefit to members outside of the allowance scheme (especially where others would normally pay) it is important that potential tax considerations are taken into account before implementing any scheme.

As to access to the Car Park, this is again a matter of policy. However, it is advised that any scheme is precise in its terms for the benefit of both councillors and officers and it is advised that the phrase "bona fide" is insufficiently precise and open to subjective interpretation, which may lead to further issues. It is recommended that any

amendments consider a finite list of specific types of attendance to avoid this risk. Categories that may wish to be considered are:

- a. Formal committee, council and executive meetings
- b. Executive/Administration non-decision making meetings and briefings
- c. Formal political group meetings
- d. Other Council organised meetings
- e. Case work / constituent meetings
- f. Where express permission has been granted by the Chief Executive (or other person) to park for a specific meeting etc. (as a residual category to allow ad hoc attendance where it is necessary)

This is not an exhaustive list and, it is our advice, that consideration will also need to be given to the limited capacity of the car park and some prioritisation is given and possibly time limited parking, subject to avoiding an over-complex scheme. The above list is in a suggested order of priority with decision-making and Administration meetings prioritised, as these form the core of Council business.

It is likely that any scheme would have to operate on trust and with enforcement at first instance via political group discipline. However, it is recommended that any policy expressly states that a breach of the policy would be considered to be a breach of the Code of Conduct for members. Finally, it is advised that it is important to consider the public perception of any proposed policy.

**Human Resources implications and risks:**

There are no HR implications arising from this paper

**Equalities implications and risks:**

In terms of protected characteristics, the relevant aspect in the context of parking is the provision for individuals with disabilities.

Proximity parking is provided for anyone (officer or councillor) requiring access to a suitable bay.

**BACKGROUND PAPERS**

None

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## GOVERNANCE COMMITTEE

31 AUGUST 2016

**Subject Heading:**

**MONITORING OFFICER NO 10  
AMENDMENTS TO THE  
CONSTITUTION**

**Report Author and contact details:**

**Kathryn Robinson** Deputy Director Legal  
& Governance & Monitoring Officer  
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Tel: 01708 432242

**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 appended 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. 10**

**Date 28 July 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 3.5.6(f)	79	Delete existing paragraph 3.5.6 (f)  To take deferred payments charges against interests in property in accordance with section 34 Care Act 2014 and associated Regulations  and replace with:  "To take charges against interests in property in accordance with the following legislation: section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations. To release charges taken (pursuant to the following legislation: section 22 of the Health and Social Services and Social Security Adjudication Act 1983 and associated Regulations; section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations) against interests in property".	The amendments are required to correct an omission to specified statutory powers exercised (to place charges on land to secure care fees) and to provide clarity that the complimentary charge removal functions are also exercisable.

<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	112	<b>Environmental Health</b> Add the following <b>Enactment</b> : Highways Act 1980 Part IX	To facilitate enforcement of obstruction of highways by A boards by selected environmental health staff as well as waste enforcement staff
Part 3, Responsibility for Functions, Non-Executive Functions,  B Licensing and Registration Functions	130 136	<b>Environmental Health</b> Changes of Functions 25 and 73 to 75 (inclusive) relating to scrap metal dealers/collectors for matters to be referred to Lead Member where the matter is contested rather than to Licensing Committee	Home Office have confirmed that the Scrap Metal Dealers Act 2013 is an 'executive' function
Part 3, Responsibility for Functions, Non-Executive Functions,  B Licensing and Registration Functions	Various	<b>Environmental Health</b> Changes of Functions 16 to 18, 22, 24, 29 to 34, 36 and 40 to 46 to delete the wording "... with reference as above ..."	Licensing Committee can only have Licensing Act 2003 and Gambling Act 2005 referred to it in cases of dispute.
Part 3, Responsibility for Functions, Non-Executive Functions,  B Licensing and Registration Functions	111-116	<b>Trading Standards</b> Remove the need for approval by the relevant Cabinet member to undertake proceedings under legislation marked with the letter 'T'.	Lead Member approval not necessary

## GOVERNANCE COMMITTEE

31 AUGUST 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](mailto: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.

<b>RECOMMENDATIONS</b>
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That the Governance Committee:

1. Notes the report's contents
2. 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 (T&C's) of service of its staff. The purpose of the review is to identify and replace those existing T&C's that are inconsistent, outdated or do not assist the delivery of services. As well as creating a set of T&Cs 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.
2. 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. 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 T&C's and amended the terms of reference of the Committee accordingly. A formal decision on the final proposals arising from the review is not anticipated to be required before the autumn and possibly later.
3. The Council aims to commence consultation with staff on the T&C's proposals on 19 September 2016. In accordance with statutory requirements, the consultation period will run for at least 45 days to 2 November (though this may be extended if necessary). Implementation will be subject to a number of factors (including the formal decision of the Governance Committee) but is anticipated to be as early as possible in 2017.
4. A brief summary of the Council's draft proposals were provided to the Governance Committee at its meeting on 29 June 2016. The Committee were advised that the draft proposals were likely to be amended through the

summer in response to further feedback from corporate Heads of Service and from Head Teachers in Community and Voluntary Controlled schools. Additionally, trade unions have been informally consulted on the draft proposals and some adjustments have been made. The detailed proposals (which will form the basis of consultation) are due to be signed-off by the Chief Executive on 2 September.

5. The Governance Committee requested that a more detailed summary of the proposals be provided at the 31 August Committee meeting for information. A full set of the latest draft proposals is therefore set out at Appendix 1 (as at 19/8/16). It should be noted that these proposals are still provisional at this stage but are not expected to change significantly before the launch of consultation.
6. To launch the consultation process, staff will be invited to a series of presentations/briefing sessions during the period from 13-23 September, delivered by the Chief Executive, members of the Strategic and Corporate Leadership teams and, in schools, by Head Teachers. Each employee will receive an Employee Consultation Pack comprising a cover letter from the Chief Executive, a full set of the Council's proposals together with details of how the Council's proposals would impact on them as an individual.
7. To support the consultation process, further detailed information will be placed on the Council's T&C intranet page (including Frequently Asked Questions) as well as access to phone and email hotlines for staff to raise any queries. A series of "drop-in sessions and surgeries" will be provided by HR staff at various Council sites (including schools) during the consultation period to provide staff with face to face support as necessary. The focus of consultation/negotiation will be through the T&C Consultation Forum with the recognised trade unions.
8. As well as listening to staff, responding to their feedback on the Council's proposals and making adjustments to the proposals where it is considered appropriate to do so, one of the primary aims of consultation is to try to achieve a collective agreement with the trade unions regarding the Council's proposals.
9. Progress reports during consultation will be provided 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 for implementation.

<b>IMPLICATIONS AND RISKS</b>
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**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.

<b>BACKGROUND PAPERS</b>
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**None**



By virtue of paragraph(s) 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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