



Havering

L O N D O N B O R O U G H

GOVERNANCE COMMITTEE AGENDA

7.30 pm	Wednesday 30 August 2017	Town Hall, Main Road, Romford
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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 - 4)

To approve as a correct record the minutes of the Committee held on Thursday 20th July, 2017, and to authorise the Chairman to sign them.

5 CONSTITUTION UPDATE (Pages 5 - 24)

6 CHANGES TO THE STAFF EMPLOYMENT PROCEDURE RULES (Pages 25 - 42)

The Committee will be asked to make decisions as detailed in the report as follows:

1. Amendments to the Chief Officer Appointments Process to reflect non-permanent appointments.
2. Amendments to the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment
3. Proposed change of terminology

7 OVERVIEW & SCRUTINY REVIEW - CROSS PARTY REVIEW GROUP TERMS OF REFERENCE (Pages 43 - 46)

8 APPOINTMENTS TO OTHER ORGANISATIONS, 2017/18 (Pages 47 - 50)

Andrew Beesley
Head of Democratic Services

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Committee Room 3A - Town Hall
20 July 2017 (7.30 - 7.50 pm)**

Present:

COUNCILLORS

Conservative Group Meg Davis (Chairman), Melvin Wallace (Vice-Chair),
Roger Ramsey, Damian White and Roger Westwood

Residents' Group Ray Morgon, Barbara Matthews and
Barry Mugglestone

Labour Group Keith Darvill

Independent Residents Group David Durant

Apologies were received for the absence of Councillor Osman Dervish who was substituted by Councillor Roger Westwood, Councillor Clarence Barrett who was substituted by Councillor Linda Hawthorn and Councillor Darren Wise, who was substituted by Councillor Alex Donald.

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

1 DISCLOSURE OF INTERESTS

There were no declarations of interest.

2 TERMS AND CONDITIONS REVIEW - DECISION REPORT

The Chief Executive, Andrew Blake-Herbert addressed the Committee in respect of the Terms and Conditions Review and introduced the report of Julian Sivill, Strategic Human Resources Partner.

The Terms and Conditions Review had been going on for a while and a great deal of time had been spent trying to secure the best possible solution for all Havering Employees. During this time the diligence of the trade unions, who worked with the Council to make sure the proposals were as fair, reasonable and consistent as possible, and the support and professionalism of colleagues has been very much appreciated.

The purpose of the review was twofold:

1. To identify and replace those existing Terms and Conditions (T&C's) that were inconsistent, outdated or did not assist in the delivery of services, and
2. To develop a set of T&C's that are modern and more fitting to the Council's business needs whilst achieving the Council's medium term financial plan to deliver savings of £0.5 million in 2017/18.

A provisional set of proposals was received by the Committee in August 2016 which was followed by extensive employee consultation the procedure for which is set out in detail in paragraphs 10 to 21 of the report.

It was fully appreciated that at the heart of this process were individuals and families who would have an impact on their take home pay whilst navigating a way to ensure Havering ran a successful and prosperous Council which meets the needs of all its residents. T&C's are crucial to staff morale, motivation and productivity.

A further update on progress was considered by the Governance Committee in January, 2017. It was necessary to try and reach a Collective Agreement and the Trade Unions agreed to ballot staff.

The CE was delighted to announce to the Committee that a Collective Agreement had been reached following confirmation by the trade unions on the day of the meeting.

As a result of this, Recommendation 3 in the report was withdrawn and removed.

Julian Sivill addressed the Committee and talked through the detail of the report. Following the job evaluation and appeals process Job Evaluation Outcomes were modelled and an Equalities Impact Analysis was carried out.

Tables in the report denote the impact on pay. Across the organisation in relation to basic pay, 77% of employees would see either no change in basic pay or a slight increase. In relation to the Teaching Assistant 2 roles the impact is denoted in table 2 on page 8 of the agenda pack. Across the organisation, the Post Consultation Proposals result in 69.9% of employees either seeing no change in their contractual pay or will see an increase.

The main conclusions of the Equalities Analysis were that:

- No one group of people with a protected characteristic is significantly adversely affected as a result of the Council's proposals, and
- The proposals will have a positive impact on the Gender Pay Gap.

Throughout the consultation period the Council's aim was to try and reach a Collective Agreement. It is to the credit of all involved that this has been possible.

The estimated £0.872 Million cost reduction to the General Fund Budget will meet the budgeted savings from 2018/19 but there will be a shortfall against the saving target agreed by Council in 2017/18.

The Leader congratulated the hard work of all involved both officers and Trade Unions for the very constructive approach they had taken and noted that other Councils have already been through this process some without the same level of agreement and progress

There followed general discussion and the recommendations were put to the vote.

The recommendations were carried by 12 votes to 1, with Councillor David Durant voting against.

The Governance Committee:

1. Delegated authority to the Chief Executive to take such actions and steps necessary for the completion and signing of a Collective Agreement with trade unions (including the actual signing of the Collective Agreement document on behalf of the Council). This to include any necessary changes to the wording of the Collective Agreement excluding any changes to the substance of the proposals themselves.
2. Approved the Final (Collective Agreement) Proposals detailed at Appendix 1 and the recommended Implementation Date of 1st September, 2017 but delegated authority to the Chief Executive to adjust that date for corporate directorates and/or Community/Voluntary Controlled schools by up to 3 months if necessary.
3. Approved the proposal to meet the one-off pay protection and other costs in Community/Voluntary Controlled schools from the Risk Reserve as detailed at paragraph 24 (Table 5) of the report.

3 EXCLUSION OF THE PRESS AND PUBLIC

It was not necessary to exclude the press or public.

Chairman

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GOVERNANCE COMMITTEE

30th August, 2017

Subject Heading:

Constitution Update

SLT Lead:

Andrew Blake-Herbert

Report Author and contact details:

***Kathryn Robinson, 01708 432242,
Kathryn.robinson@onesource.co.uk***

Policy context:

Council Constitution

Financial summary:

None

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

Communities making Havering	[x]
Places making Havering	[]
Opportunities making Havering	[]
Connections making Havering	[]

SUMMARY

During the course of this municipal year it is proposed that parts of the Council's Constitution be reviewed and updated. This will focus particularly on the scheme of officer delegation and the Codes. Consideration will also be given to whether there are opportunities to make the document more concise and easier to amend where changes occur. This report notifies members of amendments arising from the changes in the management and departmental structures and functions. The report also proposes minor variations to the arrangement of the Members' Code of Conduct to make the requirements clearer, and updates members on proposed steps to be taken by the Monitoring Officer to assist members in understanding their obligations under the Code. Further reports on proposed changes will be presented to this Committee during the course of this year.

RECOMMENDATIONS

That members:

1. Note the updates to the Constitution outlined in this report
2. Agree the proposed changes to the Councillor Code of Conduct be recommended to Council

REPORT DETAIL

Updates to the Constitution

1. During the course of the last nine months there have been various changes to the management structure of the Council and the services and functions carried out by the respective departments. The Senior Leadership Team now comprises the Chief Executive and four Directors, with departments for Neighbourhoods, Children, Adults, and the Chief Operating Officer. Within the Departments the structures have also been revised, for example in the Neighbourhoods Department there are now three Assistant Director Posts to lead in the areas of environment, development and housing. The Constitution records the delegations given to officers to undertake executive and council functions and it has been amended to reflect the new departmental and management structure. The type or level of delegation has not been altered, what has changed are the posts to which those delegations have been given. The Monitoring Officer has been given authority to make those changes both directly by Council and in the powers delegated to the Monitoring Officer in the Constitution. The Monitoring Officer has also made changes where necessary to update references to legislation. The constitutional requirements are that such changes be reported to the Governance Committee.

The Members' Code of Conduct

2. The Localism Act 2011 requires that all Councils have a Councillor Code of Conduct. The content is largely a matter for local determination but the Code must be based on the principles of conduct in public office set out in the Act. The Council has a Code of Conduct which is included in Part 5 of the Council's Constitution. Included within the Code are the obligations on members to record and declare interests. The Localism Act 2011 introduced the need to record Disclosable Pecuniary Interests (DPIs) in addition to such other interests as the Council sought to include in its Code. The Council's

current Code accurately reflects the legal requirements, but would benefit from a re ordering of the requirements so as to place appropriate weight and focus on the DPIs and to make the arrangements clearer for Members.

3. There is also a proposed substantive change to the Code, namely deleting paragraph 8 (3) so that any personal interest arising from membership or management of bodies specified in the Code are declared at the meeting on the same basis as other interests.
4. The proposed changes are shown as track changes in the Code attached as **Appendix 1**. Governance Committee is advised to recommend these changes to Full Council.
5. The remit of this Committee includes responsibility for promoting and maintaining high standards of conduct by the Members and Co-opted Members of the Council. Members' understanding of and compliance with the Code ensures robust Council decision making and enhances public confidence in the workings of the Council.
6. Various steps are being taken by the Monitoring Officer to raise the profile of the requirements of the Members' Code of Conduct. A refresh of Members' declarations of personal interests is underway with a request to Members to update their declaration of interests. This was dispatched to members to coincide with the appointment of members to outside bodies which was the subject of a separate report before the last meeting of this committee; membership of outside bodies will need to be included (or in some cases deleted) from members' declarations of interests.
7. Members will also be provided with an annual update on conduct issues by the Monitoring Officer. This will be produced in the summer each year and will set out guidance on matters such as bias and predetermination and use of social media and IT. Guidance will also be sent during the year and as when considered appropriate.
8. Over the course of this municipal year there will be a review of the other Codes that form part of the Constitution (for example Member/Officer Relations) and any proposed changes will be brought to this Committee for consideration. It is important that these are reviewed and refreshed from time to time. In view of the forthcoming local elections in 2018 and the possibility of new members, it is an opportune moment to review the Codes and policies relating to councillors so that they are up to date in readiness for the 2018 members' induction programme.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

The Localism Act 2011 Chapter 7 requires that the Council has a Code of Conduct, and sets out provisions for the recording and declaration of members' Disclosable Pecuniary Interests and any other interests that the Council may determine in its Code be disclosed.

Human Resources implications and risks:

None

Equalities implications and risks:

There are no specific equalities implications arising from this report.

Background Documents

None

MEMBERS' CODE OF CONDUCT

Members or co-opted members of the Council of the London Borough of Havering have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Personal conduct

Accordingly, Members must act solely in the public interest and:

- Never improperly confer an advantage or a disadvantage or seek financial or other material benefits for family members, friends or close associates
- Never place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties
- Make all decisions on merit alone
- Are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office
- Be open as possible about their decisions and actions, and those of the Council, be prepared to explain the reasons for those decisions and actions
- Disclose any private interests, pecuniary or non-pecuniary, that relate to their public duties and take steps to resolve any conflicts of interest that arise, including registering and declaring interests in accordance with the Council's agreed procedures
- Ensure that they do not use, nor authorise the use by others of, facilities provided by the Council for any purpose that would be improper, including for party political purposes, and must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986
- Promote and support high standards of conduct when serving in their public post, in particular as characterised by the requirements of this Code, by leadership and by example

As a Member of the Council, each Member will in particular address the statutory principles of the code of conduct by:

- Championing the needs of all residents and putting those interests first.
- Dealing with representations or enquiries from residents, members of local communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including their own financial interests or those of others connected to them, to deter them from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or

organisations who might seek to influence the way they perform their duties as members/co-opted members of the Council.

- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for their decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all the Council's legal obligations, alongside any requirements contained within its policies, protocols and procedures, including on the use of the Council's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those they work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Members will be expected to comply with the Council's policies on Equality in Employment, Equality in Service Provision and Harassment and Bullying at Work.

Interests

1 Notification of interests

~~(1) You must, within 28 days of your election or appointment to office (where that is later),~~

~~(a) notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and~~

- ~~(b) notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.~~
- ~~(2) You have a personal interest in any business of your authority where either—~~
- ~~(a) it relates to or is likely to affect—~~
- ~~(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;~~
- ~~(ii) any body—~~
- ~~(aa) exercising functions of a public nature;~~
- ~~(bb) directed to charitable purposes; or~~
- ~~(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;~~
- ~~(iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.~~
- ~~(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.~~

2 Disclosure of personal interests

~~(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~

~~(2) (A) You have a personal interest in any business of your authority~~

~~(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or~~

~~(ii) It relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.~~

~~(B) In sub-paragraph (2)(A), a *relevant person* is—~~

~~(i) a member of your family or any person with whom you have a close association; or~~

~~(ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;~~

~~(iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or~~

~~(iv) any body of a type described in paragraph 1(2)(a)(i) or (ii).~~

~~(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~

~~(4) Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.~~

~~(5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you~~

~~must ensure that any written statement of that decision records the existence and nature of that interest.~~

3 Register of interests

~~Any interests notified to the Monitoring Officer will be included in the register of interests.~~

~~A copy of the register will be available for public inspection and will be published on the authority's website.~~

4 Sensitive interests

~~Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.~~

5 Non-participation in case of pecuniary interest

~~(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—~~

- ~~(a) affects your financial position or the financial position of a person or body described in paragraphs 1(2) or 2(2); or~~
- ~~(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.~~

~~(2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—~~

- ~~(a) You may not participate in any discussion of the matter at the meeting.~~
- ~~(b) You may not participate in any vote taken on the matter at the meeting.~~
- ~~(c) If the interest is not registered, you must disclose the interest to the meeting.~~
- ~~(d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.~~

Note: In addition Standing Order X requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) ~~Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.~~
- (4) ~~Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—~~
 - (a) ~~housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;~~
 - (b) ~~school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;~~
 - (c) ~~statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;~~
 - (d) ~~an allowance, payment or indemnity given to members;~~
 - (e) ~~any ceremonial honour given to members; and~~
 - (f) ~~setting council tax or a precept under the Local Government Finance Act 1992.~~
- (5) ~~Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.~~

~~6 Interests arising in relation to the Overview and Scrutiny Board or Sub-Committees~~

~~In any business before the Overview and Scrutiny Board or relevant Sub-Committee of your authority (or of a sub-committee of such a committee) where—~~

~~(a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and~~

~~(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken;~~

~~You may only attend a meeting of the Overview and Scrutiny Board or relevant Sub-Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.~~

¹ Disclosable pecuniary interests

This [note section](#) explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction. ~~They come into force on 1 July 2012.~~

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. You must within 28 days of becoming aware of any new disclosable pecuniary interest or a change to a disclosable pecuniary interest which is not included in the council's Register of Interests notify the Monitoring Officer.

A 'disclosable pecuniary interest' is an interest of yourself or an interest of which you are aware of your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

¹ The provisions concerning DPIs have been moved to the start of the interests section as these are the statutory provisions and have potential criminal consequences and it is important that they are at the front of members minds when considering their interests.

Subject	Prescribed description
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<p><i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i></p> <p><i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i></p>
<i>Contracts</i>	<p><i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<p><i>Any tenancy where (to M's knowledge)—</i></p> <p><i>(a) the landlord is the relevant authority; and</i></p> <p><i>(b) the tenant is a body in which the relevant person has a beneficial interest.</i></p>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

- A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

~~Note: In addition, Standing Order X requires -y~~ You must leave the room where the meeting is held while any discussion or voting takes place.

- B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. [Such applications should be made to the Monitoring Officer.](#)

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest

- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Other types of Interest that must be disclosed and may be registered

Note: the provisions in respect of Discloseable Pecuniary Interests above take precedence over the provisions below about other interests.

7 Personal Interests

- (1) You have a personal interest in any business of your authority where you do not have a disclosable personal interest and ~~either—~~

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—

~~(bb)~~(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

- (23) You must, within 28 days of becoming a member or co-opted member, or becoming aware of any new personal interest or change to any personal interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

8 Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 7(1) above or as set out in paragraph (2A) below in any business of your authority, and where you are aware or ought

reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority

(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or

(B) In sub-paragraph (2)(A), a *relevant person* is—

- (i) a member of your family or any person with whom you have a close association; or
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in paragraph 47(12)(a)(i) or (ii).

(3) ~~Where you have a personal interest in any business of your authority which if not a disclosable pecuniary interests and relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~

(34) Where you have a personal interest but, by virtue of paragraph 43, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(45) Where you have a personal interest that is not a disclosable pecuniary interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

95 Non participation in case of pecuniary interest

(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one

which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- (a) affects your financial position or the financial position of a person or body described in paragraphs [74\(12\)](#) or [82\(2\)](#) ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
- (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

You must leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, and it is not a disclosable pecuniary interest, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that is not a disclosable pecuniary interest, that relates to the functions of your authority in respect of—
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest that is not a disclosable pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

610 Interests arising in relation to the Overview and Scrutiny Board or Sub-Committees

In any business before the Overview and Scrutiny Board or relevant Sub-Committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(c)(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may only attend a meeting of the Overview and Scrutiny Board or relevant Sub-Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

GOVERNANCE COMMITTEE

30th August 2017

Subject Heading:

1. Amendments to the Chief Officer Appointments Process to reflect non-permanent appointments.
2. Amendments to the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment
3. Proposed change of terminology

SLT Lead:

Andrew Blake Herbert, Chief Executive and Head of Paid Service

Report Author and contact details:

Caroline Nugent, Director of Human Resources and Organisational Development – oneSource

Policy context:

The Councils Constitution sets out in Part 3: Responsibility for Functions, Section 1.2: Functions delegated to general council committees, that the Appointments Sub-Committee will appoint senior officers i.e. Director, Assistant Director and Head of Service (where reporting directly to the Director). However, there is no reference made regarding where the responsibility lies for senior officer appointments made on a temporary basis (i.e. interim, temporary or fixed term) either to cover a permanent post or for an appointment to a temporary/fixed term post at this level.

Financial summary:

There are no financial implications arising from these proposed changes to procedures. However implementation of them may have financial implications which should be fully assessed prior to any decision being taken.

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 type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

Responsibility for the permanent appointment of senior officers that fall under the JNC for Chief Officers' term and conditions of employment (i.e. Directors, Assistant Directors and Heads of Service) is delegated to the Appointment Sub-Committee under the Councils Constitution – Part 3 – Responsibility for Functions, Section 1.2 – Functions delegated to general council committees.

However, the Constitution is silent on where responsibility lay for non-permanent appointments (i.e. interim, temporary or fixed term) to these posts. Following the recent changes to the reformed intermediaries legislation (known as IR35) it became necessary to cover two key senior posts at very short notice on a fixed term contract basis. Due to the urgency of the situation, the Chief Executive sought the permission of the Appointment Sub-Committee members to make these fixed term appointments (of 12 months) without the need for an Appointment Sub-Committee Panel.

No objections to this proposal were received from members, so the two fixed term appointments (of 12 months) were made to the Head of Communications and Section 151 Officer posts.

It is recognised that there may be occasions in the future where non-permanent appointments to this level of post may be necessary. Therefore, Part 3, Section 1.2 of the Councils Constitution should be amended to clarify the responsibility for non-permanent appointments.

In addition, it is proposed that the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment is reviewed and amended to ensure that it remains fit for purpose.

Finally, it is proposed that the terminology used in Part 3, Section 1.2 of the Council's Constitution is simplified and standardised so that job titles such as Director, Assistant Director and Head of Service are replaced with the generic terms of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment. This will result in fewer amendments as a result of job title changes in the future.

RECOMMENDATIONS

That Members:

1. Agree to the proposals set out in paragraphs 7-9 of this report for non-permanent appointments to senior posts that fall under the JNC for Chief Officers' term and conditions of employment. The proposed changes to the Staff Employment Procedure Rules are shown as track changes in the document attached as Appendix 1.
2. Agree to the changes proposed set out in paragraphs 12-15 of this report to the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment and that the policy set out in Appendix 2 is amended as appropriate.
3. Agree to the amendment in terminology used in Part 3, Section 1.2 of the Councils Constitution and the Staff Employment Procedure Rules in Part 4 of the Constitution to replace job titles such as Director, Assistant Director and Head of Service with the generic terms of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers terms and conditions of employment as shown in track changes in the documents attached as Appendix 1.
4. Agree that the constitutional changes in recommendations 1 and 3 above be reported to Council for final agreement and for the authority to be given to the Monitoring Officer to make those changes to the Constitution.

REPORT DETAIL

1. **Amendments to the Chief Officer appointments process to reflect non-permanent appointments**
2. The Council's Constitution sets out in Part 3: Responsibility for Functions, Section 1.2: Functions delegated to general council committees that the Appointments Sub-Committee will appoint senior officers, including Chief Officers and Deputy Chief Officers. The processes are set out in further detail in the Staff Employment Procedure Rules in Part 4 of the Constitution.
3. However, there is no reference made regarding responsibility for non-permanent appointments (i.e. interim, temporary or fixed term) to these senior posts.
4. As a result of the recent changes to the reformed intermediaries legislation (known as IR35) which came into force in the public sector on the 6th April 2017, it became necessary to take urgent action in respect of two key

senior posts – the Head of Communications and the Section 151 Officer posts, both of which were being covered by interim arrangements.

5. In order to comply with the IR35 legislation at short notice and to ensure that both critical posts remained covered, it became necessary to offer fixed term contracts to both of the current interims.
6. No objections to this proposal were received from members, so the two fixed term appointments (of 12 months) were made to the Head of Communications and Section 151 Officer posts.
7. It is recognised that there may be occasions in the future where non-permanent appointments to this level of post may be necessary. Therefore, Part 3, Section 1.2 of the Councils Constitution should be amended to clarify the responsibility for non-permanent appointments
8. It is proposed that the Staff Employment Procedure Rules should be amended to reflect the following:
9. Responsibility for the appointment of Chief Officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of **up to a maximum of 12 months** is delegated to the Head of Paid Service. Any extension to the temporary arrangement beyond the initial 12 month period will require the approval of the Appointment Sub-Committee and in the case of temporary/fixed term employment contracts this will be limited to a further maximum period of 6 months.
10. Responsibility for the appointment of Chief Officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of **more than 12 months** will be a matter for the Appointment Sub-Committee.
- 11. Amendments to the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment.**
12. At the meeting of the Appointments Committee on 20th May 2008, and as a precursor to the Senior Management Realignment in that year, members approved a report on the process for making appointments to Chief Officer posts as a consequence of a senior management realignment (extract from that report attached at Appendix 2).
13. As this process was agreed by members some 9 years ago, it has been reviewed to ensure that it remains fit for purpose and the following amendments are proposed:
14. Voluntary Redundancy – that requests for voluntary redundancy made by Chief Officers are considered and approved by the Head of Paid Service

after consultation with the Director of HR&OD and Director of Legal or their designated officers.

15. Assimilation Process – clarification that in circumstances where assimilation is uncontested (i.e. there are sufficient suitable alternative posts for displaced Chief Officers), decisions relating to the appointment of Chief Officers are delegated to the Head of Paid Service after consultation with the Director of HR&OD or their designated officer. This is because the Council is required to offer a displaced Chief Officer any suitable alternative employment that may be available or which may become available as a consequence of any re-organisation giving rise to the abolition of the chief officers post.
16. Assimilation Process – in circumstances where assimilation is contested (i.e. there are insufficient suitable alternative posts for displaced Chief Officers), the decision relating to whether a one or two stage appointment process is required is delegated to the Head of Paid Service after consultation with the Director of HR&OD or their designated officer. All decisions on final appointments in these circumstances will be made by the Appointment Sub-Committee.
17. Redeployment – in circumstances where the Director of HR&OD (or other designated officer) has formed the view that suitable alternative employment may be available, the decision relating to whether a one or two stage appointment process is required is delegated to the Head of Paid Service after consultation with the Director of HR&OD or their designated officer. All decisions on final appointments in these circumstances will be made by the Appointment Sub-Committee. Appointments in these circumstances will be subject to a 28 day trial period as required in law.

18. Proposed change of terminology

19. It is proposed that the terminology used in the Terms of Reference to this Committee and the Staff Employment Procedure Rules of the Council's Constitution are simplified and standardised so that job titles such as Director, Assistant Director and Head of Service are replaced with the generic terms of 'Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers terms and conditions of employment'. This will result in fewer amendments as a result of any job title changes in the future.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications or risks arising from these proposed changes to procedures. However it is noted that the implementation of these proposals (i.e.

appointment of senior officers/approval of voluntary redundancies) will have financial implications. The financial implications of individual decisions should be assessed on a case by case and raised through the appropriate channels. Funding should be confirmed prior to any decision being implemented.

Legal implications and risks:

With regards the proposed changes to the process for making appointments to Chief Officer posts as a consequence of a senior management restructure or realignment, the Council must comply with all legal requirements and conditions of service currently in force when considering assimilations and potential redundancies. Failure to do so may lead to an Employment Tribunal complaint as well as significantly increasing the risk that an Employment Tribunal will make an adverse finding against the Council, resulting in additional expenditure.

The Local Authorities (Standing Orders) (England) Regulations 2001 as amended (2015) provide for different appointment and dismissal arrangements in relation to senior officer posts; the Head of Paid Service, Statutory Chief Officers (e.g. Children and Adult services Directors), non Statutory Chief Officers (officers reporting to the Head of Paid Service) Deputy Chief Officers (reporting directly to a Chief Officer) and officers directly accountable to the Council or its Committees. Those arrangements are reflected in the Staff Employment Procedure Rules. The JNC terms and conditions of employment for Chief Officers only applies to this group of officers and accordingly the change to the terminology in the Rules will avoid amendments where job titles of senior staff are changed. It is advised that the proposed amendments in relation to non-permanent appointments of senior officers provide useful clarity on the process to be applied.

Human Resources implications and risks:

The implications for individual employees are set out in the body of this report. The decision has no human resource implications for the wider workforce nor for the Council as a whole.

Equalities implications and risks:

The process adopted for selecting chief officers for appointment or for redundancy must be applied in a consistent and non-discriminatory basis and must be free from any unlawful bias on the grounds of gender, race, disability, age or other protected characteristic or material factor set out in the relevant employment and equalities legislation.

BACKGROUND PAPERS

None

STAFF EMPLOYMENT PROCEDURE RULES

Recruitment and appointment

1. Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. This statement shall be included in any recruitment information.

No councillor will seek support for any person for any appointment with the Council.

2. Declarations

The Council shall ask any candidate for appointment as a member of staff to state in writing whether they are related to an existing councillor or member of council staff; or the partner of such persons. No candidate who declares such a relationship will be appointed without the authority of Director of Human Resources and/ or a [Deputy Chief Executive](#) [SLT Director](#).

3. Recruitment

Where the Council proposes to appoint a [Head of Paid Service](#) or [Chief/Deputy Chief Officer](#) and/or officers that fall under the JNC [for Chief Officers term and conditions of employment](#) [Head of Paid Service](#), a [Deputy Chief Executive](#) [Director](#), a [Monitoring Officer](#), a [one Source Director](#) or a [Head of Service](#) and it is not proposed that the appointment be made exclusively from among the existing members of staff, the Council's usual recruitment procedures shall apply.

4. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Committee. The Appointments Committee must include at least one Cabinet member.

5. **Appointment of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment** ~~Deputy Chief Executive~~Chief and Deputy Chief Officers~~ss, Chief Finance Officer, Monitoring Officer, Assistant Deputy Directors and Heads of Service~~¹

The Appointments Committee will appoint Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment. ~~Deputy Chief Executive~~SLT Directors, Chief Finance Officer, Monitoring Officer~~and, Assistant Deputy Directors and Heads of Service, except in the case of interim appointments.~~ The committee must include at least one Cabinet member.

An offer of employment as Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment an SLT Director ~~Deputy Chief Executive, Chief Finance Officer, Monitoring Officer, Assistant / Deputy Directors or a Head of Service (where the post is a Deputy Chief Officer post), other than in the case of an interim acting up arrangement,~~ shall be made only where no well-founded objection from any member of the Cabinet has been received (as set out in rule 154 below).²

66- Non Permanent Appointment of Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment

i) Responsibility for the appointment of such officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of up to a maximum of 12 months is delegated to the Head of Paid Service.

ii) Any extension to the temporary arrangement beyond the initial 12 month period will require the approval of the Appointment Sub-Committee and in the case of temporary and fixed term employment contracts this will be limited to a further maximum period of 6 months.

¹ Under the Regulations relating to staff appointments, appointments to officers below deputy chief officer level may only be appointed to by members if they are political assistants as defined in section 9 of that Local Government and Housing Act 1989.

² These changes clarify the position in respect of interim appointments to reflect existing practice

iii) Responsibility for the appointment of such officers on a temporary basis (including 'Acting Up' or 'Secondment' arrangements), covering either a permanent or temporary post for a period of more than 12 months will be a matter for the Appointment Sub-Committee.

1. Appointment of Director of Public Health

The Council must in accordance with Part 3 of the National Health Service Act 2006 as amended by Section 30 of the Health and Social Care Act 2012, jointly with the Secretary of State, appoint an individual to have responsibility for all local authorities public health functions, including any conferred by regulation. The individual is to be known as an officer of the local authority and is to be known as the Director of Public Health. The appointment of the Director of Public Health shall be made by the Advisory Appointments Committee. Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

87. Appointment of oneSource Directors

The Managing Director, Directors, Assistant/Deputy Directors and Heads of Service (where they report directly to a Director) of oneSource shall be appointed pursuant to the provisions of the Inter-Authority Agreement between the London Boroughs of Havering ³ and Newham dated 1 September 2014 and the variation thereto dated 18 June 2015

98. Assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and in accordance with statutory regulations.

³ Removing the reference to a particular date avoids the need to update the dates mentioned in the provision should any further amendment be made to the agreement.

910. Disciplinary action

No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 1140 below, may be taken other than in accordance with a recommendation in a report made by a Panel of Appointments Sub-Committee under regulation 6 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

1140. Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should last no longer than two months. In exceptional circumstances, the decision to suspend may be made by a Deputy-Chief ExecutiveSLT Director in conjunction with the Director of Human Resources and Organisational-Development Change; this decision must be notified to all councillors as soon as possible.

142. Independent person

No other disciplinary action may be taken in respect of any of the officers referred to in 109 above except in accordance with a recommendation in a report made by a Panel of the Appointments Sub-Committee

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

132. Dismissal

Councillors will not be involved in the dismissal of any officer below Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment Head of Service/Assistant Director level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

143. Role of the Cabinet

Where a committee or a sub-committee of the Council is discharging, on behalf of the authority, the function of the appointment or dismissal of Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment the Head of Paid Service, a Deputy Chief Executive/SLT Director, Chief Finance Officer, Monitoring Officer or a Head of Service at least one member of the Cabinet must be a member of that committee or sub-committee.

145. Appointment process

In this paragraph, "appointor" means, in relation to the appointment of a person as a member of staff of the Council, the Council or, where a committee, sub-committee or member of staff is discharging the function of appointment on behalf of the Council, that committee, sub-committee or member of staff, as the case may be.

An offer of an appointment as Head of Paid Service or Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment Head of Paid Service, Deputy Chief Executive/SLT Director, Chief Finance Officer, Monitoring Officer, Director or Assistant/Deputy Director of one Source or Head of Service must not be made by the appointor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered. Such appointments must be in accordance with the appropriate terms and conditions of employment

156. Dismissal process

In this paragraph, "dismissor" means, in relation to the dismissal of a member of staff of the Council, the Council or, where a committee, sub-committee or another member of staff is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other member of staff, as the case may be.

Notice of the dismissal of a Head of Paid Service, Chief/Deputy Chief Officer and/or officers that fall under the JNC for Chief Officers term and conditions of employment a Deputy Chief ExecutiveSLT Director, an Assistant Director or a Head of Service (who is a Deputy Chief Officer) or a Chief or Deputy Chief Officer within the oneSource group of services must not be given by the dismissor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered.

176. Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

187. Independent Persons

The Council must invite relevant independent persons to be considered for appointment to a Panel, being a committee appointed by the Council under Section 102(a) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of any of the officers referred to in Paragraph 167 above with a view to appointing at least two such persons to the Committee.

A 'relevant independent person' means any independent person appointed by the Council under Section 28(7) of the Localism Act 2011 or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

The Council is not required to appoint more than two relevant independent persons to its Panel but may do so if it wishes.

The Council must appoint to its Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraphs above with the following priority order:

- (a) A relevant independent person who has been appointed by the Authority and who is a local government elector;
- (b) Any other relevant independent person who has been appointed by the Authority
- (c) A relevant independent person who has been appointed by another Authority or Authorities.

198 Appointment of Panel

The Council must appoint any Panel at least 20 working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss any of the officers referred to in Paragraph ~~167~~ above.

204 Determination of Proposal to Dismiss

Before the taking of a vote on whether or not to approve a dismissal, the Council must take into account in particular:

- (a) Any advice, views or recommendations of the Panel
- (b) The conclusions of any investigation into the proposed dismissal, and
- (c) Any representations from the officer the subject of the disciplinary action

210 Remuneration of Independent Persons

Any remuneration or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances of fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011

242. Capability process

The process to be followed must be in accordance with the appropriate terms and conditions of employment for that member of staff and the appropriate Council employment policy/procedure

223

Grievance process

The process to be followed for a grievance must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

234

Bullying and Harassment process

The process to be followed for a complaint must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure.

Extract from the report to the Appointments Committee on 20th May 2008

SUBJECT: The process for making appointments to Chief Officer posts as a consequence of a senior management realignment

REPORT DETAIL

In implementing changes to the Council's Corporate Management and Leadership Teams it is necessary to determine the process of appointment most appropriate for the appointment of chief officers (which phrase includes deputy chief officers), consistent with the Constitution, the Council's HR policies and the need to proceed in a timely manner.

The conditions of services for members of the Corporate Management and Leadership Teams are governed by the Joint Negotiating Committee for Chief Officers in Local Government. The relevant JNC handbook contains a redundancy procedure which, in the absence of any locally agreed procedure, should be followed in situations where a chief officer may be selected for redundancy. The JNC procedure contains the following four provisions:

- Employing authorities should consult with any chief officer affected at the earliest possible stage;
- A period of not less than 28 days should be allowed for the statutory consultation period;
- The officer should be offered any suitable alternative employment that may be available or which may become available as a consequence of any reorganisation giving rise to the abolition of the chief officer's post; and
- The authority should bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancements of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.

The Council's current own Managing Organisational Change and Redundancy procedure, adopted by the Cabinet in April 2005 as a result of the Joint Agreement on Building a Healthy Organisation, specifically excludes chief officers from its scope.

The process which the Committee is asked to adopt in this Report is thus modelled on the JNC procedure, but with due regard for the principles contained in the BHO procedure where these do not conflict with the national provisions. The recommended process is set out below.

1. Voluntary Redundancy

Where possible, the necessary reduction should be achieved through voluntary redundancy. Any chief officer who wishes to be considered for voluntary redundancy should be asked to inform the Head of Human Resources (or such other person whom the Chief Executive may so designate for this purpose) in writing by the relevant date that has been stipulated for this purpose. Such requests must be made on an unconditional basis, i.e. not conditional on the exercise of any permissible enhancements of benefits or redundancy payments. Such requests will be determined by the Appointments Committee whose decision shall be final.

In addition to considering applications from chief officers whose posts have been deleted or otherwise directly affected as a consequence of the reorganisation in question, the Committee may, at its absolute discretion, consider applications from unaffected chief officers where, by so doing, this would create a suitable alternative employment opportunity for an affected chief officer.

2. Assimilation Process

If the relevant chief officers are unsuccessful in their request or, alternatively, did not wish to be considered for voluntary redundancy then they will be required to participate in the assimilation process.

A ring-fence will be drawn around each chief officer post in the new structure. To be eligible for inclusion in a particular ring-fence, it will be necessary to demonstrate that the chief officer concerned is carrying out a discrete but substantial 'function' that has been included in the portfolio of the new function. The Head of Human Resources (or other designated officer) shall adopt a common-sense approach to defining what constitutes a discrete but substantial 'function' having particular regard to nationally-recognised professional status and whether its inclusion in a particular portfolio significantly changes the responsibilities of the existing portfolio holder. Thus, children's social services, business systems, housing, regeneration and street care are all examples of what could constitute a 'function' under this definition.

Role profiles for the roles in the new structure will be drawn up and these will be evaluated independently. The Council currently uses the Hay Job Evaluation methodology for evaluating its chief officer posts and, for so long as it continues to do so, Hay Group will be the designated external evaluator.

Having determined the appropriate ring-fencing arrangements, role profiles for the relevant posts in the new structure will be sent to the chief officers concerned, which they should read and carefully consider any specific requirements that they will need to meet in order to be appointed to any particular post.

All decisions on appointments will be taken by the Appointments Committee.

3. Uncontested Assimilations

Where there is only one candidate for any of the available roles, and s/he satisfies any statutory requirements necessary for appointment, then that candidate should be appointed into the role without any further process. Failure to do so would contravene the Council's policy, adopted by the Cabinet in December 2003, to minimise or avoid redundancies wherever possible and the unsuccessful candidate could issue an Employment Tribunal claim and if that was successful this is likely to result in the Council incurring significant additional costs.

4. Contested Assimilations

Where there is more than one candidate for a particular role, and they satisfy any statutory requirements, then a competitive assimilation exercise will need to be undertaken.

This exercise will have two stages, the first stage will take the form of an assessment centre, managed by an external organisation appointed by the Head of Human Resources (or other designated officer). The outcome will be the production of a confidential, graded report on each candidate for consideration by the Appointments Committee.

The second stage will take the form of an interview with the Appointments Committee, with the Chief Executive, the Head of Human Resources (or other designated officer) and a representative of the organisation managing the assessment centre present in advisory capacities.

The Appointments Committee should select the candidate who best meets the requirements set out for the role, based upon consideration of the assessment centre report and the interview. Again, failure to make any appointment will incur risks similar to those outlined for uncontested appointments.

5. Selection for Redundancy

Any chief officer who has not been appointed to any ring-fenced post will automatically be selected for redundancy. Where the Head of Human Resources (or other designated officer) has formed the view that there are no other posts on the Council's establishment that would constitute a suitable alternative offer of employment then the chief officer concerned will be made redundant and be entitled to receive redundancy payments in accordance with the terms of the Council's policy on redundancy payments. Where the designated officer is not professionally qualified in HR matters then s/he will be responsible for obtaining the appropriate professional advice.

The date upon which any redundancy takes place will be determined taking account of the effective date for the implementation of the new structure in question, any legal and/or contractual requirements relating to matters such as statutory consultation requirements and notice periods. These, and any other steps necessary to implement the Committee's decisions relating to individual chief officers, shall be delegated to the Head of Human Resources (or other designated officer).

The Council may, at its discretion, offer outplacement counselling to a redundant chief officer. Authority to offer outplacement counselling will be delegated to the Head of Human Resources, in consultation with the chief officer's line manager. Outplacement counselling will be provided through an outplacement organisation selected and approved by the Council for this purpose and subject to a limit of £5,000 per chief officer (or such limit that may from time to time be determined following a market testing exercise of outplacement organisations). The chief officer will be offered a choice of two organisations. Budgetary provision will be made by the employing directorate.

6. Redeployment

Where, however, the Head of Human Resources (or other designated officer) has formed the view that suitable alternative employment may be available, the chief officer will be required to participate in a process which mirrors the process described above for contested assimilations.

Where the Appointments Committee is satisfied that the chief officer concerned meets the minimum requirements necessary to perform the alternative role, then s/he will be appointed to that role.

Where alternative roles exist which are not deemed to constitute suitable alternative employment for the chief officer concerned then these may, subject to the agreement of both the Appointments Committee and the chief officer concerned, be designated as an alternative employment opportunity and ring-fenced to the chief officer concerned. If the chief officer does not agree then s/he will be made redundant. The chief officer will be required to participate in the two stage appointment process and, if successful, will be appointed to the post subject to a 28 day trial period. If, following the trial period, either party deems the trial period to be unsuccessful then the chief officer will be declared redundant and be entitled to receive redundancy payments as if the trial period had not existed. Where, following a successful trial period, the chief officer accepts the post then s/he will do so on the terms and conditions that normally pertain to that post and will not be eligible for salary protection.

7. Right of Appeal against Selection for Redundancy

In accordance with the legal requirements in force and the Conditions of Service applicable to staff falling within the scope of the JNC for Chief Officers, a chief officer selected for redundancy has the right of appeal to an Appeals Committee of elected Members. The Appeals Committee should comprise three Members and be drawn from membership of the Governance Committee, excluding those of its Members serving on the Appointments Committee who took the decision under appeal.

The Appeals Committee's decision shall be final and no further avenues of appeal will be open to the chief officer within the Council.

GOVERNANCE COMMITTEE 30 August 2017

Subject Heading:	Overview & Scrutiny review – cross party review group terms of reference
CMT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Andrew Beesley Head of Democratic Services andrew.beesley@onesource.co.uk
Policy context:	Overview & Scrutiny
Financial summary:	There will be a series of costs associated with the provision of training

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

Communities making Havering	[]
Places making Havering	[]
Opportunities making Havering	[]
Connections making Havering	[]

SUMMARY

At its meeting on 14 June 2017, Council approved a motion for the creation of a cross party review group to consider recommending changes to the current overview & scrutiny arrangements. This report proposes the terms of reference for that review group.

RECOMMENDATIONS

That the Committee agrees the terms of reference for the cross party review group as set out in Appendix 1.

REPORT DETAIL

- 1.1 Council agreed at its meeting on 14 June 2017 to establish a cross party review group of the overview & scrutiny arrangements. The review group will submit its recommendations for consideration by the Governance Committee in time for next year's local elections in May.
- 1.2 This report sets out the proposed terms of references for the cross-party review group.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications associated with this report.

Legal implications and risks:

There are no legal implications associated with this report

Human Resources implications and risks:

There are no human resources implications associated with this report.

Equalities implications and risks:

There are no equalities implications associated with this report.

BACKGROUND PAPERS

None

TERMS OF REFERENCE FOR THE OVERVIEW & SCRUTINY CROSS-PARTY REVIEW GROUP

Role and function of the Review Group

- 1 The remit of the group is to review the existing structure and operation of Overview & Scrutiny, and to make any reports and recommendations to the Governance Committee for its consideration.
- 2 The group is required to submit its final report to Governance Committee by no later than March 2018.

Membership

3. The group will consist of six Members, appointed from each of the political groups.
4. The appointments shall be solely at the discretion of each of the political groups.
5. The Chairman will be appointed at the first meeting of the group.

Substitutes

6. A group may appoint a substitute to attend in the place of the named member provided that the relevant officer is notified prior to the commencement of the meeting.

Co-optees

7. The group shall be entitled to co-opt any non-voting Members as it thinks fit appropriate to assist in delivering its remit.

Meetings:

8. The group will meet at approximately monthly intervals with an agenda that will include monitoring progress against achievement of project objectives, any problems or issues encountered and examples of good practice.
9. An agenda will be produced and issued to members at least five working days before each meeting.
10. Members will be invited to contribute items to the agenda if they wish.
11. Notes of each meeting, including action points and owners, will be circulated to all participants no later than one week after the meeting.

12. Democratic Services will be responsible for producing and circulating the agenda and notes.

Quorum

13. The quorum for meeting do the Group shall be three.

Conduct of Meetings

14. The conduct of meetings shall be regulated by the Chairman (or other person chairing the meeting) in accordance with the general principles and conventions which apply to the conduct of local authority committee meetings.
15. In particular, however, where any person other than a full or co-opted member has been allowed or invited to address the meeting the Chairman (or other person chairing the meeting) may specify a time limit for their contribution, in advance of its commencement which shall not be less than five minutes. If someone making such a contribution exceeds the time limit given the Chairman (or other person chairing the meeting) may stop him or her.
16. The Chairman (or other person chairing the meeting) may also structure a discussion and limit the time allowed for questioning by members of the group.

Voting

17. Any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put. This will be by a show of hands or if no dissent, by the affirmation of the meeting. If there are equal votes for and against, the Chairman or other person chairing the meeting will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

Code of Conduct

18. Members of the Group must comply with the Code of Conduct applicable to Councillors under the Local Government Act 2000.



GOVERNANCE COMMITTEE

30th AUGUST 2017

Subject Heading:

APPOINTMENTS TO OTHER ORGANISATIONS, 2017/18

SLT Lead:

Kathryn Robinson
Monitoring Officer
01708 432242

Report Author and contact details:

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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	<input checked="" type="checkbox"/>
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

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. **Appoint** a nominative trustee until February 2018.

REPORT DETAIL

1. HORNCHURCH HOUSING TRUST:

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

Mr Ivor Cameron resigned from the Trust on 24 July 2017 after many years service, owing to ill health. A successor needs to be appointed for the remainder of the term of office, expiring in February 2018.

It should be noted that in accordance with the Trust's Scheme, the person appointed may be, but need not be, a Member of the Council.

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

None

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