



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 14 November 2019</b>	<b>Town Hall, Main Road, Romford</b>
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Members 11: Quorum 4

### COUNCILLORS:

#### **Conservative Group ( 6 )**

Robert Benham (Vice-Chair)  
Michael White (Chairman)  
Joshua Chapman  
Roger Ramsey  
Damian White  
Viddy Persaud

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

Ray Morgon  
Barry Mugglestone

#### **Upminster & Cranham Residents' Group (1)**

Linda Hawthorn

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

David Durant

#### **Labour Group ( 1 )**

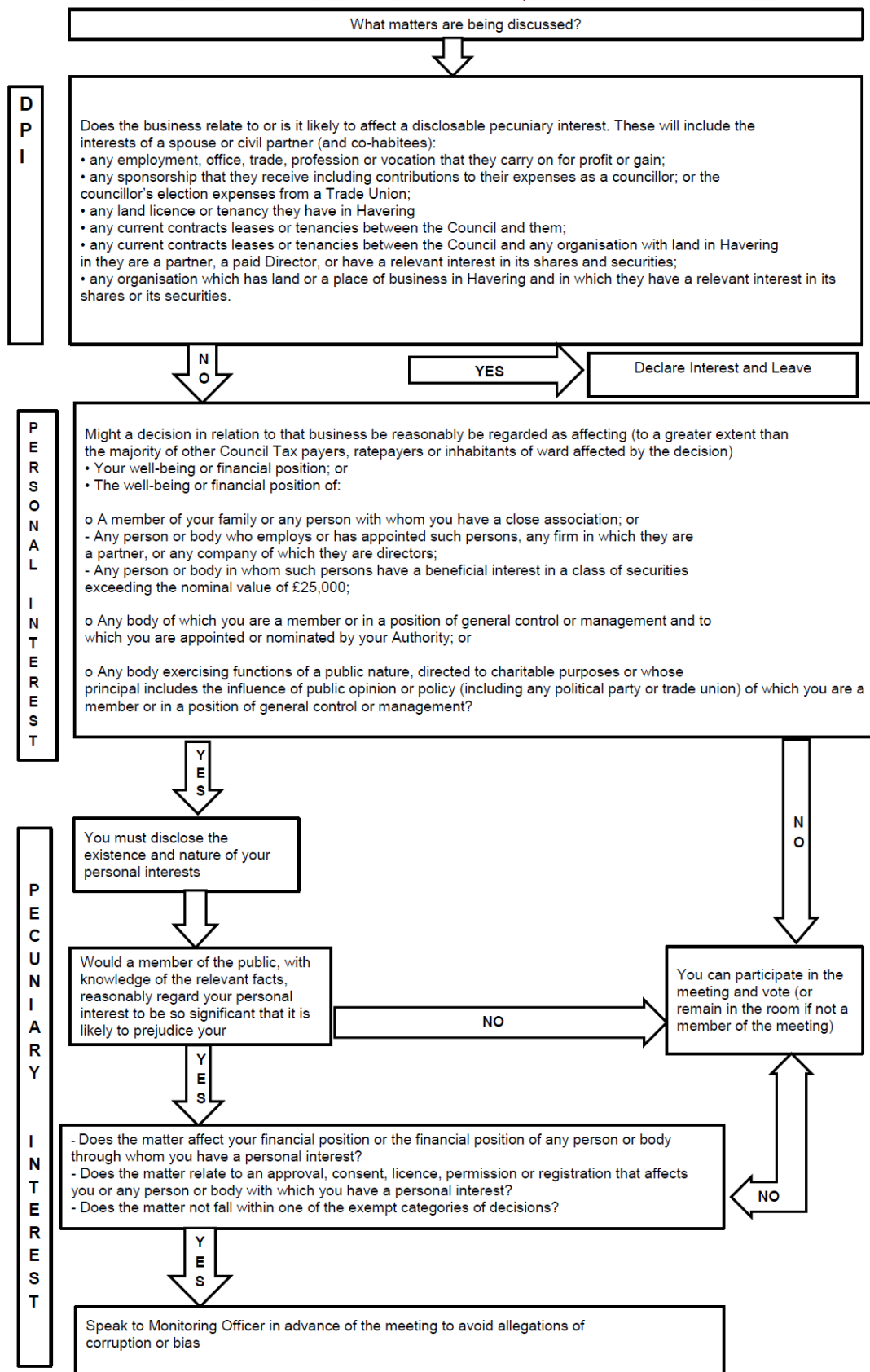
Keith Darvill

#### **North Havering Residents Group ( 1 )**

Darren Wise

**For information about the meeting please contact:  
Debra Marlow tel: 01708 433091  
e-mail: [debra.marlow@onesource.co.uk](mailto:debra.marlow@onesource.co.uk)**

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **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 28 August 2019, and to authorise the Chairman to sign them.

### **5 CHANGE OF COUNCIL DATE : SEPTEMBER 2019** (Pages 5 - 8)

### **6 REVIEW OF MEMBERS' CODE OF CONDUCT** (Pages 9 - 18)

### **7 APPOINTMENTS TO OTHER ORGANISATIONS, 2019/20** (Pages 19 - 22)

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Committee Room 3B - Town Hall  
28 August 2019 (7.30 - 8.30 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Michael White (Chairman), Joshua Chapman, Roger Ramsey, Damian White, Viddy Persaud and Bob Perry+
<b>Residents' Group</b>	Ray Morgon and Stephanie Nunn+
<b>Upminster &amp; Cranham Residents' Group</b>	Linda Hawthorn
<b>Independent Residents Group</b>	David Durant
<b>Labour Group</b>	Keith Darvill
<b>North Havering Residents Group</b>	Darren Wise

Apologies were received for the absence of Councillors Robert Benham and Barry Mugglestone. Substitute members are denoted +

All decisions were taken with no votes against.

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

**7 DISCLOSURE OF INTERESTS**

There were no declarations of interest.

**8 MINUTES**

The minutes of the Governance Committee held on 25 June, 2019 were agreed as a correct record of the same and signed by the Chairman.

**9 POLLING DISTRICT AND POLLING PLACES REVIEW**

Consideration was given by the Committee to the report of Zena Smith regarding the Polling District and Polling Places Review. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary Polling Districts

and Polling Places. This review is required and is independent of the Ward Boundary Review. If required, further to the Boundary Review, the Polling District and Polling Places Review can be revisited to take account of any future ward boundary changes.

Following each election, officers review the running of the election and specifically look at any issues in relation to the Polling Places. The aims of this review process are as follows:

To ensure that:-

- (a) As far as possible polling places are accessible to all.
- (b) Polling places fall within the polling district wherever possible.
- (c) Account is taken of justifiable complaints by electors, and any responses received from this consultation.

The report and appendices detail consultees, a copy of all responses and a timetable as to future progress.

Members took account of and discussed all wards and representations made in respect of them. Maps of the areas under review were considered by the Governance Committee.

**Following discussion, the Governance Committee agreed that:**

- BL2 - There are to be no changes to Brooklands Ward at this time.
- BL5 – Romford and Gidea Park Rugby and Football Club will become a double station.
- CM1 and CM2 – there are to be no changes in the Cranham Ward at this time.
- GS6 – (Drapers Pyrigo Priory School) – there are to be no changes to the Gooshays Ward at this time.
- HP8 – Dame Tipping School – Changes are recommended to the Havering Park Ward and investigations will be made following the suggestion at the Committee that the local Community Hall and Church Hall be considered as viable alternatives. It was suggested that both venues would be easily accessible for all including disabled voters. Should these venues turn out not to be suitable following investigation, the venue will revert back to the Pepperell Education Centre, as recommended in the report.
- HT1and HT2 - There will be no changes at this time to the Heaton Ward.
- SQ1 – The Royal Liberty School – There are to be no changes to the Squirrels Heath Ward at this time.
- ST4 – The Herons – there will be no change at this Polling Station at this time.
- ST3 – Olive Academy. It is recommended that HOPWA House should be used as an alternative Polling Station for ST3.
- Upminster Ward – UP1, UP4 and UP6 – There will be no changes to the Upminster Ward at this time.

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**Chairman**

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## GOVERNANCE COMMITTEE 14 November 2019

<b>Subject Heading:</b>	Change of Council date : September 2019
<b>SLT Lead:</b>	Andrew Blake-Herbert, Chief Executive
<b>Report Author and contact details:</b>	John Jones, Monitoring Officer
<b>Policy context:</b>	The Council's Constitution
<b>Financial summary:</b>	There are no financial implications

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

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

### SUMMARY

At the Annual meeting of the Council held on 15 May 2019, Council approved a schedule of Council meetings for the municipal year 2019/20. In order to give Members additional time to consider the report of the Chief Executive on Stage 1 of the Boundary Commission's Review of the Borough, the date of the September meeting of Council was changed from 11 September to 25 September 2019.

### RECOMMENDATIONS

That the reasons for the change of the date of the 11 September 2019 Council meeting be noted and that in future, when Council is asked to agree the calendar of meetings, it also be asked to give authority to the Mayor to change the date of an agreed meeting if required.

<b>REPORT DETAIL</b>
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The Annual meeting of the Council on 15 May 2019 approved a schedule of meetings for the 2019/20 municipal year. However, due to the need to respond to Stage 1 of the Boundary Commission's Review by 18 October 2019 it was necessary to give Member's enough time to consider the report of the Chief Executive which recommended a response to the Boundary Commission on behalf of the Council. To do this it was necessary to change the date of the September meeting of the Council. It was therefore agreed with the Mayor that the date of the September meeting of Council be changed from 11Septmber 2019 to 25 September 2019.

It is acknowledged that the Council's Constitution is silent on how a date of a Council meeting should be changed, although it must be accepted that it could always be necessary to change a date which was fixed months earlier. In hindsight it is also accepted that there should have been wider consultation than the Mayor on the change of date.

There is provision under Part 4 (1 (b)) the Constitution for the Chairman of a Committee to change the date of a meeting, but as mentioned above, there is no such provision which relates to meetings of the Council.

There is a requirement under the Local Government Act 1972 that Council meetings will be held in accordance with the timetable of meetings fixed by the Council, usually at its annual meeting.

Statute provides for three types of Council meetings:

- Annual meetings
- Ordinary meetings and
- Extraordinary meetings

Each of these meetings must be called formally by giving notice of the date, time and place of the meeting and the service of a summons signed by the Proper Officer. At least five clear days' notice is required to be given. Subject to these requirements being met the meeting is legally called and the business on the agenda can be dealt with.

In future when Council is asked to agree the calendar of meetings, it will also be asked to give authority to the Mayor to change the date of an agreed meeting if required.

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

There are no direct financial implications in respect of the contents of this report.

**Legal implications and risks:**

The legal implications are as set out in the body of the report.

**Human Resources implications and risks:**

There are none directly associated with this report.

**Equalities implications and risks:**

No one was adversely affected as a result of the change of date of the September meeting of the Council. The same business was transacted but on a different day. Public notice was given of the change of date.

**Background Papers**

None

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## GOVERNANCE COMMITTEE

14 November 2019

<b>Subject Heading:</b>	<b>Review of Members' Code of Conduct</b>
<b>SLT Lead:</b>	<b>Andrew Blake-Herbert,</b> Chief Executive
<b>Report Author and contact details:</b>	<b>John William Jones,</b> Deputy Director of Legal and Governance and Monitoring Officer
<b>Policy context:</b>	<b>Governance</b>
<b>Financial summary:</b>	<b>None</b>

### 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

This report sets out the findings of a review of the Members' Code of Conduct as assessed against the Committee on Standards in Public Life's (CSPL) best practice recommendations published in January 2019.

**RECOMMENDATIONS**

That the Committee:

1. consider and comment on the review of the Members' Code of Conduct attached at **Appendix 1**; and
2. note that a full review of the Members' Code of Conduct and complaints procedure will be undertaken and reported back to the Committee.

**REPORT DETAIL**

**1. Background**

- 1.1 On 31 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation.
- 1.2 The CSPL's key findings and recommendations were reported to the Governance Committee on 7 March 2019 and the Committee noted that officers would report back on the 15 best practice recommendations which the CSPL expects all local authorities to implement.
- 1.3 Attached at **Appendix 1** is a review of Havering's Members' Code of Conduct, as assessed against the relevant best practice recommendations, to inform discussion on what changes, if any, should be implemented. Both the code and the Council's arrangements for dealing with complaints (i.e. the complaints procedure) are set out in Part 5 of the Council's Constitution and published on the Council's website.

**2. Discussion of findings**

- 2.1 The CSPL's best practice recommendations highlight many areas for greater clarity, certainty and improvement. This would be more helpful to all concerned and would also strengthen the value of the code.
- 2.2 For example, as the attempt to match the recommendations with the existing provisions of the code demonstrates (see 1. and 2. in particular), Members' obligations are couched in broad and sometimes vague terms and consequently overlap considerably. The gaps are also highlighted.

Namely, there are no specific prohibitions on bullying and harassment or making trivial, malicious, vexatious or repeated complaints.

- 2.3 The section on interests is long, detailed and complex. The technical detail is necessary but the repetition is not. It is a patchwork of the former statutory code and the Council's own provisions. The code could be improved by simplifying the rules on interests and setting them out more concisely. For example, avoidable confusion is caused by the use of the terms "disclosable pecuniary interest" and "pecuniary interest" in the same code especially when the differences between the two, including the consequences of breach, are significant.
- 2.4 There is also scope for streamlining and generally improving the complaints procedure. In order to ensure that all complaints are not only dealt with properly but also proportionately, a review of the initial assessment criteria and the scope for informal resolution could be explored to build-in greater flexibility.
- 2.5 The Government has thus far given no indication of how it intends to respond to the formal recommendations of the CSPL. This means that there are no indicative timescales for the changes in legislation needed to implement the recommendations. As a reminder, these include a replacement and updated model code, new categories of interests and the introduction of an objective test for establishing conflicts of interest, abolition of criminal sanctions but introducing a new power of suspension and a statutory register of gifts and hospitality. These changes (if implemented) will be substantial and significant.
- 2.6 In the meantime, however, it is suggested that it would be good practice for the Council to undertake a full review of its code and complaints procedure on its own initiative and make the improvements the law currently permits. The outcome of that review will be reported to this Committee for its consideration before any proposals for change are finalised. Ultimately, revisions to the code have to be approved by Full Council.

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

None in relation to this report.

**Legal implications and risks:**

These are incorporated into the report.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None.

**Background Papers**

None.



## Appendix 1

### Review of Members' Code of Conduct

Best practice recommendation	Assessment and/or Comment
<p>1. Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>There is no specific obligation to not bully any person etc. However, the code says that:</p> <p><i>"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."</i></p> <p>In addition, Members are required to:</p> <p><i>"Always [treat] people with respect, including the organisations and public they engage with and those they work alongside."; and</i></p> <p><i>"[value] colleagues and staff and [engage] with them in an appropriate manner and one that underpins the mutual respect between Members and staff that is essential to good local government."</i></p> <p>Although bullying and harassing conduct will inevitably amount to a breach of the obligation to treat others with respect, they are probably at opposite ends of the spectrum in terms of the range of unacceptable behaviour. Therefore, arguably, it is best practice to impose a specific obligation to not bully or harass any person to better reflect the severity of wrong-doing and the consequences of breach.</p> <p>There is no legal definition of bullying. It may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour. Amongst other things, bullying behaviour attempts to undermine an individual or group of individuals and it can have a damaging effect on a person's confidence, capability and health.</p> <p>The Equality Act 2010, for example, defines harassment. In broad terms, it is unwanted conduct which has the purpose or effect of violating an individual's dignity and creating an intimidating,</p>

	<p>hostile, degrading, humiliating or offensive environment for that individual.</p> <p>Careful thought would need to be given to listing examples of the sort of behaviour covered by bullying and harassing as, by its very nature, such behaviour can manifest itself in various ways and is highly fact and context sensitive. It is also important to ensure that the examples do not limit the scope of the behaviour intended to be covered by bullying and harassment.</p>
<p>2. Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The code does not specifically require Members to comply with any formal standards investigations but does require Members to:</p> <p><i>“... co-operate fully with whatever scrutiny is appropriate to their office”;</i></p> <p><i>“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”;</i> and</p> <p><i>“[be] accountable for their decisions and [co-operate] when scrutinised internally and externally, including by local residents”.</i></p> <p>There is no prohibition on making trivial or malicious allegations but there is an obligation to <i>“make all decisions on merit alone”</i>.</p> <p>Consideration should be given to prohibiting vexatious or repeated complaints too.</p>
<p>3. Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p>The code was most recently reviewed in 2017.</p> <p>The Governance Committee is authorised “to advise the authority on the adoption or revision of a code of conduct”. In other words, it is authorised to review the content and operation of the code as and when the need arises.</p>
<p>4. An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s</p>	<p>The code is briefly mentioned on the Council’s website and a link is provided to the code itself.</p> <p>A hard copy of the code can be made available for inspection at Council offices on request.</p>

website and available in council premises.	
5. Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	<p>Gifts and hospitality are published on the Council's website as and when they are registered by Members.</p> <p>Gifts and hospitality declared by Members can be viewed on an individual councillor basis but are not published in a single document.</p>
6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The Council's complaints procedure (which is set out in Part 5 of the Constitution) sets out the criteria for assessing or filtering allegations.
7. Local authorities should have access to at least two Independent Persons.	The Council has access to two Independent Persons.
8. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	The Council's complaint procedure Code allows (but does not require) the Monitoring Officer to consult an Independent Person before taking a decision as to whether or not an allegation merits reference to an Adjudication and Review Assessment Panel. If the Monitoring Officer decides not to consult, there is no option for the Independent Person to review and comment on allegations which the Monitoring Officer is minded to dismiss as being without merit.
9. Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the	The redacted or anonymised minutes of the Adjudication and Review Committee are published on the Council's website.

provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	
10. A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	<p>The code is briefly mentioned on the Council's website and a link is provided to the code itself.</p> <p>The complaints procedure is not mentioned on the Council's website and is only indirectly accessible via the publication of the Constitution.</p>
11. Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	N/A.
12. Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	N/A.

<p>13. A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>The Council's complaints procedure does not refer to conflicts of interest in terms but does make provision for managing such situations by authorising the Monitoring Officer to conduct an investigation personally or to appoint an investigating officer who may be an officer of another council or an external investigator.</p>
<p>14. Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p>	<p>The Council's annual governance statement contains a link to the Council's Code of Governance which references Mercury Land Holding.</p> <p>The publication of company documents is a matter for the company. Currently, board agendas and minutes and annual reports are not routinely published by the Council.</p>
<p>15. Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>The Chief Executive and/or the Monitoring Officer meet with groups leaders (either individually or collectively) to discuss relevant matters (including standards issues) on an ad hoc basis as when the need arises.</p>

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## GOVERNANCE COMMITTEE

14 November 2019

**Subject Heading:**

**APPOINTMENTS TO OTHER  
ORGANISATIONS, 2019/20**

**SLT Lead:**

**John Jones**  
**Deputy Director of Legal & Governance**  
[johnwilliam.jones@havering.gov.uk](mailto:johnwilliam.jones@havering.gov.uk)  
01708 434062

**Report Author and contact details:**

Jacqui Barr  
Senior Democratic Services Support  
Officer  
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01708 432439

**Policy context:**

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

**Financial summary:**

There are no significant financial implications.

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

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

### SUMMARY

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

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

## **RECOMMENDATIONS**

That the Committee:

1. In respect of the Romford Combined Charity, **re-appoint Councillor Melvin Wallace** as a nominative Trustee of the Committee.
2. In respect of the Lucas Children's Play Charity, consider the **re-appointment** of the **Cabinet Member for Education, Children & Families, Councillor Robert Benham** and the **re- appointment** of **Councillor Gillian Ford** as Trustees to the Lucas Children's Play Charity for the term of office expiring in November 2023

## **REPORT DETAIL**

### **1. THE ROMFORD COMBINED CHARITY:**

- 1.1 The Romford Combined Charity is a small, local charity that makes grants for the relief of poverty. It has seven Trustees in all: one *ex officio*, the Vicar of St Edward's Church of England, Romford, who chairs the Trust; four nominative trustees that are appointed for four year terms by the Council; and two members who are co-opted for five year terms by the other five Trustees on the Combined Charity Committee.
- 1.2 The terms of office of one of the nominative Trustees, Councillor Melvin Wallace, will expire on 3 November. Councillor Wallace is eligible for re-appointment and has indicated that he is happy to continue, but if he is to be replaced, it should be noted that the appointee need not be a Member of the Council.

### **2. THE LUCAS PLAYSITE TRUST:**

- 2.1 Under the terms of the Trust, the Council appoints two nominative Trustees, who in turn co-opt up to three more trustees.
- 2.2 The Trust was established from the proceeds of the sale of land comprising a disused play area and its purpose is to use the investment income derived from the proceeds to pay for various improvements to play site facilities across the Borough.
- 2.3 Councillors Robert Benham and Gillian Ford are the current representatives. Their term of office is due to expire on 30 November 2019. It should be noted that Councillor Benham's appointment is by office, as Cabinet Member for Education, Children and Families



<b>IMPLICATIONS AND RISKS</b>
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**Financial implications and risks: None**

**Legal 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.

**Human Resources implications and risks:** There are none directly associated with this report.

**Equalities implications and risks:**

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

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