



# Havering

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

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 13 January 2021</b>	<b>Virtual Meeting</b>
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Members 12: Quorum 4

### COUNCILLORS:

**Conservative Group  
( 6 )**

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

**Residents' Group  
( 2 )**

Ray Morgon  
Barry Mugglestone

**Upminster & Cranham  
Residents' Group**

Linda Hawthorn

**Independent  
Residents' Group  
( 1 )**

David Durant

**Labour Group  
( 1 )**

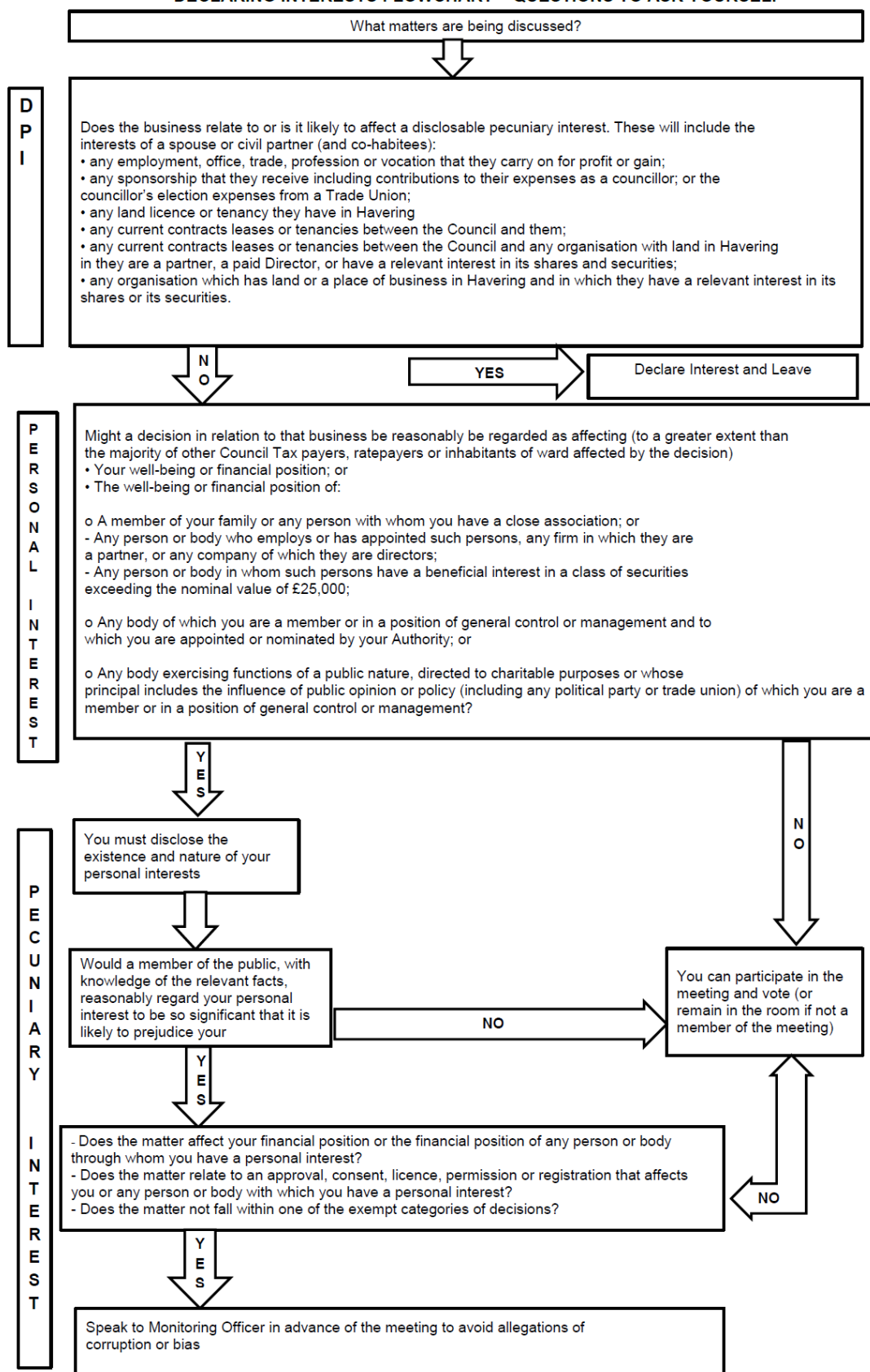
Keith Darvill

**North Havering Residents  
Group ( 1 )**

Martin Goode

**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 PROTOCOL ON THE OPERATION OF GOVERNANCE COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS** (Pages 1 - 4)

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

(If any) - receive

### **4 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.*

### **5 MINUTES** (Pages 5 - 16)

To approve as a correct record the minutes of the Committee held on 12 August 2020, and to authorise the Chairman to sign them.

### **6 APPOINTMENTS TO OTHER ORGANISATIONS 2020/21** (Pages 17 - 20)

### **7 STAFF EMPLOYMENT PROCEDURE RULES** (Pages 21 - 46)

### **8 TEMPORARY CHANGES TO POLLING STATIONS DUE TO COVID19 - GLA ELECTIONS 6TH MAY 2021** (Pages 47 - 96)

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

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## LONDON BOROUGH OF HAVERING

### PROTOCOL ON THE OPERATION OF GOVERNANCE COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

#### **1. Introduction**

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Governance Committee Meetings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

#### **2. Prior to the Meeting**

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

#### **3. Format**

For the duration of the Covid-19 restrictions period, all Governance meetings will be delivered through conference call, using Zoom software. This can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

#### **4. Structure of the Meeting**

Although held in a virtual format, Governance Committee meetings will follow the usual procedure.

#### **5. Technology Issues**

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of reports to be considered and any other relevant documents. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, together with access for the Press, will be provided via a webcast of the meeting at [www.haverling.gov.uk](http://www.haverling.gov.uk).

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting of Governance Committee.

## **6. Management of Remote Meetings for Members**

The Chairman will normally confirm at the outset and at any reconvening of a Governance Committee meeting that they can see and hear all participating members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

The attendance of Members at the meeting will be recorded by the Democratic Services Officer. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.

If a connection to a Member is lost during a meeting of the Board, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion given that they would not have heard all the discussion.

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator, will confirm the departure and will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation.

## **7. Voting at the Governance Committee**

Voting at the Governance Committee will take place by show of hands using the raised hands functionality on the Zoom application.

## **8. After the Meeting - Public Access to Meeting Documentation following the meeting**

Members of the public may access minutes, decisions and other relevant documents through the Council's website. [www.havering.gov.uk](http://www.havering.gov.uk)

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**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Virtual Meeting By Zoom  
12 August 2020 (7.30 - 8.35 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Robert Benham, Roger Ramsey, Damian White (Vice-Chair), Viddy Persaud, Ciaran White (Chairman) and Dilip Patel
<b>Residents' Group</b>	Ray Morgon
<b>Upminster &amp; Cranham Residents' Group</b>	Linda Hawthorn
<b>Independent Residents Group</b>	
<b>Labour Group</b>	Keith Darvill
<b>North Havering Residents Group</b>	Martin Goode

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

**1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed everyone to the meeting which was a virtual meeting and webcast.

**2 PROTOCOL ON THE OPERATION OF GOVERNANCE COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

The Chairman went through the protocol for virtual meetings.

**3 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

Apologies were received from Councillors Chapman, Durant and Muggleston. Councillor Dilip Patel substituted for Councillor Chapman.

**4 DISCLOSURE OF INTERESTS**

There were no declarations of interest.

**5 APPOINTMENTS TO OTHER ORGANISATIONS, 2020/2021**

The Chairman of the meeting referred to the appointments detailed in the agenda to which members would be elected. All Groups had been invited to supply their nominations.

The **Executive Appointments** were noted by the Committee and are appended to these minutes.

The **Appointments to Other Organisations** were considered as per the agenda and a vote taken as necessary by show of hands. The results are documented and attached to these minutes.

**6 UPDATING THE COUNCIL'S POLICY AND PROCEDURES ON RIPA**

The Governance Committee gave consideration to the report, which was presented, to the Committee by Looqman Desai. This detailed a recent routine inspection of the Council's covert surveillance procedures, which are governed by the Regulation of Investigatory Powers Act 2000, known as RIPA. The inspection went well and there were no formal recommendations however, the inspector did indicate that the Council's Policy should further incorporate some of the Statutory Home Office Guidance in relation to the use of the internet and instances in relation to those offering information voluntarily under RIPA and those registered as informants.

These recommendations were presented to the Committee in the Agenda as the new Appendices C and D to the current Policy within Appendix 1 to the report. It was noted that there was a minor error denoting "appendix C" twice. However, if approved this would be incorporated into the policy correctly.

There followed some discussion. The Governance Committee receives an annual report each year in relation to RIPA, last before the Governance Committee in March 2020. Over the past year, the Council has not made any applications under RIPA.

**The Committee noted the additions to the policy contained within the new appendices C and D to the policy and recommended to the Lead Member that these additions be incorporated.**

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**Chairman**

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-2	<b>Cllr Christine Smith and Cllr Robert Benham</b>	Nominations: Cllr R Benham and Cllr G Ford. Vote taken. Cllr Robert Benham appointed with 8 votes. (Cllrs D White, C White, K Darvill, R Ramsey, D Patel, M Goode, V Persaud and R Benham)
Citizens Advice Havering - 2	<b>Cllr Michael Deon Burton and VACANCY</b>	<i>No vote required</i>
Coopers Company & Coborn Educational Foundation	<b>Cllr Chris Wilkins</b>	<i>No vote required</i>
Essex Wildlife Trust (Bedfords Park Management Committee)	<b>Cllr Ray Best</b>	<i>No vote required</i>
Governor Panel - 3	<b>Cllr Robert Benham, Cllr Viddy Persaud and Cllr Paul McGeary</b>	Nominations: Cllr Ford and Cllr Persaud Vote taken Cllr Persaud appointed with 7 votes (Cllrs D White, C White, R Ramsey, D Patel, R Benham, M Goode and V Persaud.
Havering Arts Council - 5	<b>Cllr Jason Frost, Cllr Tim Ryan, Cllr Joshua Chapman, Cllr Christine Vickery and Cllr. Carol Smith</b>	Nominations: Cllrs T Lawal, C Smith, C Vickery. Vote taken: Cllr C Smith 7 votes (Cllrs C White, D White, R Ramsey, R Benham, m Goode and V Persaud. Cllr C Vickery 6 votes (Cllrs C White, R Ramsey, Dilip Patel, R Benham and V Persaud Cllrs Smith and Vickery appointed.

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Association for People with Disabilities - 2	<b>Cllr Christine Smith and Cllr Sally Miller</b>	Nominations: Cllrs C Smith, S Miller and S Nunn. Cllrs C Smith and S Miller appointed with 7 Votes (Cllrs C White, D White, R Ramsey, Dilip Patel, M Goode, V Persaud and R Benham.)
Havering Bands and Majorettes Association- Executive Committee - 3	<b>Cllr Reg Whitney, Cllr Osman Dervish and Cllr Denis O'Flynn</b>	<i>No vote required</i>
Havering Chamber of Commerce and Industry	<b>Cllr Jason Frost</b>	<i>No vote required</i>
Havering Children's Trust	<b>Cabinet Member for Education, Children &amp; Families – Cllr Robert Benham</b>	<i>No vote required</i>
Havering Community Safety Partnership – 2	<b>Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud the Chief Executive – Andrew Blake-Herbert</b>	<i>No vote required</i>
Havering Joint Forum - 6	<b>Leader of the Council – Cllr Damian White, Deputy Leader of the Council – Cllr Robert Benham, Leader of the Opposition Group – Cllr Ray Morgon</b>	<i>No vote required</i>

	<b>Cllr Michael White</b> <b>Cllr Linda Hawthorn</b> <b>Cllr Keith Darvill</b>	
<b>ORGANISATION AND NUMBER OF APPOINTEES</b>	<b>MEMBER APPOINTED (Non Executive Appointments)</b>	<b>COMMENTS AND NOTES</b>
Havering Local Board (formerly Havering Sixth Form College & Havering College of Further and Higher Education)- 1	<b>Mrs Wendy Brice Thompson (till 30 September 2020) and thereafter, Cllr Sally Miller (until October 2024)</b>	<i>No vote required</i>
Havering Sports Council - 5	<b>Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud, Cllr Ciaran White, Cllr Sally Miller, Cllr Dilip Patel and Cllr. Timothy Ryan</b>	Nominations Cllrs Lawal, Ryan and D Patel. Cllrs Ryan and D Patel appointed with 7 votes each (C White, D White, R Ramsey, V Persaud, M Goode, R Benham and D Patel).
Havering Theatre Trust - 3	<b>Cllr Melvin Wallace, Cllr. Christine Smith and Cllr Paul McGeary</b>	Nominations Cllrs M Wallace, P McGeary, C Smith and G Ford. Cllrs M Wallace, P McGeary and C Smith appointed with 7 votes each (C White, D White, R Ramsey, V Persaud, M Goode, R Benham and D Patel).

Hornchurch Housing Trust (Nomination Trustees) - 6	<b>Cllr Damian White and Cllr Carol Smith (until February 2021)</b> <b>Cllr John Mylod and Cllr Nic Dodin (until February 2022)</b> <b>Cllr Joshua Chapman and Cllr Melvin Wallace (until February 2023)</b>	<i>No vote required</i>  Cllr Chapman , Cllr Mylod & Cllr Wallace appointments agreed at Governance on 7.03.19
ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Local Government Association General Assembly - 4	<b>Leader of the Council – Cllr Damian White,</b> <b>Councillor Osman Dervish</b> <b>Councillor Robert Benham</b> <b>Councillor Michael White</b>	<i>No vote required</i>
Local Government Information Unit - 1	<b>Councillor Robert Benham</b>	<i>No Vote required</i>
London Home & Water Safety Council -1	<b>Cabinet Member for Environment – Cllr Osman Dervish</b>	<i>No vote required</i>

May 2020

## Appointments to other Organisations 2020/21

Romford Town Management Partnership <i>Romford Combined Charity Nominative Trustees – 2</i>	<b>Cllr Robert Benham and Cllr Joshua Chapman</b> <b>Councillor Joshua Chapman (until 3.11.20) and</b> <b>Mrs Wendy Brice Thompson and Councillor Dilip</b> <b>Patel (until 3.11.22)</b> <b>Councillor Melvin Wallace (until 3.11.23)</b>	Cllr Wallace's appointment agreed by Governance on 14 November 2019
Safer Neighbourhood Board	<b>Cabinet Member for Public Protection and Safety –</b> <b>Cllr Viddy Persaud</b>	<i>No vote required</i>
<b>ORGANISATION AND NUMBER OF APPOINTEES</b>	<b>MEMBER APPOINTED (Non Executive Appointments)</b>	<b>COMMENTS AND NOTES</b>
Sight Action Havering	<b>Cllr Christine Smith</b>	<i>No vote required</i>
Standing Advisory Council for Religious Education (SACRE) - 5	<b>Cllr Philippa Crowder, Cllr Judith Holt, Cllr Osman Dervish, Cllr Jason Frost and Cllr Viddy Persaud</b>	Nominations: Cllrs Frost, Dervish, Persaud, Nunn, Ford and Lawal. Cllrs Frost, Dervish and Persaud appointed with 7 votes each (C White, D White, R Ramsey, V Persaud, M Goode, R Benham and D Patel).
Tenant Management Organisations - 3	<b>BETRA (Gooshays) – Cllr Paul McGeary</b> <b>DELTA (Squirrels Heath)- Cllr Melvin Wallace</b>	<i>No vote required</i>

## Appointments to other Organisations 2020/21

	<b>PETRA (St Andrews') – Cllr John Mylod</b>	
Veolia ES Cleanaway Havering Riverside Trust - 1	<b>Cllr Robert Benham</b>	<i>No vote required</i>
<i>Wennington Quarry Community Liaison Committee- 1 (until May 2022)</i>	<b>Cllr Paul McGeary</b>	<i>No vote required</i>

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## PPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2020/21

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
<b>CEME (Centre for Engineering &amp; Manufacturing Excellence) - 1</b>	Director of Regeneration Programme Delivery	Amended by CE 31.5.19
<b>East London Waste Authority - 2</b>	<b><i>Cllr Osman Dervish and Cllr Robert Benham</i></b>	
<b>East London Waste Authority Board (officer)</b>	Director of Neighbourhoods	
<b>London Councils</b> (Leaders' Committee)	Representative (1): Leader of the Council – <b><i>Cllr Damian White</i></b> Deputy: (1) Deputy Leader of the Council – <b><i>Cllr Robert Benham</i></b> (2) <b><i>Cllr Roger Ramsey</i></b>	
Transport & Environment Committee	Representative (1): <b><i>Cllr Osman Dervish</i></b> Deputies (up to 4): <b><i>Cllr Jason Frost</i></b> <b><i>Cllr Viddy Persaud</i></b> <b><i>Cllr Robert Benham</i></b> <b><i>Cllr Roger Ramsey</i></b>	
Grants Committee	Representative (1): <b><i>Cllr Viddy Persaud</i></b>	
	Deputy (up to 4): <b><i>Cllr Jason Frost</i></b>	

**Appointments to other organisations, 2018/19**

Pensions CIV (Sectorial Joint Committee)	Representative (1): Chairman of Pensions Committee – <b><i>Cllr John Crowder</i></b>  Deputy (up to 2): <b><i>Cllr Jason Frost and Cllr Joshua Chapman</i></b>
Greater London Employment Forum	Representative (1): <b><i>Cllr Robert Benham</i></b>  Deputy Representative (1): <b><i>Cllr Viddy Persaud</i></b>
Newable (formerly Greater London Enterprise Limited ) -1	Leader of the Council – <b><i>Cllr Damian White</i></b>
London Riverside (BID) Ltd	Representative (1): Leader of the Council – <b><i>Cllr Robert Benham</i></b>
Thames Gateway Strategic Group	Leader of the Council and Cabinet Member for Environment - <b><i>Cllr Damian White and Cllr Osman Dervish</i></b>

## GOVERNANCE COMMITTEE

### 13 January 2021

#### Subject Heading:

**APPOINTMENTS TO OTHER ORGANISATIONS, 2020/21**

#### SLT Lead:

**Abdus Choudhury**  
**Deputy Director of Legal & Governance**  
[abdus.choudhury@onesource.co.uk](mailto:abdus.choudhury@onesource.co.uk)  
 01708 432741

#### Report Author and contact details:

Jacqui Barr  
 Senior Democratic Services Support Officer  
[jacqui.barr@onesource.co.uk](mailto:jacqui.barr@onesource.co.uk)  
 01708 432439

#### Policy context:

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

#### Financial summary:

There are no significant financial implications.

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

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 Charities **APPOINT** a Nominative Trustee of the Committee to serve until November 2024.
2. In respect of the Poyntz Charity **APPOINT** a Trustee to serve until March 2024

**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: one *ex officio Chair*, the Vicar of St Edward's C of E Church, Romford; four nominative, appointed for four-year terms by the Council; and two co-optative, who are co-opted for five-year terms by the other five Trustees.
- 1.2 The term of office of Councillor Joshua Chapman expired on 3 November 2020. Councillor Chapman is eligible for re-appointment and has indicated that he wishes to continue in his role as a Trustee. Councillor Chapman has been a Trustee of the Charity since November 2014. It should be noted that Trustees need not be Members of the Council.
- 1.3 The remaining nominative Trustees are Mrs Wendy Brice-Thompson and Councillor Dilip Patel (appointed until November 2022) and Councillor Melvin Wallace (appointed until November 2023).

**2. POYNTZ CHARITY**

- 2.1 This is a small charity that administers funds to local people in need and oversees a group of alms-houses based in North Ockendon. The Council appoints three of the Trustees, though the Vicar of St Mary Magdalene's, North Ockendon is an *ex officio* position. Trustees can be elected Members, but it is not a requirement of the scheme of appointment.
- 2.2 In August 2020, Governance Committee appointed Councillor Linda Hawthorn as one of the Trustees to the Board. There remains one vacancy.

- 2.3 Councillor Ron Ower has indicated that he wishes to be appointed to the vacant position. The term of office would expire in March 2024.

<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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**GOVERNANCE COMMITTEE**

<b>Subject Heading:</b>	<b>Staff Employment Procedure Rules</b>
<b>SLT Lead:</b>	<b>Andrew Blake-Herbert</b> Chief Executive
<b>Report Author and Contact Details:</b>	<b>Ben Plant</b> Director of HR and Organisational Development ben.plant@onesource.co.uk  <b>Looqman Desai</b> Interim Principal and Corporate Governance Lawyer looqman.desai@onesource.co.uk
<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	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

This report seeks approval of proposed changes to Part 5 of the Constitution, which contains the Staff Employment Procedure Rules (“the Rules”). The proposed changes are designed to update and generally improve the Rules.

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

1. consider and comment on the proposed Rules attached at **Appendix B**
2. decide which Deputy Chief Officer posts should be appointed to by members and which, if any, should be appointed to by officers (four options are presented at **Appendix C**)
3. decide if the decision to take disciplinary action against or dismiss Deputy Chief Officers should be made by members or delegated to officers
4. recommend to Council that the proposed Rules (whether as they are set out at **Appendix B** or as amended by the Committee) be approved and that the Monitoring Officer be authorised to update the Constitution and make all necessary consequential changes

<b>REPORT DETAIL</b>
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## **1 Background**

- 1.1 All local authorities are required by law to incorporate into their constitutions, as standing orders, rules relating to the employment of officers. These rules include the appointment, the taking of disciplinary action against, and the dismissal of officers, and are currently found in the Local Authorities (Standing Orders) Regulations 1993 as amended and the Local Authorities (Standing Orders) (England) Regulations 2001 as amended (“the Regulations”). While the Regulations impose certain mandatory rules on local authorities, there is freedom and flexibility for local authorities to otherwise adopt their own procedures.
- 1.2 In summary, the Regulations set out the following requirements:
  - 1.2.1 the appointment of the Chief Executive (as the Head of Paid Service) is a decision that must be approved by Full Council
  - 1.2.2 the appointment of other Chief Officers and Deputy Chief Officers may be decisions for members (sitting as a committee) or officers
  - 1.2.3 disciplinary action against and dismissal of Chief Officers and Deputy Chief Officers may be decisions for members (sitting as a committee) or officers

- 1.2.4 specific rules apply to the taking of disciplinary action against and the dismissal of the Head of Paid Service, the Chief Financial Officer (ie. s151 officer) and the Monitoring Officer
- 1.2.5 specific rules apply to the appointment of political assistants
- 1.2.6 proposals to appoint, take disciplinary action against, or dismiss Chief Officers or Deputy Chief Officers are subject to a process whereby Cabinet Members may object; if an objection is received, the decision-maker must consider the objection and can only proceed if the objection is not material or well-founded
- 1.2.7 all decisions relating to the employment of officers below the level of Deputy Chief Officer are the responsibility of the Chief Executive as the Head of Paid Service
- 1.3 Chief Officers include statutory officers and those reporting directly to the Chief Executive. Deputy Chief Officers are those reporting into Chief Officers. Administrative staff are excluded from these definitions.
- 1.4 At its meeting on 8 January 2020, the Committee deferred consideration of the proposals set out in this report and requested that the changes between the current and proposed Rules be spelt out with reasons provided for any substantive change.
- 1.5 The Rules have been recast, which is to say the current and proposed versions are two different documents. For this reason, it is not possible to use the “track changes” functionality in Word to highlight the differences. However, the changes are explained in detail at 2.9 below.

## **2 Key Considerations and Proposals**

- 2.1 The current Rules are attached at **Appendix A**. The proposed Rules are attached at **Appendix B**. The Rules have been rewritten to improve the wording and formatting of the text, to remove obsolete job titles, and to provide greater clarity. If these new Rules are approved, they will have the following effects:
  - 2.1.1 Members will continue to be responsible for appointing all Chief Officers. In practice, this is the following roles in the senior management structure:
    - Chief Executive
    - Chief Operating Officer (Chief Financial Officer, ie. s151 officer)
    - Deputy Director of Legal and Governance Services (Monitoring Officer; appointment is made via the oneSource Joint Committee)
    - Director of Adult Services
    - Director of Children’s Services
    - Director of Regeneration Programmes

- Director of Housing Services
  - Director of Neighbourhoods
  - Director of Public Health
  - Executive Director of oneSource (appointment is made via the oneSource Joint Committee)
- 2.1.2 Members will be responsible for appointing whichever Deputy Chief Officer roles it is decided by the Committee should be subject to member appointment. This provision is addressed further at 2.3 – 2.5 below.
- 2.1.3 The Chief Executive (or his/her nominee) will be responsible for interim, temporary or fixed-term appointments to Chief Officer and Deputy Chief Officer roles, subject to the requirements and limits specified in paragraphs 2.17 – 2.20 of the proposed Rules. This is a new provision as the current Rules do not incorporate the delegated authority to make such appointments that was agreed by the Committee on 30 August 2017. In addition, the proposed Rules: explicitly confer this authority upon the relevant Chief Officer in the case of temporary appointments to Deputy Chief Officer roles; require the Chief Executive, upon making a temporary appointment, to notify the Appointments Sub-Committee in writing of the timescales for making a permanent appointment; and, in cases where it is proposed to extend a temporary appointment beyond one year, require approval of the extension from the Appointments Sub-Committee.
- 2.1.4 Members will be responsible for taking disciplinary action against the Chief Executive or a Chief Officer only. Currently, members are also responsible for taking disciplinary action against and dismissal of Deputy Chief Officers. This provision is addressed further at 2.6 – 2.8 below.
- 2.1.5 In accordance with the Council's HR policies and employment law, any Chief Officer or Deputy Chief Officer assessed as having "direct non-competitive assimilation into a post" does not need to be appointed by members (see para. 2.10 of the proposed Rules at Appendix B). This covers circumstances where an officer is at risk of redundancy, a new or vacant post provides suitable alternative employment, and assimilation into the role is uncontested.
- 2.1.6 The Chief Executive may make minor changes to the Rules to ensure they remain accurate and up to date – for example, by updating job titles or grades to reflect changes to the Council's management structure as and when they occur.
- 2.2 Under the proposed Rules, member decision-making in relation to employment matters will continue to be the responsibility of the Appointments Sub-Committee, other than in the case of the Executive Director of oneSource and the oneSource Directors, where member decision-making will continue to be via the oneSource Joint Committee.

*Appointments to Deputy Chief Officer posts*

- 2.3 A Deputy Chief Officer is any non-administrative role reporting into a Chief Officer. The Regulations allow appointments to these roles to be made by either members (sitting as a committee) or officers.
- 2.4 Over time, as the Council has delayed its management structure, the number of posts that are defined as a Deputy Chief Officer has grown. It is therefore appropriate for members to consider whether they wish to continue appointing to all of these roles or whether it would be preferable to delegate some of these appointments to officers. The following four options are set out at **Appendix C** for the Committee's consideration:
- Option 1: members appoint to all Deputy Chief Officer positions
  - Option 2: members appoint to all Deputy Chief Officer positions where the postholder is employed on Chief Officer terms and conditions (ie. roles graded G13 and above)
  - Option 3: members appoint to all Deputy Chief Officer positions graded G14 and above
  - Option 4: members appoint to all Deputy Chief Officer positions graded G15 and above
- 2.5 The proposed Rules will be updated to reflect the decision of the Committee prior to the Rules being put to Council for consideration.

*Taking disciplinary action against and dismissing Deputy Chief Officers*

- 2.6 The Regulations allow the taking of disciplinary action against and the dismissal of Deputy Chief Officers to be decisions for members (sitting as a committee) or officers.
- 2.7 The proposed Rules have been drafted to delegate responsibility for these functions to the Chief Executive as the Head of Paid Service. This drafting reflects the following factors: as the Council has delayed, the number of posts defined as a Deputy Chief Officer has grown; greater delegation of the disciplinary and dismissal process should result in faster, more efficient decision-making; and these responsibilities sit well with the Head of Paid Service given the postholder's responsibility for the management and co-ordination of the Council's employees. However, ultimately it is for members to decide if this is an appropriate and desirable delegation. Alternative options the Committee may wish to consider include:
- maintaining members' existing responsibility for taking disciplinary action against and dismissing all Deputy Chief Officers
  - aligning the responsibility for disciplinary action and dismissal with the responsibility for appointment – ie. where members make the appointment to a Deputy Chief Officer role, they also have responsibility for disciplinary action and dismissal

- 2.8 Subject to the Committee's decision, the proposed Rules will be updated as required before they are put to Council for consideration.

Detailed comparison of the current and proposed Rules

- 2.9 The following table compares the current Rules at **Appendix A** with the proposed Rules at **Appendix B**.

<b>Current Rules</b>	<b>Comments (para. numbers are to the draft Rules – see Appendix 2)</b>
Para. 1 (Seeking support for appointment)	Replaced by para. 2.3 & 2.4
Para. 2 (Declarations)	Replaced and amended by para. 2.1 and 2.2
Para. 3 (Recruitment)	Replaced by para. 2.5
Para. 4 (Appointment of Head of Paid Service)	Replaced by para. 2.6
Para. 5 (Appointment of Deputy Chief Executives, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service)	Replaced by para. 2.9 (subject to the Committee's consideration of the list of Deputy Chief Officers), 2.11, 2.12, 2.15 and Appendix 1
Para. 6 (Appointment of Director of Public Health)	Replaced by para. 2.13
Para. 7 (Appointment of oneSource Directors)	Replaced by para. by 1.2.1
Para. 8 (Assistants to political groups)	Replaced by para. 2.16
Para. 9 (Disciplinary action)	Replaced by para. 3.5
Para. 10 (Suspension)	Replaced and amended by para. 3.4. The decision to suspend rests with the Committee only
Para. 11 (Independent person)	Replaced by para. 3.5
Para. 12 (Dismissal)	Replaced by para. 3.3
Para. 13 (Role of the Cabinet)	Replaced by para. 4 – see definition of "Committee"
Para. 14 (Appointment process)	Replaced by para. 2.12 and Appendix 1
Para. 15 (Dismissal process)	Replaced by para. 3.7 and Appendix 1
Para. 16 (Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer)	Replaced by para. 3.5
Para. 17 (Independent Persons)	Replaced by para. 3.5 (as necessary)

<b>Current Rules</b>	<b>Comments (para. numbers are to the draft Rules – see Appendix 2)</b>
Para. 18 (Appointment of Panel)	Replaced by para. 3.6
Para. 19 (Determination of Proposal to Dismiss)	Replaced by para. 3.5
Para. 20 (Remuneration of Independent Persons)	Deleted – this is stated in the 2001 Regulations (see para. 1.1.3)
Para. 21 (Capability process)	Deleted – unnecessary and/or covered by para. 1.2.2
Para. 22 (Grievance process)	
Para. 23 (Bullying and Harassment process)	

## **IMPLICATIONS & RISKS**

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

N/A

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

These are incorporated into the body of the report.

### **Human Resources implications and risks:**

These are incorporated into the body of the report.

### **Equalities implications and risks:**

Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

“Due regard” is the regard that is appropriate in the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged.

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There are no direct equality implications arising from the proposed changes to the Rules, but the Council's policies, procedures and practices are designed to achieve equality of treatment and a level playing field.

### **Background Papers**

None

## **Appendix A – Current Rules**

### **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.

##### **3. Recruitment**

Where the Council proposes to appoint a Head of Paid Service, a Deputy Chief Executive, 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 Deputy Chief Executives, Chief Finance Officer, Monitoring Officer, Assistant/ Deputy Directors and Heads of Service**

The Appointments Committee will appoint Deputy Chief Executives, Chief Finance Officer, Monitoring Officer, Assistant/ Deputy Directors and Heads of Service. The committee must include at least one Cabinet member.

An offer of employment as a Deputy Chief Executive, Chief Finance Officer, Monitoring Officer, Assistant/ Deputy Directors or a Head of Service shall be made only where no well-founded objection from any member of the Cabinet has been received (as set out in rule 14 below).

**6. 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.

**7. Appointment of oneSource Directors**

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

**8. 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.

**9. 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 10 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.

**10. 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 Executive in conjunction with the Director of Human Resources and Organisational Change; this decision must be notified to all councillors as soon as possible.

**11. Independent person**

No other disciplinary action may be taken in respect of any of the officers referred to in 9 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.

## **12. Dismissal**

Councillors will not be involved in the dismissal of 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 dismissals.

## **13. 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 the Head of Paid Service, a Deputy Chief Executive, 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.

## **14. 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, Deputy Chief Executive, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Director 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

## **15. 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 Deputy Chief Executive, or Head of Service 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.

#### **16. 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.

#### **17. 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 16 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.

#### **18 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 16 above.

## **19 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

## **20 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

## **21. 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

## **22 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

## **23 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

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# **Appendix B – Draft Proposed Rules**

## **STAFF EMPLOYMENT PROCEDURE RULES**

### **1 PURPOSE**

#### **1.1 These rules:**

- 1.1.1 set out the general principles and requirements in relation to the appointment and dismissal of, and taking disciplinary action against, officers;
- 1.1.2 define the role of the Leader, Members, officers and others in the employment of Council officers; and
- 1.1.3 incorporate the mandatory standing orders relating to the employment of officers that apply to all local authorities and set out in the Local Authorities (Standing Orders) Regulations 1993 (as amended) and the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

#### **1.2 These rules are supplemented by, or should be read in conjunction with:**

- 1.2.1 the oneSource Inter-Authority Agreement between the London Boroughs of Havering and Newham dated 1 September 2014 as varied from time to time; and
- 1.2.2 Operational Guidance and/or HR Policies and Procedures issued by the Chief Executive and/or the Director of Human Resources and Organisational Development from time to time.

#### **1.3 Any changes to these rules will be approved by Full Council but the Chief Executive is authorised to make minor changes to ensure that the rules remain accurate, relevant and up to date. For example, the Chief Executive may update job titles or grades to reflect the management structure of the Council current at the time.**

### **2 RECRUITMENT AND APPOINTMENT**

#### **Declarations**

- 2.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

- 2.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

### **Seeking support for appointment**

- 2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.4 No Member will seek support for any person for any appointment with the Council.

### **Recruitment of Chief Executive and Chief Officers**

- 2.5 Where the Council proposes to appoint the Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from existing officers, the Council will:
- 2.5.1 draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
  - 2.5.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - 2.5.3 make arrangements for a copy of the statement mentioned in sub-paragraph (i) to be sent to any person on request; and
  - 2.5.4 make arrangements for at least a short list of qualifying applicants to be interviewed.

### **Appointment of Chief Executive**

- 2.6 Full Council will approve the appointment of the Chief Executive (as the Head of Paid Service) following the recommendation of such an appointment by the Committee.
- 2.7 The Director of Human Resources and Organisational Development will be responsible for the functions set out at 2.5 for the appointment of the Chief Executive following consultation with the relevant Cabinet Member(s).

### **Appointment of Chief Officers and Deputy Chief Officers**

- 2.8 The Chief Executive will be responsible for the functions set out at paragraph 2.5 following consultation with the relevant Cabinet Member(s).
- 2.9 Subject to paragraph 2.10, the Committee will be responsible for the appointment of the following posts:
- 2.9.1 Chief Officers; and

- 2.9.2 Deputy Chief Officers [subject to Governance Committee consideration of the list of Deputy Chief Officers]
- 2.10 Paragraph 2.9 does not apply to posts where, in the event of a restructure, an officer is assessed as having direct non-competitive assimilation to a post.
- 2.11 The Chief Executive will be responsible for the appointment of all other Deputy Chief Officer posts (or other posts subject to the 2001 Regulations) [ subject to Governance Committee consideration of the list of Deputy Chief Officers].
- 2.12 An offer of employment as a Chief Officer or a Deputy Chief Officer will only be made if:
- 2.12.1 the procedure set out in **Appendix 1** is followed; and
  - 2.12.2 no well-founded objection has been made by the Leader or any Cabinet Member.
- 2.13 An offer of employment as the Director of Public Health will be made in accordance with the additional statutory requirements that apply to this post. In particular, the appointment will be made jointly with the Secretary of State for Health and Social Care.

### **Other Appointments**

- 2.14 The Chief Executive is responsible for the appointment of all other Council employees.
- 2.15 Prior to making an appointment of a Deputy Chief Officer post, the Chief Executive will follow the procedure set out in **Appendix 1** [this clause will only apply if Governance Committee decide that the appointment to any Deputy Chief Officer posts should be delegated to officers].
- 2.16 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group and other requirements prescribed by law.

### **Interim, temporary or fixed term appointments**

- 2.17 Decisions to appoint a Chief Officer or a Deputy Chief Officer [where a permanent appointment would be made by members] on an interim, temporary or fixed term contract will be made by the Chief Executive but limited to one year (including any contract extensions). Following such appointment, the Chief Executive will notify the Committee in writing setting out the timescales for a permanent appointment.
- 2.18 Prior to extending the appointment of a Chief Officer or a Deputy Chief Officer [where a permanent appointment would be made by members] on an interim, temporary or fixed term contract beyond one year, the approval of the Committee shall be obtained.

- 2.19 The appointment of a Chief Executive on an interim, temporary or fixed term basis will be recommended by the Committee for approval by Full Council.

### **3 DISCIPLINARY ACTION**

#### **General**

- 3.1 Subject to paragraph 3.5, any proposal in relation to the dismissal or the taking of disciplinary action against the Chief Executive or a Chief Officer will be considered by the Committee.
- 3.2 Any proposal in relation to the dismissal or the taking of disciplinary action against other officers will be the responsibility of the Chief Executive or the relevant officer under the Council's Scheme of Delegation.
- 3.3 Members will not be involved in the taking of disciplinary action against or the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary as part of an investigation, inquiry or appeal.

#### **Chief Executive, Monitoring Officer and Chief Finance Officer**

- 3.4 The Committee may suspend the Chief Executive, the Monitoring Officer or the Chief Finance Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed if it lasts longer than two months.
- 3.5 A proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer, as a result of 'disciplinary action' (as defined by regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) will be approved at a meeting of Full Council before notice of dismissal is given. Before the taking of a vote at any such meeting, Full Council will take into account, in particular:
- (i) any advice, views or recommendations of an Independent Panel, comprising of at least two Independent Persons, appointed by Full Council for the purposes of advising the Council;
  - (ii) the conclusions of any investigation into the proposed dismissal; and
  - (iii) any representations from the officer concerned.
- 3.6 The Independent Panel referred to in paragraph 3.5(i) will be appointed at least 20 working days before the relevant Full Council meeting.

## **Chief Executive, Chief Officers and Deputy Chief Officers**

- 3.7 Before notice is given of the dismissal of the Chief Executive, a Chief Officer or a Deputy Chief Officer, the notification and objection procedure set out in **Appendix 1** will be followed as if references to the appointment of an officer (e.g. 'make an offer', 'appointment', 'appointing officer' etc.) are to the dismissal of an officer (e.g. 'dismiss', 'dismissal', 'notice of dismissal' etc.) as appropriate.

## **Director of Public Health**

- 3.8 The Secretary of State for Health and Social Care will be consulted before terminating the appointment of the Director of Public Health.

## **4 DEFINITIONS**

**Chief Executive** = the Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989. Where reference is made to the exercise of a function by the Chief Executive, it includes his/her nominee.

**Chief Finance Officer** = the officer having responsibility for the purposes of section 151 of the Local Government Act 1972.

**Chief Officer** = an officer for which the Chief Executive is directly responsible or an officer who reports directly to or is directly accountable to the Chief Executive (but not if their duties are solely secretarial or clerical or are otherwise in the nature of support services); an officer who reports directly or is directly accountable to the Council (or a Council committee or sub-committee); the Monitoring Officer or the Director of Public Health.

**Committee** = the Appointments Sub-Committee or such other Council committee, sub-committee or panel responsible for exercising the Council's employment functions. The Committee must include at least one Cabinet Member.

**Deputy Chief Officer** as defined by section 2 of the Local Government and Housing Act 1989.

**Independent Persons** any appointment under section 28(7) of the Localism Act 2011.

**Monitoring Officer** the officer designated under section 5(1) of the Local Government and Housing Act 1989.

**Political assistant(s)** any appointment under section 9 of the Local Government and Housing Act 1989.

## Appendix 1: Cabinet Objection Procedure

- 1 This procedure will apply to the appointment of the following posts:
  - 1.1 Chief Executive;
  - 1.2 Chief Officers;
  - 1.3 Deputy Chief Officers;
  - 1.4 Any other post identified by the 2001 Regulations.
- 2 If the Committee or an officer agrees on a candidate suitable for appointment to a post, they will submit their recommendation of an offer of employment to the Chief Executive as soon as practicable in writing.
- 3 Where the Chief Executive is the appointing officer, they will simply take the steps at 4 onwards.
- 4 The Chief Executive will then notify each Cabinet Member of:
  - 4.1 the name of the person the Committee or officer wish to make an offer;
  - 4.2 any other particulars relevant to the appointment;
  - 4.3 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet, (or a shorter period which will be determined by the Chief Executive in cases of urgency).
- 5 The notification will be by e-mail and **the period of objection will be 2 working days** but a Cabinet Member may provide a response within a shorter period. If the period of objection is to be shortened, then notification will be by telephone and e-mail.
- 6 Cabinet Members may indicate they have no objection verbally (which will be recorded by the Chief Executive) or in writing (including email). Any objections including the grounds on which it is considered to be well founded must be submitted to the Leader by a Cabinet Member in writing including by email.
- 7 If:
  - 7.1 the Leader notifies the Chief Executive that neither s/he or any other Cabinet Member has an objection to the making of the offer; or
  - 7.2 the Chief Executive notifies the Committee, that no objection has been received from the Leader within the objection period;

an offer of employment may be made to the candidate without the need for the Committee to re-convene.

- 8 If an objection is received from the Leader, the Committee or officer, as appropriate, will re-convene to consider the objection and, if satisfied that any objection received from the Leader is not material or is not well founded, will confirm its decision and a formal offer will be made. In making this decision, legal and human resources advice must be taken.
- 9 If an objection is considered to be well founded, the Committee, Sub Committee or officer must take legal and human resources advice on the action to be taken but the appointment may not be made at this time.

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## **Appendix C –Deputy Chief Officers**

### **Option 1: Members appoint to all Deputy Chief Officer positions**

If this option is agreed, members (sitting as a committee) will appoint to the following Deputy Chief Officer positions:

Directorate	Deputy Chief Officers	Grade
Adult Services	Adult Safeguarding Service Manager	G11
	Head of Business Management	G12
	Head of Integrated Service	G12
Chief Operating Officer	Assistant Director of Customer, Communications & Culture	G14
	Assistant Director of Policy, Performance and Community	G14
	Assistant Director of Transformation	G14
	Head of Joint Commissioning Unit	G12
	Head of Programme Office	G12
Children's Services	Assistant Director of Children's Services	G15
	Assistant Director of Education Services	G15
	Principal Social Worker and Head of Social Care Practice	G13
	Head of Clinical Practice	G12
Housing Services	Assistant Director of Housing Demand	G13
	Assistant Director of Housing Services	G13
	Assistant Director of Property Services	G13
	Assistant Director of Supported Housing	G13
	Head of Housing Strategy and Development	G12
	Housing Systems Manager	G10
Neighbourhoods	Assistant Director of Civil Protection	G14
	Assistant Director, Highways and Environment	G14
	Assistant Director of Planning	G14
	Head of Registration and Bereavement Service	G13
oneSource*	Director of Asset Management	G15
	Director of Exchequer and Transactional Services	G15
	Director of Finance	G15
	Director of HR and Organisational Development	G15
	Director of Legal and Governance Services	G15
	Director of Procurement	G14
	Director of Technology and Innovation	G15
	Assistant Director, Performance, Policy and Programmes	G13
Public Health	Public Health Consultant x 4	G12
Regeneration Programmes	Head of Development	G13
	Head of Inclusive Growth	G13
	Head of Programmes and Support	G11

\* Member decision-making for oneSource roles takes place via the oneSource Joint Committee.

**Option 2: Members appoint to all Deputy Chief Officer positions where the postholder is employed on Chief Officer terms and conditions**

In line with the Council's 2017 review of terms and conditions, all Deputy Chief Officers graded G13 and above are employed on Chief Officer terms and conditions. This may therefore represent an appropriate threshold for determining that members (sitting as a committee) should be responsible for appointing to the post. The appointment of Deputy Chief Officers graded G12 and below would be delegated to the Head of Paid Service.

If this option is agreed, members (sitting as a committee) will appoint to the following Deputy Chief Officer positions:

Directorate	Deputy Chief Officers	Grade
Chief Operating Officer	Assistant Director of Customer, Communications & Culture	G14
	Assistant Director of Policy, Performance and Community	G14
	Assistant Director of Transformation	G14
Children's Services	Assistant Director of Children's Services	G15
	Assistant Director of Education Services	G15
	Principal Social Worker and Head of Social Care Practice	G13
Housing Services	Assistant Director of Housing Demand	G13
	Assistant Director of Housing Services	G13
	Assistant Director of Property Services	G13
	Assistant Director of Supported Housing	G13
Neighbourhoods	Assistant Director of Civil Protection	G14
	Assistant Director, Highways and Environment	G14
	Assistant Director of Planning	G14
	Head of Registration and Bereavement Service	G13
oneSource*	Director of Asset Management	G15
	Director of Exchequer and Transactional Services	G15
	Director of Finance	G15
	Director of HR and Organisational Development	G15
	Director of Legal and Governance Services	G15
	Director of Procurement	G14
	Director of Technology and Innovation	G15
	Assistant Director, Performance, Policy and Programmes	G13
Regeneration Programmes	Head of Development	G13
	Head of Inclusive Growth	G13

\* Member decision-making for oneSource roles takes place via the oneSource Joint Committee.

**Option 3: Members appoint to all Deputy Chief Officer positions where the postholder is graded G14 and above**

If this option is agreed, members (sitting as a committee) will appoint to the following Deputy Chief Officer positions:

Directorate	Deputy Chief Officers	Grade
Chief Operating Officer	Assistant Director of Customer, Communications & Culture	G14
	Assistant Director of Policy, Performance and Community	G14
	Assistant Director of Transformation	G14
Children's Services	Assistant Director of Children's Services	G15
	Assistant Director of Education Services	G15
Neighbourhoods	Assistant Director of Civil Protection	G14
	Assistant Director, Highways and Environment	G14
	Assistant Director of Planning	G14
oneSource*	Director of Asset Management	G15
	Director of Exchequer and Transactional Services	G15
	Director of Finance	G15
	Director of HR and Organisational Development	G15
	Director of Legal and Governance Services	G15
	Director of Procurement	G14
	Director of Technology and Innovation	G15

\* Member decision-making for oneSource roles takes place via the oneSource Joint Committee.

**Option 4: Members appoint to all Deputy Chief Officer positions where the postholder is graded G15 and above**

If this option is agreed, members (sitting as a committee) will appoint to the following Deputy Chief Officer positions:

Directorate	Deputy Chief Officers	Grade
Children's Services	Assistant Director of Children's Services	G15
	Assistant Director of Education Services	G15
oneSource*	Director of Asset Management	G15
	Director of Exchequer and Transactional Services	G15
	Director of Finance	G15
	Director of HR and Organisational Development	G15
	Director of Legal and Governance Services	G15
	Director of Technology and Innovation	G15

\* Member decision-making for oneSource roles takes place via the oneSource Joint Committee.

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## GOVERNANCE COMMITTEE

13<sup>th</sup> January 2021

**Subject Heading:**

Temporary Changes to Polling Stations  
due to COVID19

**SLT Lead:**

GLA Elections 6<sup>th</sup> May 2021

Andrew Blake-Herbert

Chief Executive

**Report Author and contact details:**

**Zena Smith 01708 431 585**

***zena.smith@haverling.gov.uk***

**Policy context:**

***There are no direct resource implications***

**Financial summary:**

***The Greater London Assembly Elections***

***are funded by the Greater London***

***Authority – therefore there are no financial  
implications.***

### 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

[]

<b>Affected Wards</b>	Brooklands, Elm Park, Gooshays, Hacton, Harold Wood, Heaton, Mawneys, Pettits, Romford Town, Rainham and Wennington, Squirrels Heath, St Andrews, South Hornchurch, Upminster
-----------------------	---

## SUMMARY

*This report provides information regarding temporary changes to 21 polling stations. These temporary arrangements are either:*

- *due to venues no longer being available in light of the Covid19 pandemic or*
- *to avoid further disruption to schools, where alternative venues are able to be secured*

## RECOMMENDATIONS

To note the proposed changes set out in the report concerning the location of polling stations used for the GLA elections on 6<sup>th</sup> May 2021.

To note a number of the proposed new venues are yet to confirm, in the event that any of these decline that the original venue be used.

To note that the final list will be sent to all members prior to the election being held on 6<sup>th</sup> May 2021.

## REPORT DETAIL

The Electoral Registration and Administration Act 2013 requires the Council to carry out a review of the Borough's polling districts and polling places every four years. The last compulsory review was completed August 2019. However this report is only concerned with the need to review the location of polling stations where schools are currently used to avoid further disruption to education where possible.

There are currently 40 school premises used as polling stations out of 93 venues. A review was undertaken of schools to investigate alternative venues within each polling district. Of the 40 venues 20 alternative venues were identified. The following alternatives have been secured:

Members are asked to note the temporary proposed changes to polling stations for the forthcoming elections to be held on 6 May 2021.

<b>Appendix &amp; Ward</b>	<b>Current Polling Station</b>	<b>Proposed Polling Station</b>
Appendix 1 Brooklands Ward	Mawney Foundation School	Yew Tree Day Centre
Appendix 2 Elm Park Ward	Scargill Infants School	Bretons Community Hall
Appendix 3 Elm Park Ward	R J Mitchell Primary School	HASWA Community Association
Appendix 4 Harold Wood Ward	Harold Court Primary School	Haverling Dog Training Centre
Appendix 5 Romford Town Ward	Hylands Primary School	Romford Evangelical Free Church
Appendix 6 Rainham & Wennington Ward	Rainham Village School	Rainham Library
Appendix 7 Squirrels Ward	Squirrels Heath School	Gidea Park Library
Appendix 8 St Andrews Ward	Langtons Junior School	Hornchurch Library
Appendix 9 St Andrews Ward	Benhurst Primary School	Elm Park Library
Appendix 10 South Hornchurch Ward	La Salette Catholic Primary School	La Salette Hall
Appendix 11 Upminster Ward	Upminster Junior School	Upminster Library
Appendix 12 Upminster Ward	Branfil School	Brookdale Avenue Scout Hall

At the time of writing this report the following venues are yet to confirm. A verbal update will be given at the meeting.

<b>Appendix &amp; Ward</b>	<b>Current Polling Station</b>	<b>Proposed Polling Station</b>
Appendix 13 Brooklands Ward	Crowlands School	Romford Army Cadet Centre
Appendix 14 Hacton	Hacton Primary School	Haverling Christian Fellowship Hall
Appendix 15 Gooshays Ward	Drapers Pyrigo Priory School	Drapers Children's Centre
Appendix 16 Mawneys Ward	St Patricks Catholic Primary School	St Patricks Catholic Club
Appendix 17 Pettits Ward	Parklands Junior School	Royal British Legion
Appendix 18 Rainham & Wennington Ward	Brady School	St Marys and St Peters Church

In addition there are three venues that are no longer available for the May 2021 elections, alternatives have been identified as follows:

Appendix & Ward	Current Polling Station	Proposed Polling Station
Appendix 19 Brooklands Ward	St Johns Church Community Hall	Portacabin - St Johns Community Hall Car Park
Appendix 20 Heaton Ward	Heaton Way United Reform Church	St Dominic's Church Hall
Appendix 21 Harold Wood Ward	St Peters Church	The Ingrebourne Centre

Consideration was given to the following venues as initial risk assessments indicated these as high risk. Upon further investigation both The Herons and The Pepperell Centre have agreed use and have confirmed relevant covid safety procedures are in place.

Appendix & Ward	Current Polling Station	Proposed Polling Station
Appendix 22 St Andrews Ward	Hopwa House	Europa Centre
St Andrews Ward	The Herons	No Change
Haverling Park	The Pepperell Centre	No Change

### **Publicising the temporary change**

In February 2021, all residential households will be sent a Household Notification Letter confirming details of electors at the property, in addition, notification of changes to polling stations can also be incorporated into this notification.

In March, poll cards will be issued to eligible electors and will highlight any temporary changes to polling stations.

Prior to polling day, notices and directions will be placed where polling would usually have taken place, advising the relocation of the temporary change to the polling station.

In addition, a Communication Strategy will be in place, advertising the temporary changes via the website, social media, and haverling publications.

## **IMPLICATIONS AND RISKS**

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

There are no financial implications; these elections will be funded by the Greater London Authority.

**Legal implications and risks:**

These changes are referred to in the body of the report.

These changes can be made outside of a formal review as explained in the relevant Guidance issued by The Electoral Commission on 'Reviews of polling districts, polling places and polling stations and confirms that unlike polling districts and polling places, that are fixed by the council, polling stations are chose by the Returning Officer for the relevant election.

It is recognised that following the Local Government Boundary Commission review of Havering that a further polling station and District review will need to take place in the summer of 2021 before the next register is published on 1<sup>st</sup> December 2021.

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

Electoral services have and will follow Electoral Commission Guidance on polling stations using a suitability access which takes into account the recommendations of scope.

A risk assessment of all polling stations will take place and Electoral Commission guidance will be issued regarding Covid Safe stations.

Polling staff will receive equalities training as part of the Staff training undertaken to work on the election.

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EL1 Polling Station Relocation  
Scargill Infants School to Bretons



**Proposed Relocation Plan**

drawn by	nt	drawing number
date	December 2020	<b>EL1</b>
scale	NTS	

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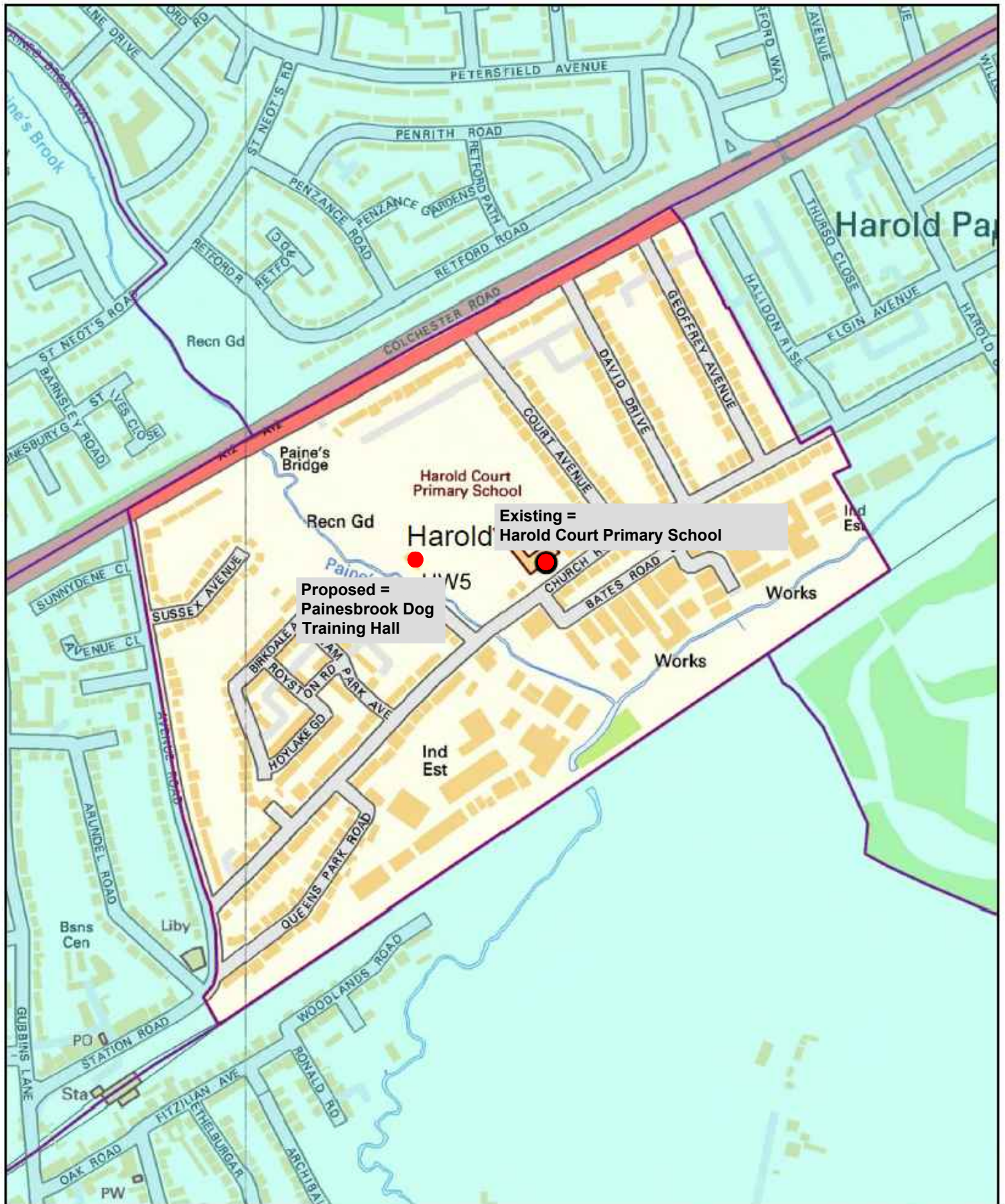
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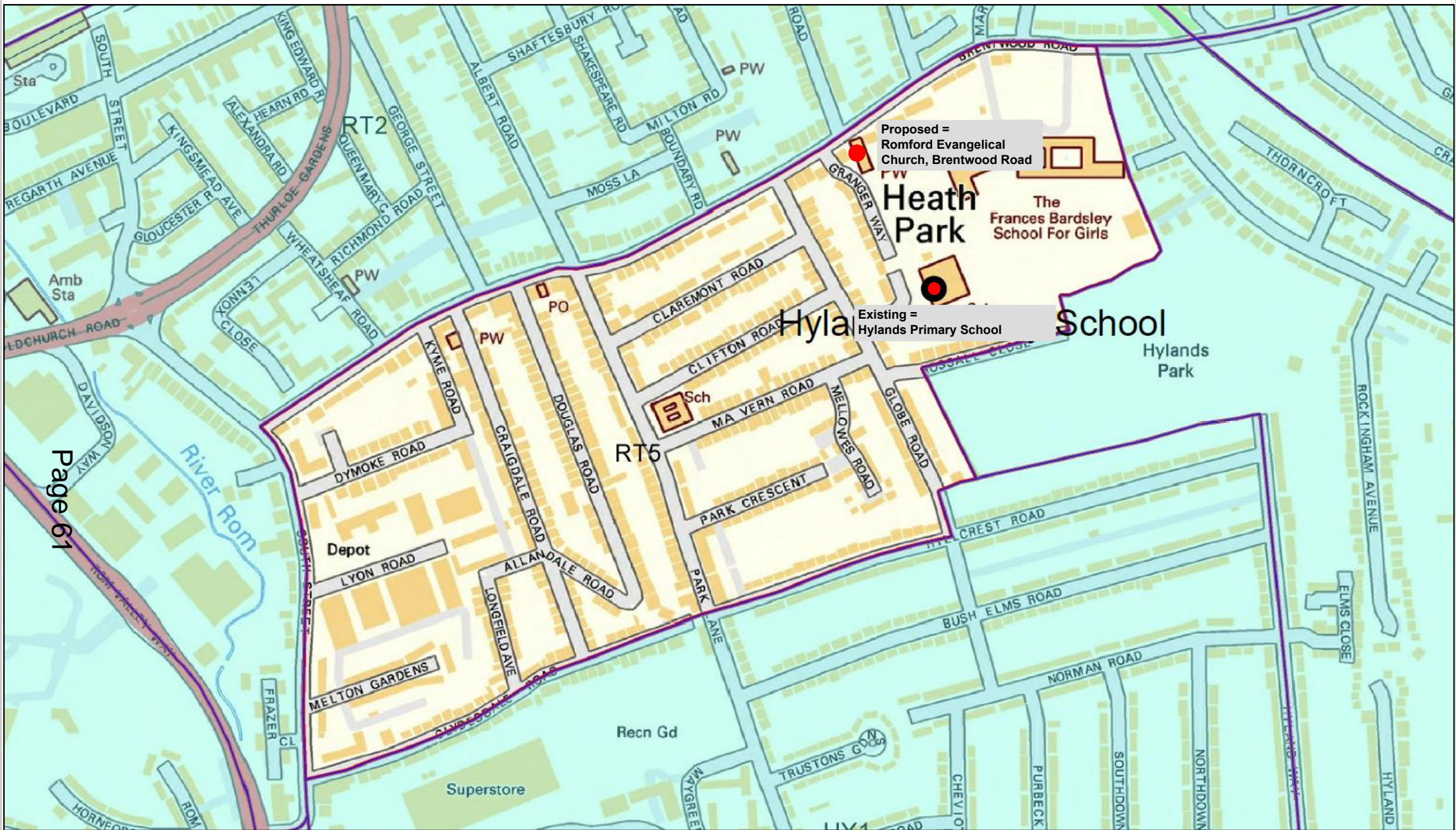
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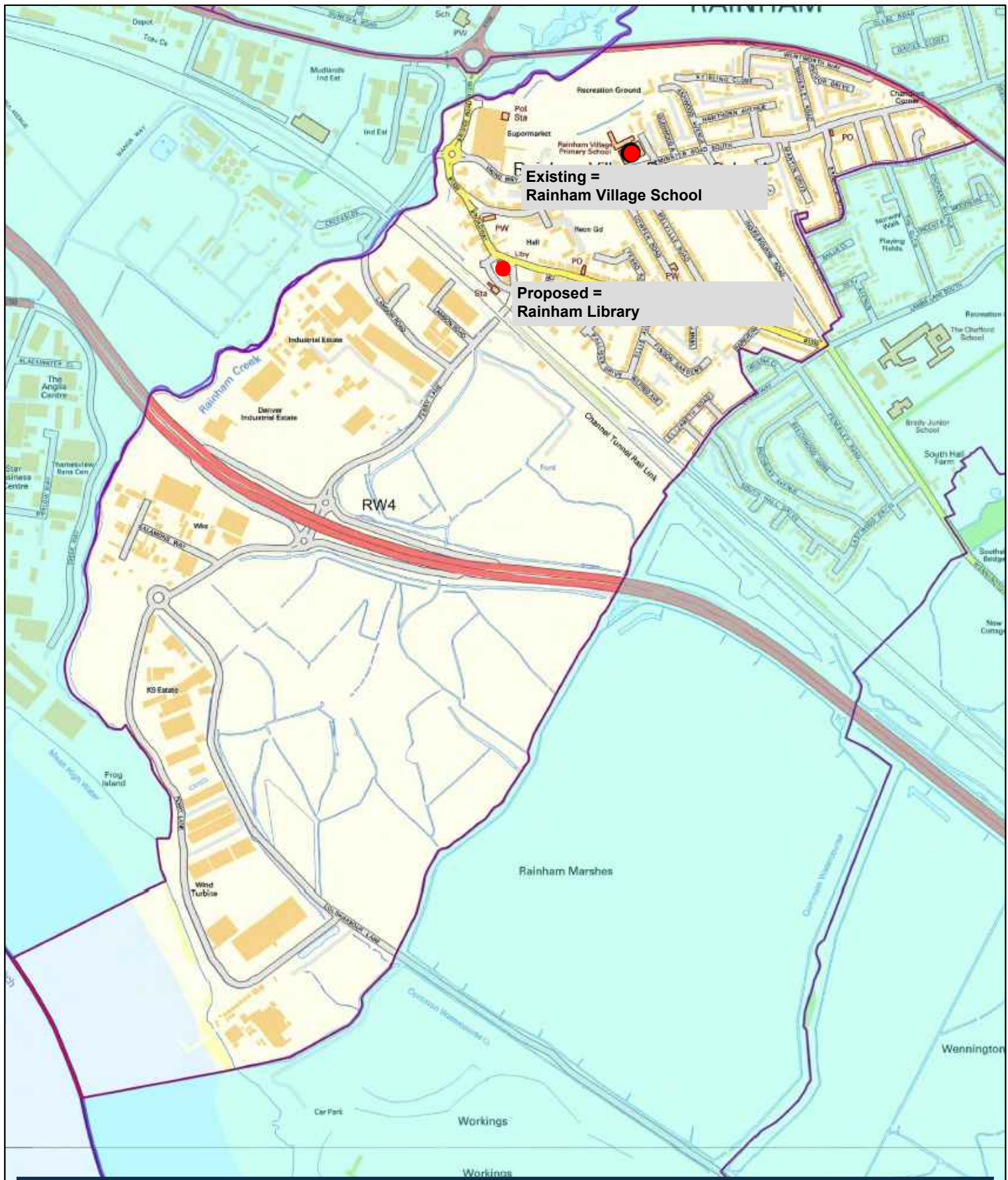
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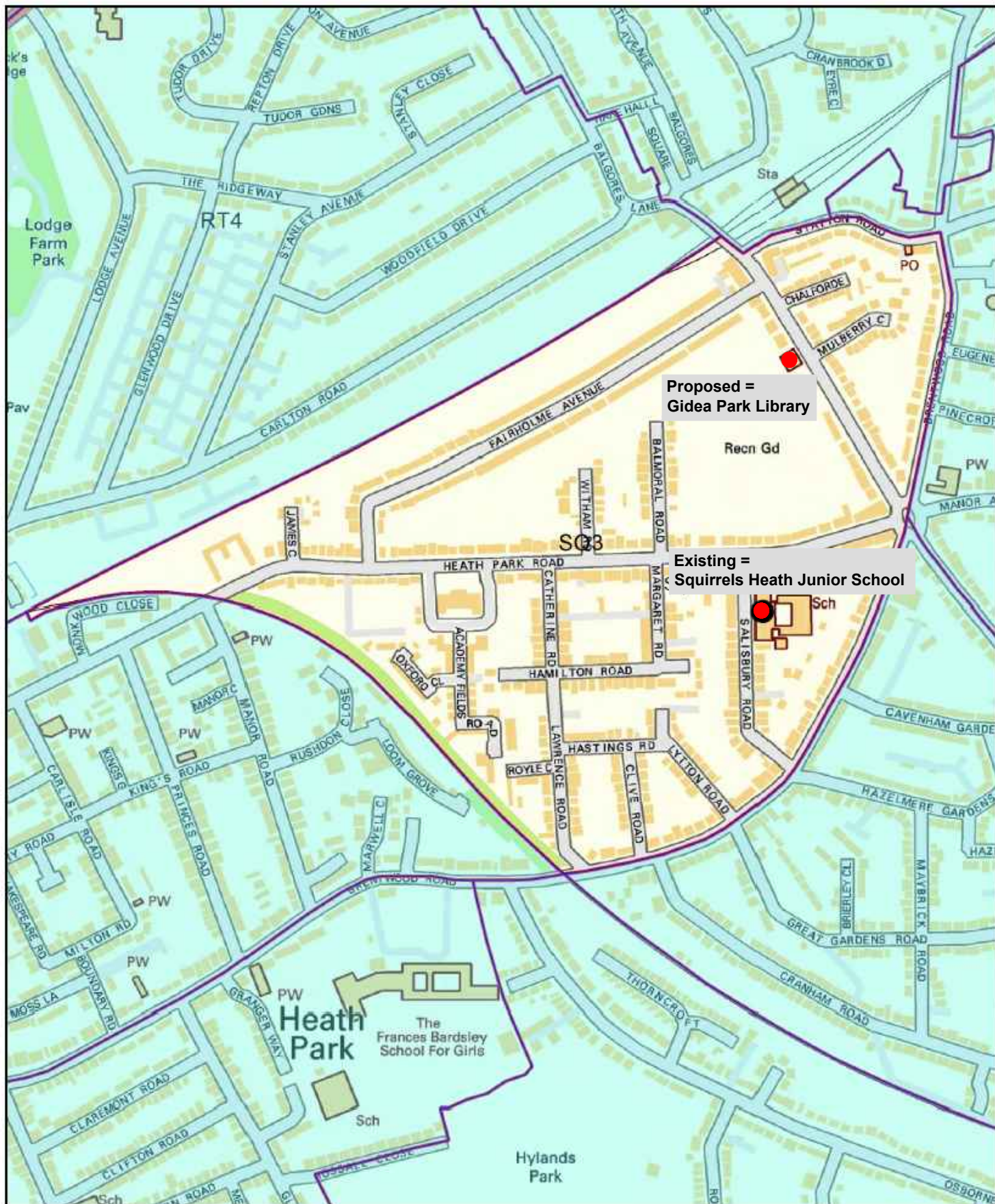
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SQ3 Polling Station Relocation  
Squirrels Heath Junior School to  
Gidea Park Library

**Proposed Relocation Plan**

drawn by	nt	drawing number
date	December 2020	<b>SQ3</b>
scale	1:5000 @ A4	

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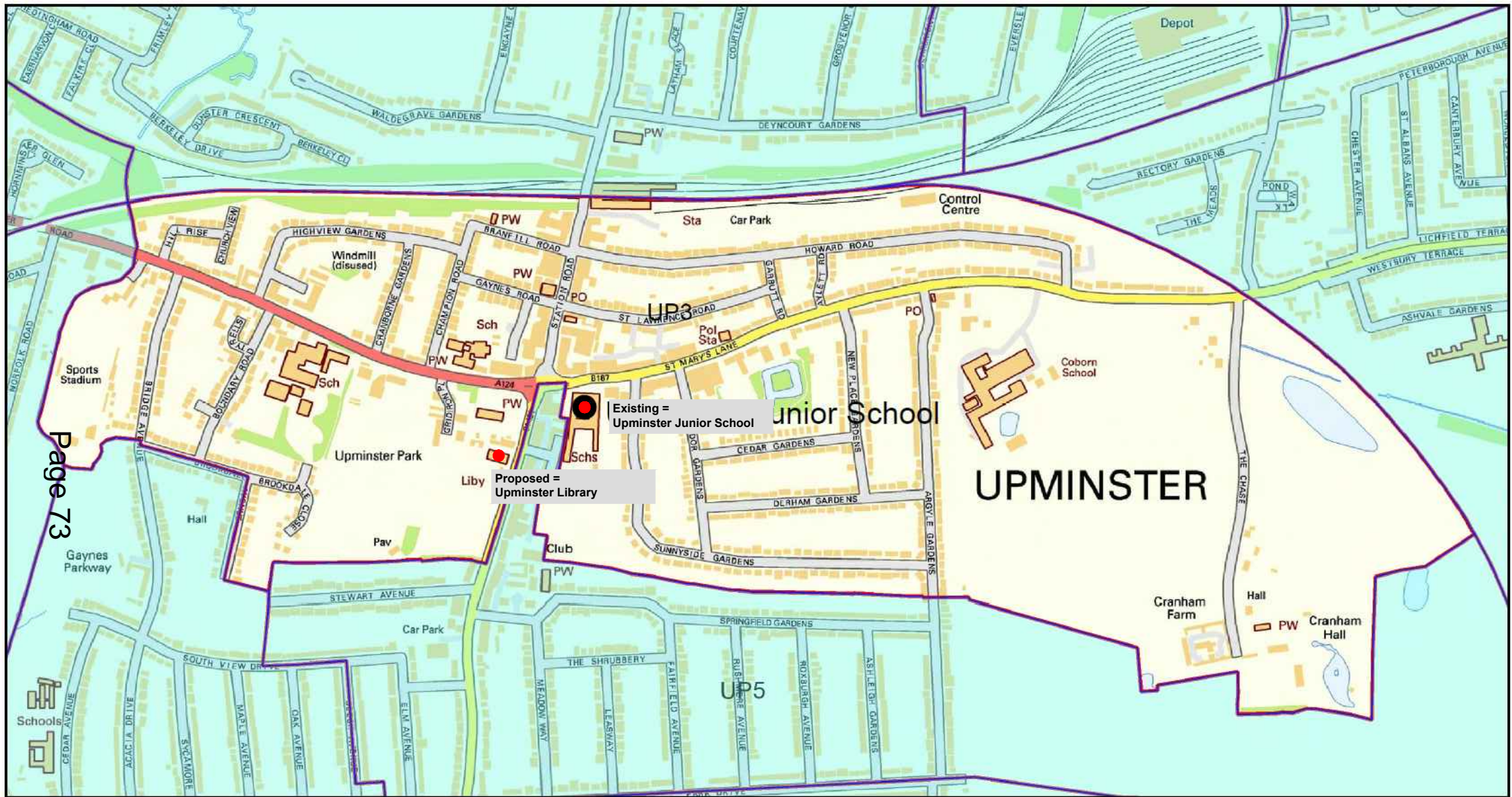
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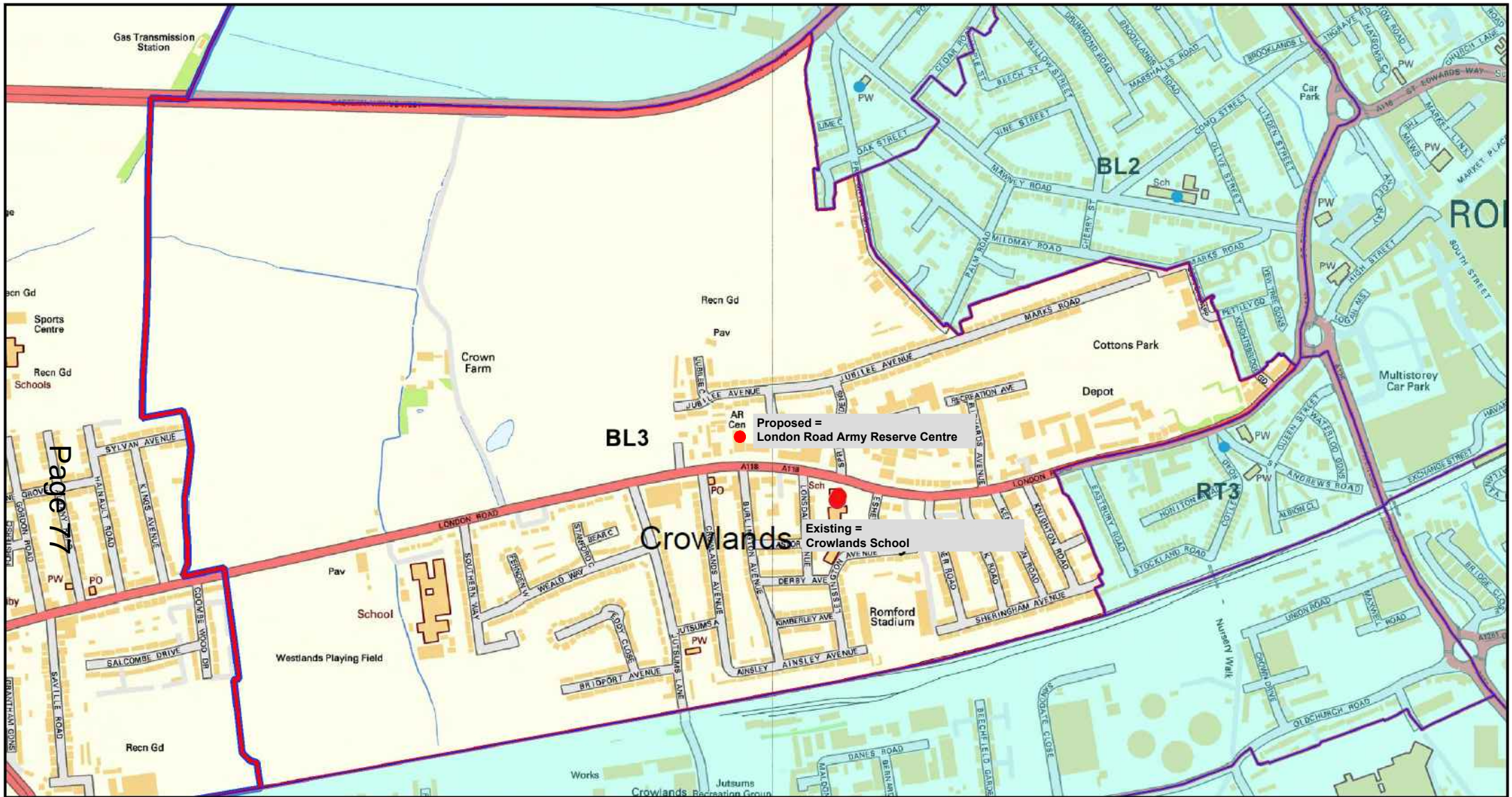
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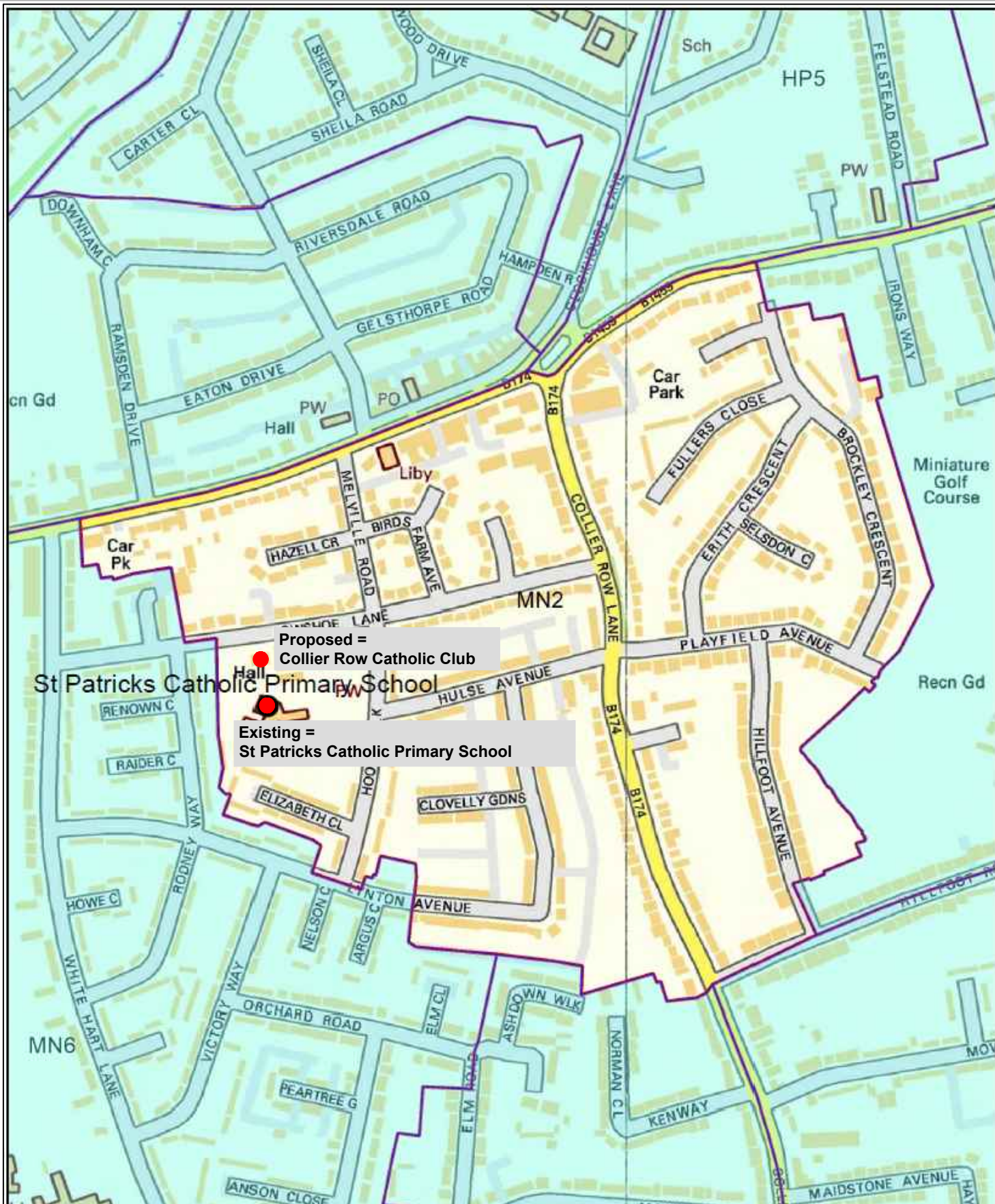
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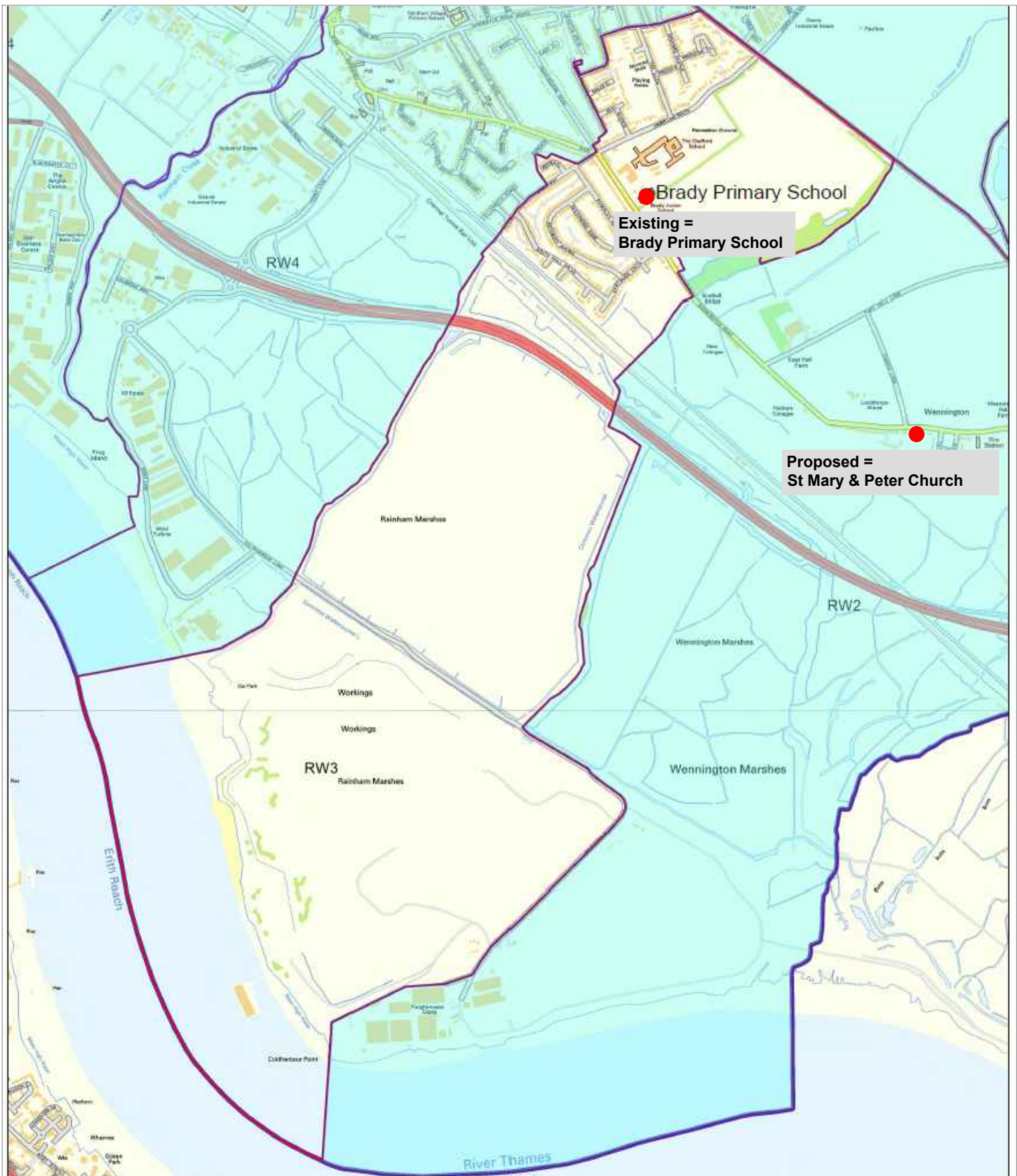
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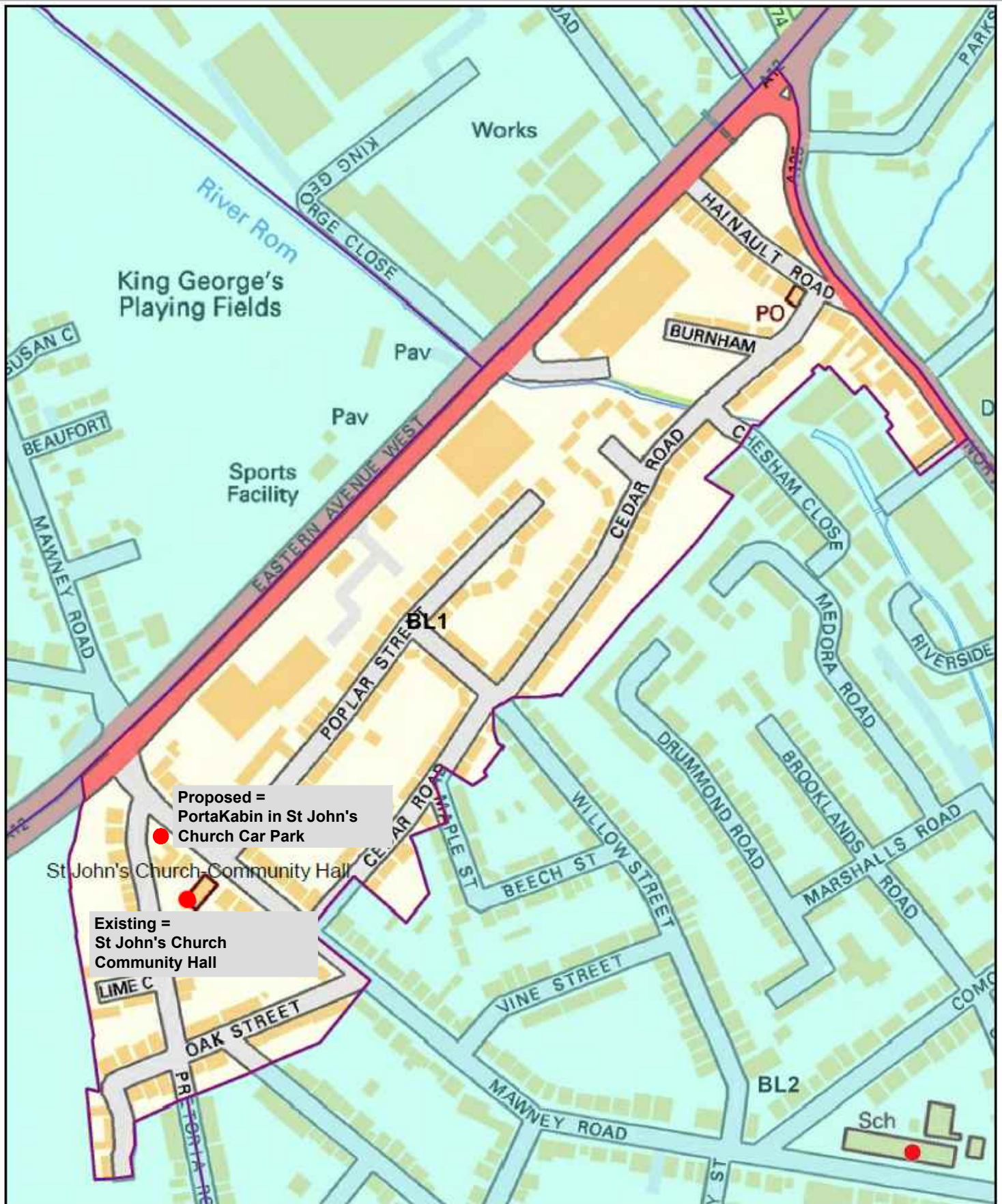
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Proposed =  
Portakabin in St John's  
Church Car Park

St John's Church Community Hall

Existing =  
St John's Church  
Community Hall

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BL1 Polling Station Relocation  
St John's Church Community Hall To  
Portakabin in St John's Church Car Park

**Proposed Relocation Plan**

drawn by nt  
date December 2020  
scale NTS @ A4

drawing number

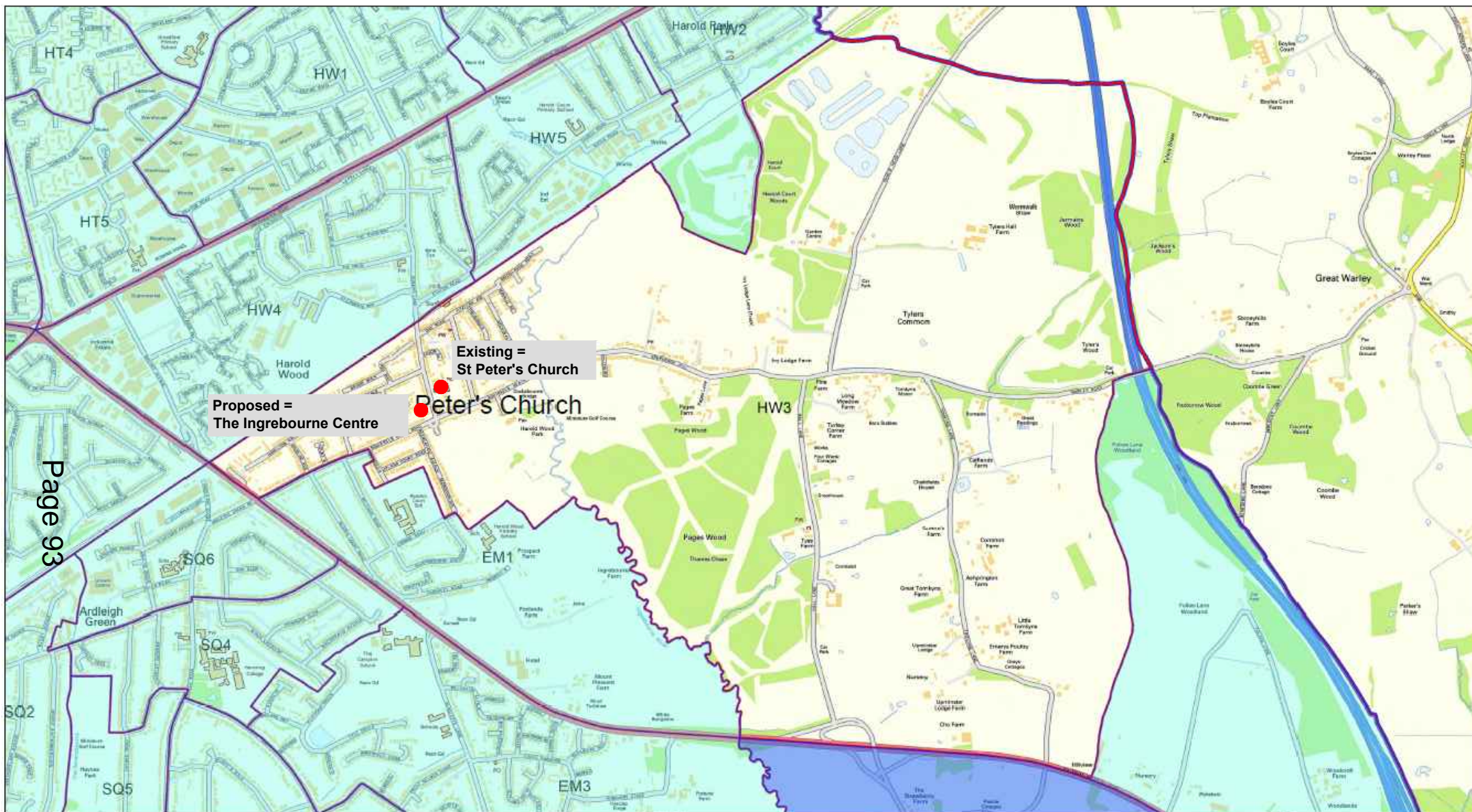
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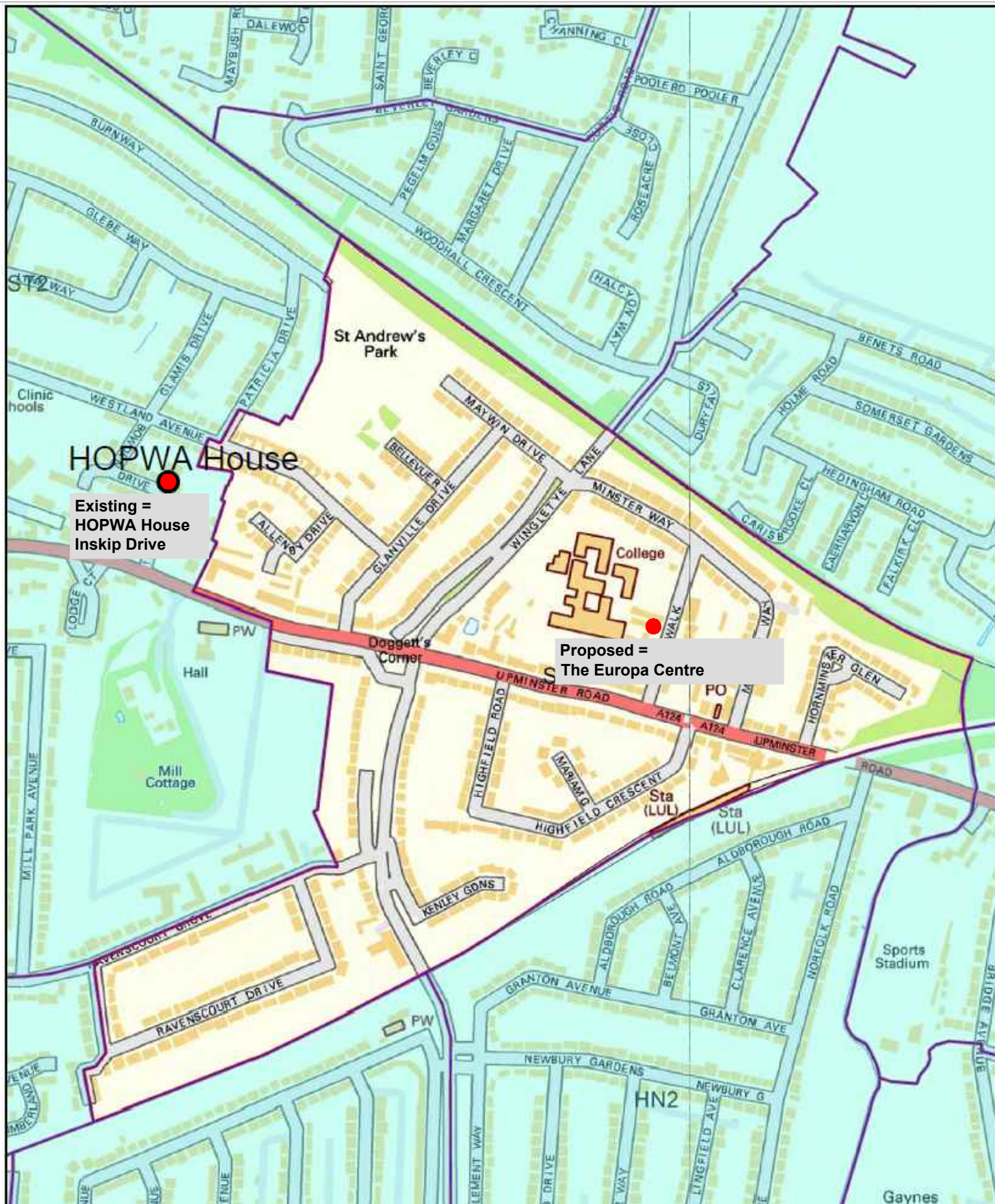
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ST3 Polling Station Relocation  
HOPWA House, Inskip Drive to  
The Europa Centre, The Walk  
**Proposed Relocation Plan**

drawn by nt  
date December 2020  
NTS @ A4  
drawing number  
**ST3**



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